

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 7, 2021

TO: Honorable James White, Chair, House Committee on Homeland Security & Public Safety

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB118 by Ortega (Relating to requiring a national instant criminal background check in connection with private firearm transfers; creating a criminal offense.), **As Introduced**

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| <p>No significant fiscal implication to the State is anticipated.</p> |
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The bill would amend the Business & Commerce Code to establish certain requirements for private firearm transfers. Where a person seeking to sell or transfer a firearm is not a licensed firearms dealer (as defined), the bill would prohibit the sale or transfer of a firearm to another person unless that other person falls within a certain category of persons approved for transfer; the transferor and transferee are related within the third degree of consanguinity; or, before delivering the firearm for sale or transfer, the person selling or transferring conducts a national instant criminal background check on the buyer/transferee to verify lawful possession of the firearm by the buyer/transferee. The bill would make a violation of this section a Class B misdemeanor. The bill would create new duties of a licensed firearms dealer who receives a request to conduct a background check under the bill's provisions.

Based on the analysis of the Office of Court Administration and the Department of Public Safety, it is assumed that duties and responsibilities associated with implementing the bill could be accomplished utilizing existing resources. In addition, no significant fiscal impact to the state court system is anticipated with the implementation of the bill.

This analysis assumes implementing the provisions of the bill addressing sanctions for criminal offenses would not result in a significant impact on state correctional agencies.

Local Government Impact

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

Source Agencies: 212 Office of Court Admin, 405 Department of Public Safety

LBB Staff: JMc, DKN, BH