

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**May 7, 2021**

**TO:** Honorable Dade Phelan, Speaker of the House, House of Representatives

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB1927** by Schaefer (Relating to provisions governing the carrying of a firearm by a person who is 21 years of age or older and 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 or other weapon; creating criminal offenses.), **As Passed 2nd House**

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 and due to the number of cases of noncompliance resulting in penalty revenue, costs, fines and fees being unknown.

The bill would amend and repeal various provisions of the Code of Criminal Procedure, the Education Code, the Government Code, the Penal Code, the Health and Safety Code, the Labor Code, and the Alcoholic Beverage Code relating to the carrying of a firearm by a person 21 years of age or older and who is not otherwise prohibited from possessing the firearm and the carrying, possessing, transporting, or storing of a firearm or other weapon.

The bill would require the Department of Public Safety (DPS) to prepare and submit a report regarding certain firearm statistics not later than February 1 of each fiscal year to the Governor, Lieutenant Governor, and each member of the Legislature.

The bill would make it an offense for a person to intentionally, knowingly, or recklessly carry on or about his or her person a handgun in a motor vehicle or watercraft that is owned by the person or under the person's control at any time in which the handgun is in plain view, unless the person is 21 years of age or older or is licensed to carry a handgun.

Among other provisions, the bill would repeal Penal Code Section 46.035, which relates to the unlawful carrying of a handgun by a license holder, and provide that criminal trespass based on entry with a firearm or other forbidden weapon is a Class C misdemeanor except when the person personally receives notice by oral communication from the property owner and subsequently fails to depart, in which case the offense is a Class A misdemeanor. The bill would also make it a Class A misdemeanor offense to carry a handgun and intentionally display it in plain view of another person in a public place, with the exception of the handgun being partially or wholly visible but carried in a holster.

According to 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 Comptroller of Public Accounts, the fiscal impact with respect to the creation of new misdemeanor offenses cannot be determined as the number of cases of noncompliance resulting in penalty

revenue, costs, fines and fees is unknown. The fiscal impact with respect to the number of licenses to carry applications also cannot be determined.

According to the Office of Court Administration, Texas Commission on Law Enforcement, Department of Family and Protective Services, and Parks and Wildlife Department, 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**

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.

Other fiscal implication to units of local government cannot be determined at this time.

**Source Agencies:** 212 Office of Court Admin, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 407 Law Enforcement, 530 Family & Protective Services, 802 Parks and Wildlife Department

**LBB Staff:** JMc, LBO, KFB, NA, AF, DKN, CMA, ANE