

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: HB1238 by Biedermann (Relating to provisions governing the carrying of a firearm by a person who is not otherwise prohibited by state or federal law from possessing the firearm and to other provisions related to the carrying, possessing, transporting, or storing of a firearm.), **As Introduced**

The fiscal implications of the bill cannot be determined at this time.

The bill would amend penal Code Sec. 46.02 to make it a Class C misdemeanor offense for a person under 21 who is not licensed to carry a handgun to intentionally, knowingly, or recklessly carry a handgun off that person's premises (with limited exception).

The bill would add a new section to Penal Code Chapter 46 providing that a person who is not otherwise prohibited from possessing a firearm under Penal Code Section 46.04 or other federal or state law is not prohibited from carrying a concealed handgun or partially or wholly visible handgun in a holster and may not be required to obtain or hold a license for that purpose.

The bill would require conforming changes to various statutes to account for the new section and for a redesignation of certain Penal Code provisions.

The bill would require that certain "Places Weapons Prohibited" and "Unlawful Carrying Weapons" provisions be inapplicable to a judge or justice of a federal court who is licensed to carry under Government Code Chapter 411, Subchapter H.

The bill would add a new section to Education Code Chapter 51, Subchapter Z-1 limiting the liability of certain educational entities and persons who do not adopt certain rules, regulations, or prohibitions regarding handguns for damages caused by the carrying of a handgun onto the campus and preventing a court from holding the entities or persons liable for those damages, with certain exceptions.

The bill would repeal various sections of the Alcoholic Beverage Code, the Government Code, and the Penal Code as they relate to the carrying of a handgun.

According to the Department of Public Safety (DPS), while there has been a steady and significant growth in the License to Carry Program, there is a scarcity of data regarding the choices current or future handgun license holders may make regarding their preferences for obtaining a license or renewing a license that is not required. Additionally, public interest in a license to carry is affected by state and national events, which can cause significant increases in the number of applications. Based upon the information provided by DPS, the fiscal impact of this bill cannot be determined at this time.

According to the Office of Court Administration, no significant fiscal impact is anticipated.

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

According to Fannin County, a fiscal impact of \$1.79 million is anticipated due to security equipment and labor costs associated with the bill's provisions. The fiscal impact to other units of local government cannot be determined at this time.

The bill would repeal a Class A misdemeanor. 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. Lost revenue from reduced fines imposed and collected is not anticipated to have a significant fiscal impact.

The bill would create a Class C misdemeanor. A Class C misdemeanor is punishable by a fine of not more than \$500. In addition to the fine, punishment can include up to 180 days of deferred disposition. Costs associated with enforcement and prosecution could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal impact.

Source Agencies: 212 Office of Court Admin, 405 Department of Public Safety, 696 Department of Criminal Justice

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