

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

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**April 29, 2019**

**TO:** Honorable Nicole Collier, Chair, House Committee on Criminal Jurisprudence

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE:** **HB1445** by Rosenthal (relating to prohibiting carrying a firearm while intoxicated; creating a criminal offense.), **Committee Report 1st House, Substituted**

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

The bill would amend the Penal Code and the Government Code to prohibit an intoxicated person from carrying a firearm in a public place and defines public place. The bill would prohibit a person from relying on licensure to carry a weapon as a defense to prosecution for this offense. The bill would provide certain persons with a defense against the offense. The bill also would repeal certain sections of the Penal Code that prohibit a licensed, intoxicated person from carrying a handgun in a public place.

The offense created by this bill would be a Class C misdemeanor.

According to the Office of Court Administration (OCA), although the bill adds a new offense related to the carrying of a weapon while intoxicated, the agency does not anticipate the bill to impact court resources because the bill also eliminates an offense related to the carrying of a weapon while intoxicated. No significant fiscal impact to the state court system is anticipated.

**Local Government Impact**

A Class C misdemeanor is punishable by a fine of not more than \$500. In addition to the fine, punishment can include up to 180 days of deferred disposition. Costs associated with enforcement and prosecution could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal impact.

According to OCA, no significant fiscal impact to local courts is anticipated.

**Source Agencies:**        212 Office of Court Administration, Texas Judicial Council, 405  
   Department of Public Safety

**LBB Staff:** WP, AF, LBO, SD, GP