

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 25, 2021

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1039 by Goodwin (Relating to the duties of the Department of Public Safety, peace officers, officers of the court, and licensed firearms dealers with respect to the possession or use of a suspended, revoked, or expired license to carry a handgun; creating a criminal offense.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would require the Department of Public Safety (DPS) to maintain a list of suspended and revoked licenses under Government Code Chapter 411, Subchapter H. The bill details the public posting of the list and removal of license numbers from the list upon certain conditions.

The bill would direct an officer of the court, when a person is disqualified from possessing a firearm or holding a license due to a conviction, charge, or protective order, to accept voluntary surrender of the license or otherwise seize the license as appropriate. The bill would require the officer to submit the license to DPS following seizure or surrender within a certain amount of time.

The bill would prohibit a licensed firearms dealer from selling or otherwise transferring a firearm to a person who presents an apparently valid unexpired license unless the dealer first verifies if the license is current.

The bill would amend Penal Code Section 46.06, which relates to the unlawful transfer of certain weapons. The offense created by the bill would be a Class A misdemeanor.

Based upon the information provided by the Office of Court Administration and DPS, it is assumed that the costs associated with the bill's provisions could be absorbed using existing resources.

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

Local Government Impact

A Class A misdemeanor is punishable by a fine of not more than \$4,000, confinement in jail for a term not to exceed one year, or both. Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication.

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

LBB Staff: JMc, DKN, KFB, NA, AF