

SUBJECT: Suspending concealed handgun license of family violence perpetrator

COMMITTEE: Public Safety — favorable, without amendment

VOTE: 9 ayes — B. Turner, Keel, Berman, Carter, Driver, Gutierrez, Hupp, P. King, Najera
0 nays

SENATE VOTE: On final passage, March 15 — voice vote

WITNESSES: For — None
Against — None
On — Valerie Fulmer, Department of Public Safety

DIGEST: SB 588 would allow a magistrate issuing a protective order against a person found to have committed family violence also to suspend the individual's concealed handgun license. The person's license would remain suspended for the duration of the protective order.

A person whose license was suspended under a court order would not be entitled to a hearing as outlined in the section 411.180 of the Government Code to contest suspension of a license.

The clerk of the court would be required to send a copy of the order to the Department of Public Safety. The DPS would have to record the suspension of the license, report the suspension to local law enforcement agencies, and demand surrender of the suspended license from the license holder.

The bill would take effect on September 1, 1999, and would apply only to acts of family violence committed or to appearances before a magistrate on or after the effective date. This bill, if passed, would prevail over any other act of the 76th Legislature relating to nonsubstantive additions to, and corrections in, enacted codes.

**SUPPORTERS
SAY:**

Magistrates should be able to suspend concealed handgun licenses at the same time that they issue protective orders. This would help ensure the safety of the persons seeking the orders.

Current law allows such suspensions through a three-stage process that takes too much time. First, the magistrate issuing a protective order against a family violence perpetrator notifies the Department of Public Safety. Next, DPS can suspend the person's concealed handgun license. However, the third stage is that the license holder is entitled to a hearing to contest the suspension. This process can delay the suspension for over a month, ensuring continued access to handguns by a person who already has committed a violent act against a family member.

Studies show that domestic violence cases are much more likely to result in homicide if there is a gun in the house. Revoking the concealed handgun license of a person against whom a protective order has been issued would help reduce the risk of domestic violence resulting in homicide.

Federal law makes it an offense for a person convicted of a domestic violence misdemeanor to possess a handgun or ammunition. SB 588 would take that law one step further, showing that Texas is dedicated to preventing domestic violence.

**OPPONENTS
SAY:**

SB 588 is not needed. Federal law already prohibits a person convicted of even a misdemeanor domestic violence offense from possessing a weapon or ammunition. If a person is forbidden by federal law from possessing any weapons, it does not matter whether the person retains a Texas handgun license. The handgun license issue is moot since an offender cannot possess even a bullet.

Suspending a person's handgun license when a protective order is issued would not prevent domestic violence. Revoking a person's license would not prevent the individual from using a weapon or having one in the house. A person can commit domestic violence with or without a handgun license.

Automatically revoking a handgun license in conjunction with a protective order would deny due process. People against whom protective orders are issued do not go before a jury, and no lawyer is appointed for them if they cannot afford one. Further, protective orders are easy to obtain in any

municipal court. The definition of family violence in these cases is exceedingly broad: “family” means anyone a person has ever lived with, and violence includes perceived threat.