

SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTY-THIRD DAY

(Continued)

(Wednesday, May 5, 2021)

AFTER RECESS

The Senate met at 10:40 a.m. and was called to order by the President.

President Pro Tempore Birdwell offered the invocation as follows:

Father, we come before Your throne asking for Your wisdom, Your grace, knowledge, discernment, but most of all thankful of heart, the great nation, the great state, the blessings that You have granted to us, for self governance, the liberties that You have granted to us and the ability to be collegial, family, discuss our issues and our differences with grace and humility. Lord, we thank You for these blessings, and we thank You for this great nation. We ask Your hand upon our leadership both national and state, have Your hand of safety upon them. Christ's name I pray. Amen.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, May 5, 2021 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 20

Murr

Relating to the release of defendants on bail.

HB 30

Talarico

Relating to educational programs provided by the Windham School District in the Texas Department of Criminal Justice for certain inmates.

HB 157

Rodriguez

Relating to requirements regarding an employee's normal weekly hours of work under the shared work unemployment compensation program.

HB 158 Thierry

Relating to a pilot program to provide Medicaid coverage of doula services.

HB 159 González, Mary

Relating to improving training and staff development for primary and secondary educators to enable them to more effectively serve all students.

HB 448 Bailes

Relating to the provision of certain eminent domain information to property owners through a landowner's bill of rights.

HB 652 Paul

Relating to notice of an animal's possible exposure in an animal shelter to certain communicable or infectious diseases.

HB 783 Cyrier

Relating to the powers and duties of the Parks and Wildlife Department regarding wind-powered energy devices; providing a civil penalty.

HB 957 Oliverson

Relating to local, state, and federal regulation of firearm suppressors.

HB 1225 Campos

Relating to an evaluation by the housing and health services coordination council of the 2-1-1 services provided by the Texas Information and Referral Network.

HB 1294 Guillen

Relating to an exemption from motor fuel taxes for certain fuel used by a rural transit district to provide public transportation.

HB 1416 Capriglione

Relating to business days for purposes of the public information law.

HB 1505 Paddie

Relating to attachments for broadband service on utility poles owned by an electric cooperative and establishing and funding a pole replacement program for deployment of certain broadband facilities.

HB 1698 Raney

Relating to an optional county fee on vehicle registration in certain counties to be used for transportation projects.

HB 1739 Romero, Jr.

Relating to certain contracts regarding airports and associated air navigation facilities operated by or on behalf of a local government.

HB 1973 Canales

Relating to the investigation of municipal fire fighters in certain municipalities.

HB 2000 Huberty

Relating to the funding of projects by the Texas Water Development Board to promote utility reliability, resiliency, efficiency, conservation, and demand reduction; authorizing the issuance of revenue bonds.

- HB 2025** Hunter
Relating to certain statutes and governmental actions that relate to the federal census.
- HB 2169** Sanford
Relating to the eligibility requirements for a license to carry a handgun.
- HB 2199** Parker
Relating to the establishment of the digital identity work group.
- HB 2219** Canales
Relating to the issuance of Texas Mobility Fund obligations.
- HB 2406** Davis
Relating to the qualifications of experts in certain health care liability claims.
- HB 2468** Thompson, Ed
Relating to programs established and funded under the Texas emissions reduction plan.
- HB 2505** Smith
Relating to creating the criminal offense of boating while intoxicated with a child passenger; changing the eligibility for deferred adjudication community supervision.
- HB 2667** Smithee
Relating to universal service fund assistance to high cost rural areas and the uniform charge that funds the universal service fund.
- HB 2702** Landgraf
Relating to the protective order registry maintained by the Office of Court Administration of the Texas Judicial System and the removal of certain vacated protective orders from the registry.
- HB 2716** King, Tracy O.
Relating to recommendations made by the Parks and Wildlife Department and intervention by the Parks and Wildlife Department in matters regarding certain permits.
- HB 2990** Morales Shaw
Relating to a requirement to make certain environmental and water use permit applications available online.
- HB 3012** Geren
Relating to charitable raffles conducted by the professional sports teams charitable foundations of organizations sanctioned by certain professional associations at rodeo venues.
- HB 3015** Hernandez
Relating to the public information law.
- HB 3037** Raymond
Relating to the regulation of referral agencies for senior living communities; providing a civil penalty.
- HB 3069** Holland

Relating to statutes of limitation and repose for certain claims involving the construction or repair of an improvement to real property or equipment attached to real property.

HB 3287 González, Mary

Relating to the provision of certain co-navigation services to persons who are deaf-blind.

