

SUBJECT: Issuing LTC with at-risk designation to persons at increased risk of harm

COMMITTEE: Homeland Security and Public Safety — committee substitute recommended

VOTE: 7 ayes — White, Bowers, Harless, Hefner, E. Morales, Schaefer, Tinderholt

1 nay — Goodwin

1 absent — Patterson

WITNESSES: For — Heather Hill, Come and Take It Texas; Rick Briscoe, Open Carry Texas; Andi Turner, Texas State Rifle Association; Brandon Burkhart, This Is Texas Freedom Force; Wayne Howell, TITFF; Alma Arredondo-Lynch; Emily Taylor; Gregory Vital; (*Registered, but did not testify*: Tara Mica, National Rifle Association; AJ Louderback, Sheriffs Association of Texas; and 11 individuals)

Against — Steve Wohleb, Texas Hospital Association; Gary Zimmerman; (*Registered, but did not testify*: Stephanie Arthur, Everytown for Gun Safety and Moms Demand Action; Rebecca Defelice, Mandy Gauld, Elizabeth Hanks, Paula Hansen, and Laura Legett, Moms Demand Action for Gun Sense in America; and 13 individuals)

On — (*Registered, but did not testify*: Molly Bursey, Moms Demand Action for Gun Sense in America; Louis Wichers, Texas Gun Sense; Bradley Hodges; Thomas Parkinson)

BACKGROUND: Some Texans who feel their lives may be in danger due to external circumstances acquire a license to carry a handgun (LTC) to protect their families and themselves. It has been suggested that creating an at-risk designation for an LTC for such persons and providing for the expedited processing of an application for an LTC with that designation would provide further protections.

DIGEST:

CSHB 2675 would require the Department of Public Safety to develop a procedure for persons who were at increased risk of becoming a victim of violence to obtain a handgun license on an expedited basis and qualify for an at-risk designation on the license.

A person would be eligible for an at-risk designation if the person or a member of the person's household or family was protected under:

- a temporary restraining order or injunction issued after the filing of a suit for dissolution of marriage;
- a temporary ex parte order or a protective order issued in relation to family violence;
- a protective order issued for victims of sexual assault or abuse, stalking, or trafficking; or
- a magistrate's order issued for emergency protection for an offense involving family violence, trafficking, sexual assault, or stalking.

A person also would be eligible if the person participated in the address confidentiality program for certain crime victims.

The public safety director could adopt rules to accept alternative documentation to the above provisions that showed that the person was at increased risk of becoming a victim of violence.

A person could receive an at-risk designation if the person submitted to DPS an application, evidence of the increased risk, and any other information required by DPS.

A handgun license holder could apply for the designation by making an application for a duplicate license. A person who was not a license holder could apply for the designation with the person's application for an original handgun license.

A person with a designation would have to certify annually that the person continued to qualify for the designation and would have to submit to DPS any information the department required to verify the continuing

eligibility. A person who no longer qualified immediately would have to notify DPS.

If DPS determined that the person was no longer eligible for a designation, DPS would have to notify the person and issue the person a duplicate license without a designation. On receipt of the duplicate license, the license holder would have to return the license with the designation to DPS.

DPS could not charge a fee for issuing a duplicate license with or without a designation. If a person applied for a designation while applying for an original license, DPS could charge only the licensing fee.

If an applicant for a handgun license submitted an application for a designation under the bill, DPS would have to expedite the application without charging an additional fee. Within 10 days after receiving the application, DPS would have to issue the license with the designation or notify that the applicant was not eligible for the designation and the license application would be processed in the regular course of business.

If DPS determined that the applicant was eligible but was unable to make a determination quickly on the issuance or denial of a license, DPS would have to provide written notice of that fact to the applicant and would have to include an explanation of the reason for the inability and an estimation of the additional period needed to make the determination.

Failure of DPS to issue or deny a license after a specified period of receiving an application would constitute a denial, regardless of whether the applicant was eligible for expedited processing.

The public safety director would have to adopt rules necessary to implement the bill by December 1, 2021. DPS could not accept an application or grant a designation under the bill before January 1, 2022.

The bill would take effect September 1, 2021.