

SUBJECT: Limiting disclosure of concealed handgun licensees

COMMITTEE: Law Enforcement — favorable, without amendment

VOTE: 5 ayes — Driver, Jackson, Frost, Hegar, Veasey
0 nays
2 absent — Burnam, Hupp

WITNESSES: For — Alice Tripp, Texas State Rifle Association

Against — Michael Schneider, Texas Association of Broadcasters; Ken Whalen, Texas Daily Newspaper Association

On — Burton Christian, Texas Department of Public Safety; Jan Coffey, Texas Department of Public Safety; Lloyd Leppo, Jr.

BACKGROUND: Government Code, sec. 411.192 requires that the Department of Public Safety (DPS) disclose to other criminal justice agencies whether an individual holds a concealed handgun license. In addition, any individual may file a written request with DPS to find out if a particular person has a concealed handgun license. If the person in question is licensed, DPS will release the licensee's name, date of birth, gender, race, and zip code to the person making the inquiry.

In addition, Government Code section 411.192 requires that the license holder be notified of the name of the person or agency making the request for the information.

DPS reports that 236,499 Texans hold concealed handgun licenses as of March 10, 2005.

DIGEST: HB 318 would amend Government Code, sec. 411.192 to delete the requirement that DPS furnish information on concealed handgun licensees to anyone besides a criminal justice agency or the applicant or license holder.

The bill would take effect immediately if passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005.

**SUPPORTERS
SAY:**

HB 318 would help safeguard the privacy of concealed handgun license holders who have legitimate concerns about their personal safety. Personal protection is of paramount concern for these licensees, especially the more than 42,000 female license holders in the state. The Legislature placed strict requirements allowing licensees to keep their weapons concealed, and allowing anyone to force disclosure is contrary to that purpose.

The personal safety of individual concealed handgun licensees outweighs abstract concerns about open government. For example, a stalker could determine whether a woman holds a concealed handgun license or a burglar could determine whether firearms might be kept at a certain address. Knowing the license holder's name, date of birth, gender, race, and zip code is sufficient to locate a specific person's address, especially with the search capabilities available on the Internet. Making this information open to the public can put licensees at risk.

Current law allows the release of statistical data on concealed handgun licensees, and HB 318 would not change the availability of that information. The media and academic researchers can reach conclusions about licensees and their behaviors without knowing names of individuals. Inquiring whether specific individuals — such as elected officials or celebrities — are exercising their constitutional right to protect themselves is intrusive and unnecessary for public safety. The bill would establish a fair balance between the public's need for information and the safety and privacy concerns of licensees.

**OPPONENTS
SAY:**

The government should not collect records that no one has the right to see — this is the antithesis of open government. Names of those who hold barber's licenses or driver's licenses are public record, and those who carry deadly weapons should be subject to the same degree of scrutiny by the media and other citizens. If a person commits a crime involving a handgun, the public has a right to know if the state licensed that person to carry a gun. This free flow of information helps keep the government responsible and responsive to the people.

Burglars and stalkers are unlikely to make a public record search to target their victims. Most criminals commit their crimes impulsively, and even those who would plan a crime probably would be unwilling to request information about a potential victim when the criminal's name would be recorded and reported to that potential victim. Current law already requires that license holders be informed of anyone requesting information about their licenses, and this provides sufficient protection for concealed handgun licensees. There also is no evidence that criminals regularly are utilizing this law to seek out victims. In 2004, for example, DPS recorded only 136 public inquiries to determine a person's license status.

Besides the need for the public to know whether a perpetrator was licensed to carry a gun, there also are numerous reasons a private person might need to find out whether a particular person is licensed to carry a concealed handgun. The most pressing cases involve the need of victims of domestic violence to find out if their attackers are licensed. It would also be very important for a woman who was being stalked to know whether her stalker held a concealed handgun license. In both of these situations, knowledge about another's licensee status would help potential victims in making informed decisions about protecting their safety.

The government must operate openly in order for citizens to make informed decisions about public policy. By withholding information that Texans have a right to know, this bill would curtail the liberty of all citizens and would favor the rights of a few over the rights of the general public.