HB 3502 Lambert

Relating to organization of, meetings of, and voting by condominium unit owners' associations and property owners' associations.

HB 3697 Hernandez

Relating to the eligibility for unemployment compensation of certain employees who leave the workplace to care for a minor child and to a requirement that the Texas Workforce Commission pilot the use of certain third-party employment and income information to assist with determining unemployment benefit eligibility.

HB 3948 King, Tracy O.

Relating to the production and regulation of hemp and consumable hemp products; authorizing a fee.

HB 4240 Raymond

Relating to local regulation to enforce child custody orders; authorizing a civil penalty.

HJR 2 Huberty

Proposing a constitutional amendment creating the State Utilities Reliability Fund and the State Utilities Reliability Revenue Fund to provide financial support for projects that enhance the reliability and resiliency of water, electric, and natural gas utilities, broadband providers, and power generation resources in this state.

HJR 140 Paddie

Proposing a constitutional amendment prohibiting the enactment of a law that imposes a tax on certain transactions that either convey a security or involve specified derivative contracts.

HJR 143 Geren

Proposing a constitutional amendment authorizing the professional sports team charitable foundations of organizations sanctioned by certain professional associations to conduct charitable raffles at rodeo venues.

SB 13 Birdwell Sponsor: King, Phil

Relating to state contracts with and investments in certain companies that boycott energy companies.
(Amended)

SB 346 Paxton Sponsor: Dutton

Relating to the participation of open-enrollment charter schools and eligible nonprofit organizations in the Jobs and Education for Texans (JET) Grant Program.
(Amended)

SB 567 Huffman Sponsor: Neave

Relating to the powers and duties of a domestic relations office.

SB 721 Schwertner Sponsor: Leman
Relating to the disclosure of appraisal reports in connection with the use of eminent domain authority.

SB 725 Schwertner Sponsor: Leman
Relating to the qualification of land for appraisal for ad valorem tax purposes as agricultural land and the liability for the additional tax imposed on such land if the use of the land changes as a result of a condemnation.

SB 1260 Birdwell Sponsor: Leman
Relating to the authority of the Railroad Commission of Texas to contract for the treatment of and sell drill cuttings.

SB 1338 Zaffirini Sponsor: Sanford
Relating to disclosure requirements for agreements consenting to municipal annexation.
(Amended)

SB 1809 Hancock Sponsor: Vo
Relating to the enforcement of insurance laws, including laws governing the unauthorized business of insurance; authorizing administrative penalties.

SB 1954 Hancock Sponsor: Oliverson
Relating to the pledge or encumbrance of an insurer's assets under the Asset Protection Act.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE RESOLUTION 343

Senator Hughes offered the following resolution:

WHEREAS, Martin Grelle, a Clifton native and a professional painter, has gained significant acclaim among Western art enthusiasts and collectors through his portrayals of life on the American frontier; and

WHEREAS, Mr. Grelle began drawing and painting at an early age, and when he was in high school, the two artists who would have a great influence on his career, James Boren and Melvin Warren, moved into the area; he benefited from the mentorship of James Boren, and he held his first solo exhibition at a local gallery within a year of graduating from high school in 1973; 47 years later, he has produced more than 30 solo exhibitions, including shows with the Texas Art Gallery in Dallas and with the Overland Gallery and Legacy Gallery in Scottsdale, Arizona; and

WHEREAS, Mr. Grelle's paintings feature cowboys, Native Americans, and cavalymen in scenes set against the unspoiled beauty of the Old West; he fulfilled a long-held dream when he was invited to join the Cowboy Artists of America in 1995, and that year, he was called upon to participate in the first Prix de West Invitational at the National Cowboy & Western Heritage Museum in Oklahoma City; since then, he has twice won the Prix de West Purchase Award and numerous other Buyers' Choice Awards, along with many silver and gold awards in the categories of oil, water solubles, and drawings; and

WHEREAS, For his lifetime achievements as an artist, Mr. Grelle was recognized with the Legacy Award by the Briscoe Western Art Museum in 2012 and with the Spirit of the West Award by the San Dimas Festival of Arts in 2016; his work has appeared at a host of invitational exhibitions across the country, including Masters of the American West at the Autry Museum in Los Angeles and the Quest for the West at the Eiteljorg Museum in Indianapolis, and he has been featured in such magazines as *Art of the West*, *Western Art Collector*, and *Western Art & Architecture*; and

WHEREAS, Mr. Grelle has been president of the Cowboy Artists of America, and he has served as a board member and president of the Joe Beeler Foundation, a CAA initiative that provides scholarship opportunities for artists seeking to improve their skills; and

WHEREAS, Through his stirring depictions of a bygone era, Martin Grelle has contributed to the rich artistic heritage of the Lone Star State, and his work is a source of joy to countless patrons and admirers of Western art; now, therefore, be it

RESOLVED, That the Senate of the 87th Texas Legislature hereby honor Martin Grelle for his artistic achievements and extend to him sincere best wishes for continued success; and, be it further

RESOLVED, That an official copy of this resolution be prepared for Mr. Grelle as an expression of high regard by the Texas Senate.

