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| BILL ANALYSIS |

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| H.B. 408 |
| By: Collier |
| Community Safety, Select |
| Committee Report (Unamended) |

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| **BACKGROUND AND PURPOSE** State law makes a person who has been convicted of a felony or certain other offenses ineligible to obtain a handgun license. There is an exception in the law under which a person is not considered to be convicted for those purposes if an order of deferred adjudication was entered against the person on a date not less than 10 years preceding the date of the person's application for a handgun license. However, certain categories of offenses are not eligible for this exception, including robbery offenses and certain burglary offenses. Individuals who complete a deferred adjudication must meet a detailed series of eligibility requirements and adhere to a certain standard of conduct, and a person charged with robbery or second degree felony burglary of a habitation should not be permanently ineligible for a handgun license if they successfully complete a deferred adjudication. H.B. 408 seeks to remedy this issue and provide for the restoration of these individuals' right to obtain a handgun license. |
| **CRIMINAL JUSTICE IMPACT**It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision. |
| **RULEMAKING AUTHORITY** It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution. |
| **ANALYSIS** H.B. 408 amends the Government Code to do the following with respect to the list of felony offenses excluded from the provision establishing that a person is not considered to be convicted and thus ineligible for a handgun license if an order of deferred adjudication was entered against the person on a date not less than 10 years preceding the date of license application:* narrow the robbery offenses included on the list to only aggravated robbery; and
* remove from the list second degree felony burglary of a habitation.

The bill applies to any determination of a person's eligibility for a handgun license that is made by the Department of Public Safety on or after the bill's effective date. |
| **EFFECTIVE DATE** September 1, 2023. |