

BILL ANALYSIS

Senate Research Center

H.B. 1933
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State Affairs
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Engrossed

DIGEST

Currently, criminal background checks are made by the Texas Department of Public Safety (DPS) on applicants for a license to carry a concealed weapon in Texas. DPS is authorized to collect a reasonable fee to cover the costs of these criminal background checks. One of the eligibility criteria relates to the mental health of the applicant, who must not have been involuntarily committed to a mental health facility for treatment within the last five years. This information is not included in the criminal information available to DPS and must be obtained from the county clerk's office. Under current law, no provision is made for the recovery of costs to the county clerk for making these background checks. H.B. 1933 authorizes a county clerk to impose a fee for conducting a mental health background check that is required in order for an applicant to receive a license to carry a concealed handgun. This bill provides that the fee imposed is not to exceed five dollars.

PURPOSE

As proposed, H.B. 1933 authorizes a county clerk to impose a fee for conducting a mental health background check for a license to carry a concealed handgun.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 118.011(b), Local Government Code, by adding Subdivision (3), authorizing the county clerk to set and collect a fee of not more than \$5 to conduct a mental health background check for a license to carry a concealed weapon.

SECTION 2. Amends Subchapter B, Chapter 118, Local Government Code, by adding Section 118.0217, as follows:

Sec. 118.0217. MENTAL HEALTH BACKGROUND CHECK. Provides that the fee for a "mental health background check for license to carry a concealed weapon" is for a check, conducted by the county clerk at the request of the Texas Department of Public Safety, of the county records involving the mental condition of a person who applies for a license to carry a concealed handgun under Subchapter H (License to Carry a Concealed Handgun), Chapter 411, Government Code. Requires the license applicant to pay the fee. Provides that this section and Section 118.011(b)(3) do not affect the procedures for access to court records prescribed by Section 571.015 (Inspection of Court Records), Health and Safety Code.

SECTION 3. Emergency clause.
Effective date: upon passage.