HUGHES
BIRDWELL

SR 343 was read and was adopted without objection.

GUEST PRESENTED

Senator Hughes was recognized and introduced to the Senate Martin Grelle.

The Senate welcomed its guest.

MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were referred to the Committee on Nominations:

May 5, 2021
Austin, Texas

TO THE SENATE OF THE EIGHTY-SEVENTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a member of the Finance Commission of Texas for a term to expire February 1, 2022:

Deborah S. "Debbie" Scanlon
Missouri City, Texas

(replacing Margaret M. "Molly" Curl of Richardson who resigned)

Respectfully submitted,

/s/Greg Abbott
Governor

May 5, 2021
Austin, Texas

TO THE SENATE OF THE EIGHTY-SEVENTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a member of the Real Estate Research Advisory Committee for a term to expire January 31, 2023:

Patrick Geddes
McKinney, Texas
(replacing Jingjing "JJ" Clemence of Sugar Land who resigned)

Respectfully submitted,

/s/Greg Abbott
Governor

May 5, 2021
Austin, Texas

TO THE SENATE OF THE EIGHTY-SEVENTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Council on Sex Offender Treatment for terms to expire February 1, 2027:

Ezio D. Leite
North Richland Hills, Texas
Emily G. Orozco-Crousen
Abilene, Texas

The individuals listed above are being reappointed.

Respectfully submitted,

/s/Greg Abbott
Governor

May 5, 2021
Austin, Texas

TO THE SENATE OF THE EIGHTY-SEVENTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a member of the State Board for Educator Certification for a term to expire February 1, 2027:

Rex W. Gore
Austin, Texas

(replacing Kyrsten M. Arbuckle of Austin who resigned)

Respectfully submitted,

/s/Greg Abbott
Governor

May 5, 2021
Austin, Texas

TO THE SENATE OF THE EIGHTY-SEVENTH LEGISLATURE, REGULAR SESSION:

On March 2, 2021, I submitted the name of Kyrsten M. Arbuckle for an appointment to the State Board for Educator Certification for a term to expire February 1, 2027.

Because she resigned, I hereby withdraw her nomination and request that the Senate return the appointment to me.

Respectfully submitted,

/s/Greg Abbott
Governor

SENATE RESOLUTION 362

Senator Menéndez offered the following resolution:

WHEREAS, Former Dallas Cowboys standout Drew Pearson has been selected for induction into the Pro Football Hall of Fame as a member of the Class of 2021; and

WHEREAS, Heralded for the integral role he played on the legendary Cowboy teams of the 1970s, Mr. Pearson will be officially inducted during Enshrinement Week in August; and

WHEREAS, Born in Newark, New Jersey, Drew Pearson first gained acclaim at South River High School, where he earned All-State honors on the gridiron and also excelled in baseball and basketball; at the University of Tulsa, he became the team's top pass catcher as a senior and ended his college career with 1,119 receiving yards and six touchdowns; and

WHEREAS, Though he was undrafted out of college, Mr. Pearson made the Dallas roster as a free agent in 1973; he burst on the scene as a rookie, finishing the regular season with 388 yards and two touchdowns and adding two TD catches in the postseason; quickly becoming the Cowboys' main pass-catching threat, he posted a team-high 62 receptions for 1,087 yards in 1974, the first of four straight seasons that he topped both categories among the Cowboy receivers; and

WHEREAS, A team captain and clutch performer who enjoyed great chemistry with quarterback Roger Staubach, Mr. Pearson recorded his most memorable touchdown in 1975 against Minnesota; hauling in a 50-yard Hail Mary strike from

Mr. Staubach, he lifted Dallas to victory in the divisional playoff game, and the team went on to play in Super Bowl X; in 1977, his 870 receiving yards were the most in the NFL, and he racked up 113 yards in the postseason as the Cowboys won Super Bowl XII, one of his three Super Bowl appearances; and

