

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**May 21, 2007**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB2300** by Paxton (Relating to the carrying of weapons by certain judges and justices and district and county attorneys.), **Committee Report 2nd House, As Amended**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB2300, Committee Report 2nd House, As Amended: a negative impact of (\$2,420) through the biennium ending August 31, 2009.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	(\$1,210)
2009	(\$1,210)
2010	(\$1,210)
2011	(\$1,210)
2012	(\$1,210)

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Revenue Gain/(Loss) from GENERAL REVENUE FUND 1
2008	(\$1,210)
2009	(\$1,210)
2010	(\$1,210)
2011	(\$1,210)
2012	(\$1,210)

**Fiscal Analysis**

This bill would amend the Government Code and Penal Code requiring the Texas Department of Public Safety (DPS) to establish a procedure for indicating a license holder’s status as a judge, justice, prosecuting attorney, or assistant prosecuting attorney on a concealed handgun license. The bill states policies and procedures for an exemption from the handgun proficiency certificate requirement for certain persons. The bill also states certain sections under Penal Code, Section 46 do not apply to: peace officers or special investigators, parole officers, community supervision and corrections department officers, judges justices of a federal court, honorably retired peace officers or federal criminal investigators, district attorneys, criminal district attorneys or county attorneys, assistant district attorneys, assistant criminal district attorneys or assistant county attorneys who are licensed to carry a concealed handgun, and a felony prosecutors who have at least two years of experience. This bill would take effect immediately if a two-thirds majority vote in both houses of the Legislature is received. Otherwise, this bill would take effect on September 1, 2007.

**Methodology**

This version of this bill exempts certain judges and prosecuting attorneys from handgun proficiency certificate requirements. DPS estimates approximately 153 active judicial officers and 89 felony prosecuting attorneys who currently have a concealed handgun license would be exempt from certificate fees. DPS states there is no data available at this time on the number of county prosecutors who hold a concealed handgun license. Therefore, DPS estimates a revenue loss of \$1,210 per year  $(153+89) \times (\$5)$  from these proficiency certificates from fiscal year 2008 through 2012.

DPS reports a one-time technology cost of \$117,100 to cover programming changes to the Concealed Handgun License System. It is assumed that these costs can be absorbed within the agency's current appropriations. The Department of Criminal Justice anticipates no significant fiscal impact on the agency.

### **Technology**

DPS reports a one-time technology cost of \$117,100 to cover programming changes to the Concealed Handgun License System. It is assumed that these costs can be absorbed within the agency's current appropriations.

### **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 405 Department of Public Safety, 696 Department of Criminal Justice

**LBB Staff:** JOB, ES, GG, LG, LM, KJG