

SUBJECT: Allowing persons 18-21 under certain protective orders to apply for LTC

COMMITTEE: Homeland Security and Public Safety — favorable, without amendment

VOTE: 8 ayes — White, Bowers, Harless, Hefner, E. Morales, Patterson,
Schaefer, Tinderholt

1 nay — Goodwin

WITNESSES: For — Heather Hill, CATI; Rick Briscoe, Open Carry Texas; Andi Turner, Texas State Rifle Association; Jorge Landivar; Linda Nuno; Eric Schafer; Gary Zimmerman; (*Registered, but did not testify*: Tara Mica, National Rifle Association; AJ Louderback, Sheriffs Association of Texas; Derek Cohen, Texas Public Policy Foundation; Jason Vaughn, Texas Young Republicans; and 24 individuals)

Against — (*Registered, but did not testify*: Stephanie Arthur, Everytown for Gun Safety and Moms Demand Action; Leesa Ross, Lock Arms for Life; Rebecca Defelice, Mandy Gauld, Paula Hansen, Laura Legett, Molly Bursey, and Elizabeth Hanks, Moms Demand Action for Gun Sense in America; Gyl Switzer and Louis Wichers, Texas Gun Sense; and 11 individuals)

BACKGROUND: Government Code sec. 411.172 outlines the eligibility criteria for a license to carry a handgun, including that the person is at least 21 years old.

DIGEST: HB 918 would allow a person who was at least 18 but not yet 21 years old to be eligible for a license to carry a handgun (LTC) if the person was protected under:

- an active protective order issued for victims of offenses related to family violence, sexual assault or abuse, stalking, or trafficking; or
- an active magistrate's order for emergency protection for an offense involving family violence or offenses related to trafficking and continuous trafficking of persons, sexual assault and aggravated sexual assault, indecent assault, and stalking.

The person also would have to meet other eligibility criteria under Government Code sec. 411.172, except for the minimum age required by federal law to purchase a handgun. The person's LTC application would not be considered complete unless it included a copy of the applicable court order.

A person eligible for a LTC under the bill could only hold a license that had a protective order designation on the face of the license. Such a license would be valid only until the date the court order was rescinded or expired. When the person became 21 years old, the person could apply for a LTC that did not bear the designation through the renewal procedure, regardless of whether the license bearing the designation had expired or was about to expire.

If the person was carrying a handgun on or about the person when a magistrate or peace officer demanded identification, the person would have to display a copy of the applicable court order under which the person was protected in addition to a driver's license or identification certificate and the handgun license.

The bill would take effect September 1, 2021, and would apply only to a completed LTC application that was received by the Department of Public Safety on or after that date.

**SUPPORTERS
SAY:**

HB 918 would give young adult victims of family violence, sexual assault, and other violent crimes who were protected under certain court orders access to a means of personal protection by providing eligibility for a license to carry a handgun (LTC) with a protective order designation. Currently under federal law, a person who is at least 18 years old may possess a handgun, but state law requires a person to be 21 years old to be eligible to obtain a LTC. The bill would close that gap for young adults who have demonstrated that they were facing violent threats and enable them to defend themselves in a reasonable and effective manner.

While protective orders are a great first step in preventing additional

violence or abuse, victims often seek other means of personal protection, including by purchasing handguns. In many cases, defendants violate protective orders, and the violation often is associated with an escalation of violence. By limiting a LTC issued under the bill to the duration of the protective order, it would ensure young adult victims could legally possess a handgun when the victim was most vulnerable.

CRITICS
SAY:

By providing eligibility for a LTC, HB 918 would not offer an adequate solution to protect young adults from the reoccurrence of family violence, sexual assault, or other violent offenses. Introducing a handgun into an already volatile situation could result in the gun being used against the victim, which has been reported in domestic and family violence situations.

Having a LTC does not mean a person is adequately trained to understand the difference between shooting at a gun range and using a handgun in self defense. This is especially true for young adults between 18 and 21 years of age, an age range in which the stage of brain development could affect decision-making related to gun use, safety, and responsibility. To better protect these victims, lawmakers should seek other solutions.

OTHER
CRITICS
SAY:

HB 918 should provide for the accelerated processing of applications for a LTC with a protective order designation. Currently, it can take as many as 60 days for the Department of Public Safety to issue a LTC; therefore, applications for a LTC under the bill should be prioritized as victims could be harmed again in that amount of time.