WHEREAS, Mr. Pearson spent his entire 11-year NFL career in Dallas and ranks fourth on the franchise's all-time list in catches and receiving yards and seventh in receiving touchdowns; he was an All-Pro and Pro Bowl selection on multiple occasions during his career and later became a member of the Dallas Cowboys Ring of Honor; and

WHEREAS, One of the most exciting "big-play" receivers in the history of the game, Drew Pearson has inspired generations of football fans across the Lone Star State and beyond, and he is indeed deserving of this prestigious accolade; now, therefore, be it

RESOLVED, That the Senate of the 87th Texas Legislature hereby congratulate Drew Pearson on his induction into the Pro Football Hall of Fame as a member of the Class of 2021 and extend to him sincere best wishes for the future; and, be it further

RESOLVED, That an official copy of this resolution be prepared for Mr. Pearson as an expression of high regard by the Texas Senate.

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| MENÉNDEZ | HALL | PAXTON |
| ALVARADO | HANCOCK | PERRY |
| BETTENCOURT | HINOJOSA | POWELL |
| BLANCO | HUFFMAN | SCHWERTNER |
| BUCKINGHAM | HUGHES | SELIGER |
| CAMPBELL | JOHNSON | SPRINGER |
| CREIGHTON | LUCIO | WHITMIRE |
| ECKHARDT | MILES | ZAFFIRINI |
| GUTIERREZ | NELSON | |

SR 362 was read.

On motion of Senator Bettencourt and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Menéndez, the resolution was adopted by a rising vote of the Senate.

GUEST PRESENTED

Senator Menéndez, joined by Senators West, Lucio, Campbell, Nelson, Paxton, and Bettencourt, was recognized and introduced to the Senate Drew Pearson, Pro Football Hall of Fame inductee.

The Senate welcomed its guest.

AT EASE

The President at 3:05 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 3:20 p.m. called the Senate to order as In Legislative Session.

HOUSE BILL 1927 ON SECOND READING

Senator Schwertner moved to suspend the regular order of business to take up for consideration **HB 1927** at this time on its second reading:

HB 1927, Relating to provisions governing the carrying of a firearm by a person who is 21 years of age or older and not otherwise prohibited by state or federal law from possessing the firearm and to other provisions related to the carrying, possessing, transporting, or storing of a firearm or other weapon; creating criminal offenses.

The motion prevailed by the following vote: Yeas 18, Nays 13.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

The bill was read second time.

Senator Schwertner offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1927** (senate committee printing) as follows:

(1) In SECTION 3 of the bill, in added Article 14.03(h)(2), Code of Criminal Procedure (page 2, lines 1 and 2), following "locker", insert "or other secure area" in each instance that it appears.

(2) In SECTION 16 of the bill, strike amended Section 229.001(b)(7), Local Government Code (page 5, lines 60 through 63), and substitute the following:

(7) regulate the carrying of a firearm by a person licensed to carry a handgun under Subchapter H, Chapter 411, Government Code, in accordance with Section 411.209, Government Code;

(3) In SECTION 22 of the bill, in amended Section 46.02(a-1), Penal Code (page 7, line 52), strike "younger than 21 years of age".

(4) In SECTION 22 of the bill, in amended Section 46.02(a-1)(1), Penal Code (page 7, line 57), between "the person" and "is", insert "is 21 years of age or older or".

The amendment to **HB 1927** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Schwertner offered the following amendment to the bill:

Floor Amendment No. 2

Amend **HB 1927** (senate committee printing) in SECTION 22 of the bill, by striking amended Section 46.02(a)(2), Penal Code (page 7, lines 44 through 45), and substituting the following:

(2) at the time of the offense:

(A) is younger than 21 years of age; or

(B) has been convicted of an offense under Section 22.01(a)(1), 22.05, 22.07, or 42.01(a)(7) or (8) committed in the five-year period preceding the date the instant offense was committed; and

The amendment to **HB 1927** was read.

Senator Blanco offered the following amendment to Floor Amendment No. 2:

Floor Amendment No. 3

Amend Floor Amendment No. 2 by Schwertner to **HB 1927** as follows:

(1) On page 1, line 9, by strike "and" and substitute "or".

