

BILL ANALYSIS

C.S.H.B. 2675
By: Guillen
Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Many Texans acquire a license to carry a handgun in order to protect their families and themselves. People can become at risk of violence overnight given the circumstances. For example, family disputes or other outside traumatic events can change someone's life in an instant, placing them in danger from people who may wish to cause them undue harm. There have been calls to provide further protections to Texans who feel their lives may be in danger due to external circumstances. C.S.H.B. 2675 seeks to address this issue by creating an at-risk designation for a handgun license and providing for the expedited processing of an application for a license with that designation.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the public safety director of the Department of Public Safety in SECTION 3 of this bill.

ANALYSIS

C.S.H.B. 2675 amends the Government Code to provide for the establishment of an at-risk designation on a handgun license as follows:

- requires the Department of Public Safety (DPS) to develop a procedure for persons who are at increased risk of becoming a victim of violence to obtain a handgun license on an expedited basis, if the person is not already a license holder, and to qualify for the designation;
- provides for the eligibility for the designation, which includes those protected under certain court orders and their family and household members and participants in the attorney general's address confidentiality program;
- authorizes the public safety director of DPS to adopt rules to accept alternative documentation to the court orders that shows that the person is at increased risk of becoming a victim of violence; and
- authorizes a person to receive the designation if they submit an application for the designation, evidence of that increased risk, and any other information DPS may require to DPS in the form and manner provided by DPS.

The bill authorizes a license holder to apply for the designation by making an application for a duplicate license and authorizes a person who is not a license holder to apply for the designation with the person's application for an original license to carry a handgun.

C.S.H.B. 2675 requires a person with the at-risk designation to certify annually that the person continues to qualify for the designation and to submit to DPS any information it requires to

verify that continuing eligibility. The bill requires a person who no longer qualifies for the designation to notify DPS immediately and requires DPS to notify a person who it determines based on the information it receives is no longer eligible for the designation and to issue to the person a duplicate license without the designation. The bill requires the license holder, on receipt of a duplicate license without the designation, to return the license with the designation to DPS.

C.S.H.B. 2675 prohibits DPS from charging a fee for issuing a duplicate license with the designation or for issuing a duplicate license without the designation if the person no longer qualifies for the designation. If a person applies for a designation at the same time the person applies for an original license, DPS may charge only the licensing fee. The bill requires the director to adopt the rules necessary to implement the at-risk designation provisions not later than December 1, 2021.

C.S.H.B. 2675 requires DPS to expedite the handgun license application for an applicant who submits an application for the at-risk designation with their completed application materials without charging an additional fee and sets out provisions relating to that expedited process. The bill requires the director to adopt policies for the expedited processing and specifies that the failure of DPS to issue or deny a license for a period of more than 30 days after being required to act constitutes denial, regardless of whether the applicant was eligible for expedited processing on the basis of seeking the at-risk designation. These provisions apply only to a license application for which the completed application materials are received by DPS on or after January 1, 2022. The bill prohibits DPS from accepting an application for or granting an at-risk designation before that date.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2675 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include the following provisions amending the Penal Code, which were present in the original:

- a provision establishing a defense to prosecution for the unlawful carrying of a handgun by a handgun license holder on certain premises;
- a provision exempting a person who is carrying a handgun and holds a license with an at-risk designation from the application of the offenses for the unlawful carrying of a weapon and possessing or going with a weapon in a place where weapons are prohibited; and
- procedural provisions applicable to these Penal Code amendments.