

SENATE AMENDMENTS

2nd Printing

By: Leman, White, Slawson, Hefner, Schaefer,
et al.

H.B. No. 918

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a license to carry a handgun for certain young adults
3 who are protected under certain court orders related to family
4 violence.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 411.172, Government Code, is amended by
7 adding Subsection (i) to read as follows:

8 (i) Notwithstanding Subsection (a)(2), a person who is at
9 least 18 years of age but not yet 21 years of age is eligible for a
10 license to carry a handgun if the person:

11 (1) is protected under:

12 (A) an active protective order issued under:

13 (i) Title 4, Family Code; or

14 (ii) Subchapter A, Chapter 7B, Code of
15 Criminal Procedure; or

16 (B) an active magistrate's order for emergency
17 protection under Article 17.292, Code of Criminal Procedure; and

18 (2) meets the other eligibility requirements of
19 Subsection (a) except for the minimum age required by federal law to
20 purchase a handgun.

21 SECTION 2. Subchapter H, Chapter 411, Government Code, is
22 amended by adding Section 411.1735 to read as follows:

23 Sec. 411.1735. PROTECTIVE ORDER DESIGNATION. (a)

24 Notwithstanding any other provision of this subchapter, a person

1 who establishes eligibility for a license to carry a handgun under
2 Section 411.172(i) may only hold a license under this subchapter
3 that bears a protective order designation on the face of the
4 license.

5 (b) A person described by this section must submit a copy of
6 the applicable court order described by Section 411.172(i)(1) with
7 the application materials described by Section 411.174. The
8 person's application is not considered complete for purposes of
9 this subchapter unless the application includes the documentation
10 and materials required by this section.

11 (c) Notwithstanding Section 411.183, a license that bears a
12 protective order designation under this section is valid only until
13 the date on which the applicable court order described by Section
14 411.172(i)(1) is rescinded or expires.

15 (d) A holder of a license with a protective order
16 designation under this section who becomes 21 years of age may apply
17 for a license under this subchapter that does not bear the
18 designation by using the renewal procedure under Section 411.185,
19 regardless of whether the license that bears the designation has
20 expired or is about to expire.

21 (e) The director shall adopt rules establishing a process by
22 which the department periodically verifies a license holder's
23 eligibility for a license to carry a handgun under Section
24 411.172(i) if the license holder's license bears a protective order
25 designation under this section. The rules may specify different
26 intervals at which the department must verify the license holder's
27 eligibility based on the court order used to satisfy the

1 eligibility requirement described by Section 411.172(i)(1).

2 SECTION 3. Section 411.179(a), Government Code, is amended
3 to read as follows:

4 (a) The department by rule shall adopt the form of the
5 license. A license must include:

6 (1) a number assigned to the license holder by the
7 department;

8 (2) a statement of the period for which the license is
9 effective;

10 (3) a photograph of the license holder;

11 (4) the license holder's full name, date of birth, hair
12 and eye color, height, weight, and signature;

13 (5) the license holder's residence address or, as
14 provided by Subsection (d), the street address of the courthouse in
15 which the license holder or license holder's spouse serves as a
16 federal judge or the license holder serves as a state judge;

17 (6) the number of a driver's license or an
18 identification certificate issued to the license holder by the
19 department; ~~and~~

20 (7) the designation "VETERAN" if required under
21 Subsection (e); and

22 (8) if applicable, a protective order designation
23 under Section 411.1735.

24 SECTION 4. Section 411.205, Government Code, is amended to
25 read as follows:

26 Sec. 411.205. REQUIREMENT TO DISPLAY LICENSE. If a license
27 holder is carrying a handgun on or about the license holder's person

1 when a magistrate or a peace officer demands that the license holder
2 display identification, the license holder shall display:

3 (1) both the license holder's driver's license or
4 identification certificate issued by the department and the license
5 holder's handgun license; and

6 (2) if the license holder's handgun license bears a
7 protective order designation, a copy of the applicable court order
8 under which the license holder is protected.

9 SECTION 5. The changes in law made by this Act to Subchapter
10 H, Chapter 411, Government Code, apply only to a completed
11 application for a license to carry a handgun that is received by the
12 Department of Public Safety of the State of Texas on or after the
13 effective date of this Act. A completed application received
14 before the effective date of this Act is governed by the law in
15 effect on the date the application was received, and the former law
16 is continued in effect for that purpose.

