

## **BILL ANALYSIS**

Senate Research Center  
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H.B. 2675  
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State Affairs  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Many Texans acquire a license to carry a handgun in order to protect their families and themselves. People can become at risk of violence overnight given the circumstances. For example, family disputes or other outside traumatic events can change someone's life in an instant, placing them in danger from people who may wish to cause them undue harm. There have been calls to provide further protections to Texans who feel their lives may be in danger due to external circumstances. H.B. 2675 seeks to address this issue by creating an at-risk designation for a handgun license and providing for the expedited processing of an application for a license with that designation.

H.B. 2675 amends current law relating to a license to carry a handgun for a person who is at increased risk of becoming a victim of violence.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the public safety director of the Department of Public Safety of the State of Texas in SECTION 3 (Section 411.184, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 411.177, Government Code, by amending Subsections (b) and (c) and adding Subsections (b-1), (b-2), and (b-3), as follows:

(b) Requires the Department of Public Safety of the State of Texas (DPS), except as otherwise provided by Subsection (b-1), to, not later than the 60th day after the date of the receipt by the public safety director of DPS's (director) designee of the completed application materials, notify the applicant in writing that DPS is unable to make a determination regarding the issuance or denial of a license to the applicant within the 60-day period prescribed by this subsection and include in that notification an explanation of the reason for the inability and an estimation of the additional period, rather than the amount of time, DPS will need to make the determination. Makes nonsubstantive changes.

(b-1) Requires DPS, if the applicant submits with the completed application materials an application for a designation under Section 411.184, to, without charging an additional fee, expedite the application. Requires DPS, not later than the 10th day after the receipt of the materials under this subsection, to:

(1) issue the license with the designation; or

(2) notify the applicant in writing that the applicant is not eligible for the designation under Section 411.184 and the application for the license will be processed in the regular course of business.

(b-2) Requires DPS, notwithstanding Subsection (b-1), if DPS determines that the applicant is eligible for the designation under Section 411.184 but is unable to quickly make a determination regarding the issuance or denial of a license to the applicant, to

provide written notice of that fact to the applicant and to include in that notice an explanation of the reason for the inability and an estimation of the additional period DPS will need to make the determination.

(b-3) Requires the director to adopt policies for expedited processing under Subsection (b-1).

(c) Provides that failure of DPS to issue or deny a license for a period of more than 30 days after DPS is required to act under Subsection (b) constitutes denial, regardless of whether the applicant was eligible for expedited processing of the application under Subsection (b-1).

SECTION 2. Amends Section 411.179(a), Government Code, to require that a license to carry a handgun include any at-risk designation for which the license holder has established eligibility under Section 411.184. Makes a nonsubstantive change.

SECTION 3. Amends Subchapter H, Chapter 411, Government Code, by adding Section 411.184, as follows:

Sec. 411.184. AT-RISK DESIGNATION. (a) Requires DPS to develop a procedure for persons who are at increased risk of becoming a victim of violence to:

- (1) obtain a handgun license on an expedited basis, if the person is not already a license holder; and
- (2) qualify for an at-risk designation on the license.

(b) Provides that a person is eligible for an at-risk designation under this section if:

(1) the person is protected under, or a member of the person's household or family is protected under:

(A) a temporary restraining order or temporary injunction issued under Subchapter F (Temporary Orders), Chapter 6 (Suit for Dissolution of Marriage), Family Code;

(B) a temporary ex parte order issued under Chapter 83 (Temporary Ex Parte Orders), Family Code;

(C) a protective order issued under Chapter 85 (Issuance of Protective Orders), Family Code;

(D) a protective order issued under Chapter 7B (Protective Orders), Code of Criminal Procedure; or

(E) a magistrate's order for emergency protection issued under Article 17.292 (Magistrate's Order for Emergency Protection), Code of Criminal Procedure; or

(2) the person participates in the address confidentiality program under Subchapter B (Address Confidentiality Program for Certain Crime Victims), Chapter 58 (Confidentiality of Identifying Information and Medical Records of Certain Crime Victims), Code of Criminal Procedure.

(c) Authorizes the director to adopt rules to accept alternative documentation not described by Subsection (b) that shows that the person is at increased risk of becoming a victim of violence.

(d) Authorizes a person to receive an at-risk designation under this section if the person submits to DPS, in the form and manner provided by DPS:

- (1) an application for the designation;
- (2) evidence of the increased risk of becoming a victim of violence, as provided by Subsection (b) or rules adopted under Subsection (c); and
- (3) any other information that DPS may require.

(e) Authorizes a license holder to apply for the designation under this section by making an application for a duplicate license. Authorizes a person who is not a license holder to apply for the designation with the person's application for an original license to carry a handgun.

(f) Requires a person with a designation granted under this section to annually certify that the person continues to qualify for the designation and to submit to DPS any information DPS requires to verify the person's continuing eligibility. Requires a person who no longer qualifies for the designation under this section to immediately notify DPS.

(g) Requires DPS, if based on the information received under Subsection (f) DPS determines that the person is no longer eligible for a designation under this section, to notify the person and issue to the person a duplicate license without a designation.

(h) Requires a license holder, on receipt of a duplicate license without a designation under Subsection (g), to return the license with the designation to DPS.

(i) Prohibits DPS from charging a fee for issuing a duplicate license with a designation under this section or for issuing a duplicate license without a designation if the person no longer qualifies for the designation. Authorizes DPS, if a person applies for a designation at the same time the person applies for an original license under Subchapter H (License to Carry a Handgun), to charge only the licensing fee.

SECTION 4. Requires the director, not later than December 1, 2021, to adopt the rules necessary to implement Section 411.184, Government Code, as added by this Act

SECTION 5. (a) Makes application of Section 411.177, Government Code, as amended by this Act, prospective to January 1, 2022.

(b) Prohibits DPS from accepting an application for or grant a designation under Section 411.184, Government Code, as added by this Act, before January 1, 2022.

SECTION 6. Effective date: September 1, 2021.