

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: HB1911 by White (Relating to provisions governing the carrying of a handgun by certain unlicensed persons and to other provisions related to the carrying, possessing, transporting, or storing of a firearm; providing criminal penalties.), **As Introduced**

The fiscal implications of the bill cannot be determined at this time due to a lack of reliable information to provide a reasonably sound basis for estimating the impact of the bill on the number of license to carry applications.

The bill would amend and repeal various sections of the Business and Commerce Code, Civil Practice and Remedies Code, Parks and Wildlife Code, Education Code, Government Code, Penal Code, Health and Safety Code, Labor Code, and Alcoholic Beverage Code relating to the carrying of a handgun by certain unlicensed persons and to other provisions related to the carrying, possessing, transporting, or storing of a firearm.

The bill would make criminal trespass a Class C misdemeanor punishable by fine not to exceed \$200 if the sole basis on which entry was forbidden relates to entry with a firearm and the person was legally carrying in a concealed manner or in a holster. The bill would make criminal trespass a Class A misdemeanor if the sole basis on which entry was forbidden relates to entry with a firearm, the person was legally carrying in a concealed manner or in a holster, and after entering the property the person was given oral notice that entry with a firearm was forbidden and the person failed to depart.

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 on the information provided by DPS, the fiscal impact of the bill cannot be determined due to a lack of reliable information to provide a reasonably sound basis for estimating the impact of the bill on the number of license to carry applications.

According to the Office of Court Administration (OCA), no significant fiscal impact to the state court system 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 OCA, no significant fiscal impact to local government is anticipated.

A Class C misdemeanor under the bill is punishable by a fine of not more than \$200. 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, CMA, ANE