17 SECTION 6. This Act takes effect September 1, 2021.

ADOPTED

✓ ✓
MAY 11 2021

FLOOR AMENDMENT NO. 1

Lacey Spaw
Secretary of the Senate

BY: *Bryan Hughes*

1 Amend H.B. No. 918 (senate committee report) in SECTION 2 of
2 the bill, by striking added Section 411.1735(c), Government Code
3 (page 1, lines 52 through 55), and substituting the following:

4 (c) Notwithstanding Section 411.183, a license that bears a
5 protective order designation under this section expires on the
6 earlier of:

7 (1) the date on which the applicable court order
8 described by Section 411.172(i)(1) is rescinded or expires; or

9 (2) the 22nd birthday of the license holder.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 12, 2021

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB918 by Leman (Relating to a license to carry a handgun for certain young adults who are protected under certain court orders related to family violence.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to allow a person between the ages of 18 and 21 who is protected under an active protective order issued pursuant to the Family Code or Code of Criminal Procedure, and who is otherwise statutorily eligible, to be granted a license to carry a handgun. Under the bill's provisions, the person would be required to submit a copy of the protective order along with the license application. If granted, the license would bear protective order designation on its face. Upon reaching the age of 21, the person would be able to apply for a license that does not bear the protective order designation. Additionally, the bill would require the Department of Public Safety (DPS) to establish procedures to periodically verify a license holder's eligibility.

DPS anticipates it would have to modify its License to Carry card and online application to implement the bill's provisions.

Based on the analysis of the Office of Court Administration and DPS, 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.

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, LBO, SMAT, KFB, NA, DKN, MW, BH

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 28, 2021

TO: Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB918 by Leman (Relating to a license to carry a handgun for certain young adults who are protected under certain court orders related to family violence.), **As Engrossed**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Government Code to allow a person between the ages of 18 and 21 who is protected under an active protective order issued pursuant to the Family Code or Code of Criminal Procedure, and who is otherwise statutorily eligible, to be granted a license to carry a handgun. Under the bill's provisions, the person would be required to submit a copy of the protective order along with the license application. If granted, the license would bear protective order designation on its face. Upon reaching the age of 21, the person would be able to apply for a license that does not bear the protective order designation. Additionally, the bill would require the Department of Public Safety (DPS) to establish procedures to periodically verify a license holder's eligibility.

DPS anticipates it would have to modify its License to Carry card and online application to implement the bill's provisions.

Based on the analysis of the Office of Court Administration and DPS, 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 would not result in a significant impact on state correctional populations or on the demand for state correctional resources.

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, SMAT, KFB, NA, DKN, MW, BH

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 24, 2021

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB918 by Lemman (Relating to a license to carry a handgun for certain young adults who are protected under certain court orders related to family violence.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to allow a person between the ages of 18 and 21 who is protected under an active protective order issued pursuant to the Family Code or Code of Criminal Procedure, and who is otherwise statutorily eligible, to be granted a license to carry a handgun. Under the bill's provisions, the person would be required to submit a copy of the protective order along with the license application. If granted, the license would bear protective order designation on its face. Upon reaching the age of 21, the person would be able to apply for a license that does not bear the protective order designation.

The Department of Public Safety (DPS) anticipates it would have to modify its License to Carry card and online application to implement the bill's provisions.

Based on the analysis of the Office of Court Administration and DPS, 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.

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, MW, BH

LEGISLATIVE BUDGET BOARD**Austin, Texas****CRIMINAL JUSTICE IMPACT STATEMENT****87TH LEGISLATIVE REGULAR SESSION****April 28, 2021****TO:** Honorable Bryan Hughes, Chair, Senate Committee on State Affairs**FROM:** Jerry McGinty, Director, Legislative Budget Board**IN RE: HB918** by Leman (Relating to a license to carry a handgun for certain young adults who are protected under certain court orders related to family violence.), **As Engrossed**

The provisions of the bill addressed by this analysis would amend the Government Code as it relates to eligibility for a license to carry a handgun. Under the provisions of the bill, young adults who are protected under certain court orders and meet all other requirements would be eligible for a license to carry a handgun.

This analysis assumes implementing the provisions of the bill would not result in a significant impact on the demand for state correctional resources. The bill does not expressly create a felony offense, increase the punishment for an existing misdemeanor to that of a felony, increase the punishment for an existing felony offense or category of felony level offenses, or change the eligibility of a person for felony community supervision, parole, or mandatory supervision.

Source**Agencies:****LBB Staff:** JMc, SMAT, LM, DGI, DKN

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT
87TH LEGISLATIVE REGULAR SESSION**

March 24, 2021

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB918 by Leman (Relating to a license to carry a handgun for certain young adults who are protected under certain court orders related to family violence.), **As Introduced**

The provisions of the bill addressed by this analysis would amend the Government Code as it relates to eligibility for a license to carry a handgun. Under the provisions of the bill, young adults who are protected under certain court orders and meet all other requirements would be eligible for a license to carry a handgun.

This analysis assumes implementing the provisions of the bill would not result in a significant impact on the demand for state correctional resources. The bill does not expressly create a felony offense, increase the punishment for an existing misdemeanor to that of a felony, increase the punishment for an existing felony offense or category of felony level offenses, or change the eligibility of a person for felony community supervision, parole, or mandatory supervision.

Source

Agencies:

LBB Staff: JMc, DKN, LM, DGI