

SUBJECT: Fees for mental health background checks for concealed handgun licences

COMMITTEE: County Affairs — favorable, without amendment

VOTE: 5 ayes — Ramsay, G. Lewis, Chisum, Farabee, Salinas

0 nays

4 absent — B. Brown, Hilderbran, Krusee, Swinford

WITNESSES: For —Suzanne Henderson, county clerk of Tarrant County

BACKGROUND: Government Code Chapter 411, Subchapter H, the concealed handgun law enacted in 1995, requires the Texas Department of Public Safety (DPS) to conduct background checks on applicants that include criminal history and history of mental illness. Applicants who have been involuntarily committed to a mental health facility for treatment within the last five years cannot receive licenses.

Mental illness history records are maintained by counties of the applicants. DPS requests these records to be reviewed by county clerks as part of the background check process.

DIGEST: HB 1933 would allow a county clerk to set and collect a fee of not more than \$5 to cover the cost of a mental health background check requested by DPS for a person applying for a licence to carry a concealed weapon. The licence applicant would be required to pay the fee.

The bill would not affect the procedures for access to court records prescribed by sec. 571.015, Health and Safety Code, which states that mental health proceedings records may be used, inspected, or copied only as authorized by a judge.

HB 1933 would take immediate effect if finally passed by a two-thirds record vote of the membership of each house.

- SUPPORTERS SAY:** County clerks must conduct thousands of mental health background checks each year. According to the DPS, approximately 250,000 applicants have been licensed to carry handguns since 1995. DPS is authorized to collect a reasonable fee to cover the costs of criminal background checks, but current law does not authorize county clerks to recover their own costs of conducting mental health background checks. Costs of conducting these background checks should not be borne by the counties, but should be passed along as part of the total cost for licenses. An extra charge of up to \$5 would be a reasonable amount.
- HB 1933 is permissive. It would not require that county clerks charge the fee, nor would county clerks have to charge the entire \$5.
- OPPONENTS SAY:** Applicants for licenses to carry concealed handguns already must pay a non-refundable fee of \$140 that includes the cost of a DPS background check. This cost already is more than high enough.
- OTHER OPPONENTS SAY:** HB 1933 would not amend the state's concealed handgun licensing law to allow DPS to increase the \$140 concealed handgun fee to pay for the expenses of county clerks. Therefore, DPS, not the applicant, could have to bear the cost of the county-imposed fee, reducing resources the agency needs to conduct the criminal background checks.
- NOTES:** According to the fiscal note, if all Texas counties were to raise the fee to the full \$5, they would gain nearly \$280,000 in additional revenue per year.