

TEXAS STATE CONCEALED HANDGUN LICENSE ELIGIBILITY REQUIREMENTS

TEXAS CONCEALED HANDGUN LAWS GC §411.172.

ELIGIBILITY

(a) A person is eligible for a license to carry a concealed handgun if the person:

- (1) is a legal resident of this state for the six-month period preceding the date of application under this subchapter or is otherwise eligible for a license under Section 411.173(a);
- (2) is at least 21 years of age;
- (3) has not been convicted of a felony;
- (4) is not charged with the commission of a Class A or Class B misdemeanor or an offense under Section 42.01, Penal Code, or of a felony under an information or indictment;
- (5) is not a fugitive from justice for a felony or a Class A or Class B misdemeanor;
- (6) is not a chemically dependent person;
- (7) is not incapable of exercising sound judgment with respect to the proper use and storage of a handgun;
- (8) has not, in the five years preceding the date of application, been convicted of a Class A or Class B misdemeanor or an offense under Section 42.01, Penal Code;
- (9) is fully qualified under applicable federal and state law to purchase a handgun;
- (10) has not been finally determined to be delinquent in making a child support payment administered or collected by the attorney general;
- (11) has not been finally determined to be delinquent in the payment of a tax or other money collected by the comptroller, the tax collector of a political subdivision of the state, or any agency or subdivision of the state;
- (12) has not been finally determined to be in default on a loan made under Chapter 57, Education Code;
- (13) is not currently restricted under a court protective order or subject to a restraining order affecting the spousal relationship, other than a restraining order solely affecting property interests;
- (14) has not, in the 10 years preceding the date of application, been adjudicated as having engaged in delinquent conduct violating a penal law of the grade of felony; and
- (15) has not made any material misrepresentation, or failed to disclose any material fact, in an application submitted pursuant to Section 411.174 or in a request for application submitted pursuant to Section 411.175.

- (b)** For the purposes of this section, an offense under the laws of this state, another state, or the United States is:
- (1) a felony if the offense, at the time of a person's application for a license to carry a concealed handgun:
 - (A) is designated by a law of this state as a felony;
 - (B) contains all the elements of an offense designated by a law of this state as a felony; or
 - (C) is punishable by confinement for one year or more in a penitentiary ; and
 - (2) a Class A misdemeanor if the offense is not a felony and confinement in a jail other than a state jail felony facility is affixed as a possible punishment.
- (c)** An individual who has been convicted two times within the 10-year period preceding the date on which the person applies for a license of an offense of the grade of Class B misdemeanor or greater that involves the use of alcohol or a controlled substance as a statutory element of the offense is a chemically dependent person for purposes of this section and is not qualified to receive a license under this subchapter. This subsection does not preclude the disqualification of an individual for being a chemically dependent person if other evidence exists to show that the person is a chemically dependent person.
- (d)** For purposes of Subsection (a)(7), a person is incapable of exercising sound judgment with respect to the proper use and storage of a handgun if the person:
- (1) has been diagnosed by a licensed physician as suffering from a psychiatric disorder or condition that causes or is likely to cause substantial impairment in judgment, mood, perception, impulse control, or intellectual ability;
 - (2) suffers from a psychiatric disorder or condition described by Subdivision (1) that:
 - (A) is in remission but is reasonably likely to redevelop at a future time; or
 - (B) requires continuous medical treatment to avoid redevelopment;
 - (3) has been diagnosed by a licensed physician or declared by a court to be incompetent to manage the person's own affairs; or
 - (4) has entered in a criminal proceeding a plea of not guilty by reason of insanity.
- (e)** The following constitutes evidence that a person has a psychiatric disorder or condition described by Subsection (d)(1):
- (1) involuntary psychiatric hospitalization in the preceding five-year period;
 - (2) psychiatric hospitalization in the preceding two-year period;

- (3) inpatient or residential substance abuse treatment in the preceding five-year period;
- (4) diagnosis in the preceding five-year period by a licensed physician that the person is dependent on alcohol, a controlled substance, or a similar substance; or
- (5) diagnosis at any time by a licensed physician that the person suffers or has suffered from a psychiatric disorder or condition consisting of or relating to:
 - (A) schizophrenia or delusional disorder;
 - (B) bipolar disorder;
 - (C) chronic dementia, whether caused by illness, brain defect, or brain injury;
 - (D) dissociative identity disorder;
 - (E) intermittent explosive disorder; or
 - (F) antisocial personality disorder.

(f) Notwithstanding Subsection (d), a person who has previously been diagnosed as suffering from a psychiatric disorder or condition described by Subsection (d) or listed in Subsection (e) is not because of that disorder or condition incapable of exercising sound judgment with respect to the proper use and storage of a handgun if the person provides the department with a certificate from a licensed physician whose primary practice is in the field of psychiatry stating that the psychiatric disorder or condition is in remission and is not reasonably likely to develop at a future time.