

## **BILL ANALYSIS**

Senate Research Center

H.B. 918  
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State Affairs  
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Engrossed

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

Every year, thousands of Texans fall victim to family violence, and in state fiscal year 2020 alone, there were nearly 8,500 protective orders issued. While these protective orders are a great first step in stopping further violence or abuse, victims often find themselves seeking other means of personal protection, including through obtaining a handgun, should the abuser violate the order. Unfortunately, if a victim is under 21 years of age, they cannot legally obtain a license to carry a handgun. H.B. 918 seeks to address this issue by making certain young adults who are protected under certain court orders and who would otherwise be eligible for a handgun license eligible for a handgun license that bears a protective order designation on its face to differentiate it from a regular handgun license.

H.B. 918 amends the Government Code to make a person who is at least 18 years of age but not yet 21 years of age eligible for a handgun license if the person meets all other license requirements except the minimum age under federal law to purchase a handgun and is protected under an active protective order or magistrate's order for emergency protection, as applicable, issued with respect to an offense involving family violence or with respect to stalking, compelling prostitution, or certain sexual or trafficking offenses. H.B. 918 provides for a protective order designation on a handgun license and restricts a person who establishes license eligibility on this basis to a license that bears that designation on its face. H.B. 918 requires the person to submit a copy of the applicable court protective order with the materials required for the license application and establishes that a license that bears a protective order designation is valid only until the date on which the applicable court order is rescinded or expires. A license holder with the designation who becomes 21 years of age may apply for a license that does not bear the designation by using the standard license renewal procedure, regardless of whether the license that bears the designation has expired or is about to expire. H.B. 918 requires a licensee with the designation who is carrying a handgun on or about the licensee's person to display a copy of the applicable court order when a magistrate or a peace officer demands a display of identification.

H.B. 918 amends current law relating to a license to carry a handgun for certain young adults who are protected under certain court orders related to family violence.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the public safety director in SECTION 2 (Section 411.1735, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 411.172, Government Code, by adding Subsection (i), as follows:

(i) Provides that notwithstanding Subsection (a)(2) (relating to the requirement that a person be at least 21 years of age to be eligible for a license to carry a handgun), a person who is at least 18 years of age but not yet 21 years of age is eligible for a license to carry a handgun if the person:

(1) is protected under:

(A) an active protective order issued under Title 4 (Protective Orders and Family Violence), Family Code, or Subchapter A (Protective Order for Victims of Sexual Assault or Abuse, Stalking, or Trafficking), Chapter 7B, Code of Criminal Procedure; or

(B) an active magistrate's order for emergency protection under Article 17.292 (Magistrate's Order for Emergency Protection), Code of Criminal Procedure; and

(2) meets the other eligibility requirements of Subsection (a) (relating to requirements for a person to be eligible for a license to carry a handgun) except for the minimum age required by federal law to purchase a handgun.

SECTION 2. Amends Subchapter H, Chapter 411, Government Code, by adding Section 411.1735, as follows:

Sec. 411.1735. PROTECTIVE ORDER DESIGNATION. (a) Authorizes a person who establishes eligibility for a license to carry a handgun under Section 411.172(i), notwithstanding any other provision of Subchapter H (License to Carry a Handgun), to only hold a license under Subchapter H that bears a protective order designation on the face of the license.

(b) Requires a person described by this section to submit a copy of the applicable court order described by Section 411.172(i)(1) with the application materials described by Section 411.174 (Application). Provides that the person's application is not considered complete for purposes of Subchapter H unless the application includes the documentation and materials required by this section.

(c) Provides that notwithstanding Section 411.183 (Expiration), a license that bears a protective order designation under this section is valid only until the date on which the applicable court order described by Section 411.172(i)(1) is rescinded or expires.

(d) Authorizes a holder of a license with a protective order designation under this section who becomes 21 years of age to apply for a license under Subchapter H that does not bear the designation by using the renewal procedure under Section 411.185 (License Renewal Procedure), regardless of whether the license that bears the designation has expired or is about to expire.

(e) Requires the public safety director to adopt rules establishing a process by which the Department of Public Safety of the State of Texas (DPS) periodically verifies a license holder's eligibility for a license to carry a handgun under Section 411.172(i) if the license holder's license bears a protective order designation under this section. Authorizes the rules to specify different intervals at which DPS is required to verify the license holder's eligibility based on the court order used to satisfy the eligibility requirement described by Section 411.172(i)(1).

SECTION 3. Amends Section 411.179(a), Government Code, to require that a license to carry a handgun include certain information, including if applicable, a protective order designation under Section 411.1735. Makes nonsubstantive changes.

SECTION 4. Amends Section 411.205, Government Code, as follows:

Sec. 411.205. REQUIREMENT TO DISPLAY LICENSE. Requires a license holder, if the license holder is carrying a handgun on or about the license holder's person when a magistrate or a peace officer demands that the license holder display identification, to display certain information, including if the license holder's handgun license bears a protective order designation, a copy of the applicable court order under which the license holder is protected. Makes nonsubstantive changes.

SECTION 5. Makes application of Subchapter H, Chapter 411, Government Code, as amended by this Act, prospective.

SECTION 6. Effective date: September 1, 2021.