

## HB 1927 proposed amendments discussed in Senate committee

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Topic	Analysis	Recommendation	Notes
<b>#1: Impairment</b>	Adds a prohibition for carrying any firearm while intoxicated – however, it is broader than current law, undefined / subjective, and placed in code in a way that could interfere with self-defense cases.	<b>Strongly Oppose / use our alternate amendment</b>	This needs to be defined, clear, and targeted for those who are impaired while carrying a handgun in a public place (with or without an LTC).  Our alternate amendment, available at <a href="http://txgoa.us/1927amd">txgoa.us/1927amd</a> – provides clarity and adds a Class A misdemeanor for anyone who is dangerously impaired while carrying a handgun in a public place.
<b>#2: \$0 LTC Fees</b>	Removes the fee requirement for the LTC application. Currently it is \$40, with discounts or free LTC for some groups. Applicants would still need to pay course fees and fingerprint fees.	<b>Strongly Oppose: POISON PILL</b>	Although we support this policy, this would be a <b>poison pill</b> to kill the bill. The amendment, while germane in the Senate, would not be germane in the House, leading to a point of order. <b>This would delay the bill and run out the clock on Constitutional Carry.</b>
<b>#3: Strike Dutton Amendment</b>	The Dutton amendment, added on the House floor, codifies current case law. Combined with the disarm clause already in the bill, it would allow officers to disarm an individual when required for safety but would require reasonable suspicion of a crime for an officer to detain someone carrying a firearm. This amendment <b>strikes</b> the Dutton amendment.	Oppose	We think it's helpful to codify current procedures to help prevent any groups from being unfairly targeted or subjected to discrimination simply because they're carrying a gun. We do not believe this codification would create anything different from current law enforcement policies and training.
<b>#4: Increased Penalties</b>	Raises penalty for a felon in possession of a firearm to a 2 <sup>nd</sup> -degree felony with a 5-year min. sentence and no possibility of community supervision. Currently the penalty is a 3 <sup>rd</sup> -degree felony (2-10 years jail). A 2 <sup>nd</sup> -degree felony gives up to a 20-year sentence.	Oppose	While we would <b>never</b> condone a prohibited person's possession of a firearm, we think it unreasonably harsh to give a possible 20-year jail sentence to someone for mere possession of a neutral object – when no harm was done, and when the person's felony conviction could have been decades ago for a non-violent crime (white collar, small drug possession). We would much prefer to <b>limit increased penalties to violent criminals.</b>
<b>#5: Strike Savings Clause</b>	Currently, HB 1927 as passed in the House and by the Senate committee, includes a "Savings Clause" that remedies the currently harsh law that criminalizes (or, in some cases, double-criminalizes) the mere act of walking across a threshold into a prohibited place currently in Penal Code 46.03 or 46.035 (consolidated in 46.03 in this bill). This Savings Clause keeps a person from being penalized until that person has received personal oral or written notice and refused to leave the property.	<b>Strongly Oppose</b>	<b>The Savings Clause must not be taken out of this bill.</b> It keeps from criminalizing (or, in some cases, double-criminalizing) the mere act of walking across a threshold. As the legislature has experienced, even some Members have mistakenly carried into one of the 46.02 prohibited places. It's unreasonably harsh to not give these people a chance to remedy the mistake.  <b>NOTE:</b> This provision has no bearing on private locations that choose to prohibit licensed carry with 30.06/30.07 signs or unlicensed carry with any sign that gives reasonable notice that firearms are prohibited.
<b>#6: DPS Safety Course</b>	Requires DPS to develop an online course in firearms safety and handling and post it on the DPS website.	Neutral	We strongly support <b>voluntary</b> firearms training. The current LTC curriculum outline on firearms safety and handling, produced by DPS, provides helpful information.
<b>Other: Rules for Point of Sale</b>	While we have not seen specific language, we have heard discussions of an amendment that would instruct DPS to create a rule requiring firearm point of sale locations to post a sign directing people to the online DPS firearms safety course.	<b>Strongly Oppose: POISON PILL</b>	Although we do not oppose this policy, this would be a <b>poison pill</b> to kill the bill. The amendment, while germane in the Senate, would not be germane in the House, leading to a point of order. <b>This would delay the bill and run out the clock on Constitutional Carry.</b>