

BILL ANALYSIS

H.B. 2967
By: Cason
Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, it is an offense for an individual who is a member of a criminal street gang to carry a handgun in their motor vehicle or watercraft. To enforce this law, the Department of Public Safety maintains a database of criminal street gang members. Unfortunately, to be entered into this database, a law enforcement officer need only reasonably suspect that an individual is a member of a criminal street gang. As such, there little procedural due process for a Texan to be entered into this database, which results in having their right to legally possess a handgun while driving taken away. Because of this, many law-abiding citizens, including certain individuals with a handgun license, have been erroneously entered into this database. H.B. 2967 seeks to address this issue by changing the standard under which affiliation with a criminal street gang would make it illegal to carry a handgun while in a motor vehicle or watercraft to require a judicial finding rather than mere suspicion.

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. 2967 amends the Penal Code to remove the provision making it an offense for a person to intentionally, knowingly, or recklessly carry a handgun on or about their person in a motor vehicle or watercraft that they own or that is under their control if the person is a member of a criminal street gang. The bill makes it an offense for a person who engages in that conduct instead if the person has been previously convicted of an offense for which the judgment in the case contains an affirmative finding that the applicable conduct was engaged in as part of the activities of a criminal street gang.

EFFECTIVE DATE

September 1, 2021.