

## **BILL ANALYSIS**

H.B. 2865  
By: Collier  
Homeland Security & Public Safety  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

State law makes a person who has been convicted of a felony or certain other offenses ineligible to obtain a handgun license. There is an exception in the law under which a person is not considered to be convicted for those purposes if an order of deferred adjudication was entered against the person on a date not less than 10 years preceding the date of the person's application for a license. However, certain categories of offenses are not eligible for this exception, including robbery offenses and certain burglary offenses. Individuals that complete a deferred adjudication must meet a detailed series of eligibility requirements and adhere to a certain standard of conduct. It has been suggested that a person charged with robbery or second degree felony burglary of a habitation should not be permanently ineligible for a handgun license if they successfully complete a deferred adjudication. H.B. 2865 seeks to remedy this issue.

### **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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 2865 amends the Government Code to revise the list of felony offenses excluded from the provision establishing that a person is not considered to be convicted for purposes of handgun license eligibility if an order of deferred adjudication was entered against the person on a date not less than 10 years preceding the date of license application as follows:

- narrows the robbery offenses included on the list to aggravated robbery; and
- removes from the list second degree felony burglary of a habitation.

### **EFFECTIVE DATE**

September 1, 2021.