

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 17, 2013

TO: Honorable Joseph Pickett, Chair, House Committee on Homeland Security & Public Safety

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3218 by Springer (Relating to the places where a person may carry a handgun if the person is licensed to carry a concealed handgun.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code, Government Code, and Alcoholic Beverage Code to eliminate several places where it is a Class A misdemeanor or third degree felony for a person with a concealed handgun license to carry a handgun. In addition, the bill reduces the penalty for a person with a concealed handgun license who is intoxicated and carries a handgun from a Class A misdemeanor to a Class C misdemeanor, unless they have a prior conviction for this section, in which case that offense is a Class B misdemeanor. The bill also exempts a concealed handgun license holder from prosecution from the offense of carrying a weapon in places that are prohibited. That offense is a third degree felony. The bill also removes the provision in the penal code that exempts judges from prosecution for the offenses of carrying a weapon in places that are prohibited and unlawfully carrying a weapon. The latter offense is punishable by a Class A misdemeanor or a third degree felony, depending upon the circumstances.

The bill eliminates the elements of one offense and creates an exception to the prosecution of two others. Eliminating the elements of one offense and creating an exception to the prosecution for others is expected to decrease demands on state and/or county correctional agency resources due to fewer persons on community supervision, in county jail confinement, state correctional institution confinement, and/or parole. However, in the case of this bill, it is assumed that any reduction in the number of offenders supervised or incarcerated under this statute would not significantly impact state correctional agencies' workload and programs.

Local Government Impact

The bill would modify misdemeanor offenses. Changes in costs associated with enforcement, prosecution, and confinement are not anticipated to have a significant fiscal impact. Changes in revenue from fines imposed and collected are not anticipated to have a significant fiscal impact.

Source Agencies: 405 Department of Public Safety, 458 Alcoholic Beverage Commission

LBB Staff: UP, ESi, GG, JPo, KKR