

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

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 25, 2017**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** **HB435** by King, Ken (Relating to the application of certain weapons laws to and liability for certain actions of volunteer emergency services personnel licensed to carry a handgun.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Penal Code and Civil Practice and Remedies Code relating to the application of certain weapon laws to volunteer emergency services personnel licensed to carry a concealed handgun. The bill would specify a governmental unit is not liable in a civil action arising from the discharge of a handgun by a volunteer emergency services personnel licensed to carry a concealed handgun. The bill specifies the discharge of a handgun is outside the course and scope of an individual's duties as a volunteer emergency services personnel. The bill would create a defense to prosecution for volunteer emergency services personnel for certain offenses relating to the carrying of a handgun on certain premises. The bill would add certain volunteer emergency personnel to a list of individuals that Section 46.02 and 46.03, Penal Code, does not apply.

The bill would prohibit a person from carrying a handgun on the property of a state hospital. Violating the provisions of the bill would result in a \$100 civil penalty for a first offense and a \$500 penalty for each subsequent offense.

Creating a defense for prosecution for any criminal offense 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**

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

**Source Agencies:** 405 Department of Public Safety

**LBB Staff:** UP, FR, GG, BM, AG, SD, EK, KJo, JPo, KKR