

BILL ANALYSIS

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

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.