(2) On page 1, add the following language:

(C) a felony for which the judgement contains an affirmative finding under Article 42.014, Code of Criminal Procedure; and

The amendment to Floor Amendment No. 2 to **HB 1927** was read and failed of adoption by the following vote: Yeas 13, Nays 18.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Question recurring on the adoption of Floor Amendment No. 2 to **HB 1927**, the amendment was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 4

Amend **HB 1927** (senate committee report) in SECTION 22 of the bill, by striking amended Section 46.02(a), Penal Code (page 7, lines 41 through 51), and substituting the following:

(a) A person commits an offense if [~~the person~~]:

(1) the person intentionally, knowingly, or recklessly carries on or about his or her person a handgun; [~~and~~]

(2) the person is not:

(A) on the person's own premises or premises under the person's control; or

(B) inside of or directly en route to a motor vehicle or watercraft that is owned by the person or under the person's control; and

(3) at the time of the offense the person:

(A) is younger than 21 years of age;

(B) is charged with a Class A or Class B misdemeanor or equivalent offense, an offense under Section 42.01 or equivalent offense, or a felony under an information or indictment;

(C) is a fugitive from justice for a felony or a Class A or Class B misdemeanor or equivalent offense; or

(D) has, in the five years preceding the offense, been convicted of a Class A or Class B misdemeanor or equivalent offense or been convicted of an offense under Section 42.01.

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| ZAFFIRINI | MENÉNDEZ |
| ALVARADO | MILES |
| ECKHARDT | POWELL |
| GUTIERREZ | WEST |
| HINOJOSA | WHITMIRE |
| JOHNSON | |

The amendment to **HB 1927** was read and failed of adoption by the following vote: Yeas 13, Nays 18.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Selinger, Springer, Taylor.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 5

Amend **HB 1927** (senate committee report) in SECTION 22 of the bill, by striking amended Section 46.02(a), Penal Code (page 7, lines 41 through 51), and substituting the following:

(a) A person commits an offense if the person:

(1) intentionally, knowingly, or recklessly carries on or about his or her person a handgun; ~~and~~

(2) is described by one or more of the following:

(A) is younger than 21 years of age at the time of the offense;

(B) has been convicted two times within the preceding 10-year period of an offense punishable as a Class B misdemeanor, or any higher category of offense, that involves the use of alcohol or a controlled substance as a statutory element of the offense; or

(C) is not eligible for a license to carry a handgun under Subchapter H, Chapter 411, Government Code, because the person is not capable of exercising sound judgment with respect to the proper use and storage of a handgun; and

(3) is not:

(A) on the person's own premises or premises under the person's control; or

(B) inside of or directly en route to a motor vehicle or watercraft that is owned by the person or under the person's control.

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| ZAFFIRINI | MENÉNDEZ |
| ALVARADO | MILES |
| ECKHARDT | POWELL |
| GUTIERREZ | WEST |
| HINOJOSA | WHITMIRE |
| JOHNSON | |

The amendment to **HB 1927** was read and failed of adoption by the following vote: Yeas 13, Nays 18.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Senator Hinojosa, on behalf of Senator Miles, offered the following amendment to the bill:

Floor Amendment No. 6

Amend **HB 1927** (senate committee report) by striking SECTION 14 of the bill, amending Section 42.042(e-2), Human Resources Code (page 5, lines 8 through 16), and renumbering subsequent SECTIONS of the bill accordingly.

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| MILES | MENÉNDEZ |
| ALVARADO | POWELL |
| ECKHARDT | WEST |
| GUTIERREZ | WHITMIRE |
| HINOJOSA | ZAFFIRINI |
| JOHNSON | |

The amendment to **HB 1927** was read.

Senator Hinojosa temporarily withdrew Floor Amendment No. 6.

Question: Shall Floor Amendment No. 6 to **HB 1927** be adopted?

Senator Birdwell offered the following amendment to the bill:

Floor Amendment No. 7

Amend **HB 1927** (senate committee printing) as follows:

(1) In the recital to SECTION 22 of the bill (page 7, lines 39-40), strike "Subsection (a-5)" and substitute "Subsections (a-5) and (a-6)".

(2) In SECTION 22 of the bill, after added Section 46.02(a-5), Penal Code (page 8, between lines 4 and 5), insert the following:

(a-6) A person commits an offense if the person:

(1) carries a handgun while the person is intoxicated; and

(2) is not:

(A) on the person's own property or property under the person's control or on private property with the consent of the owner of the property; or

(B) inside of or directly en route to a motor vehicle or watercraft:

(i) that is owned by the person or under the person's control; or

(ii) with the consent of the owner or operator of the vehicle or

watercraft.

The amendment to **HB 1927** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 7.

Senator Miles again offered the following amendment to the bill:

Floor Amendment No. 6

Question: Shall Floor Amendment No. 6 to **HB 1927** be adopted?

The amendment to **HB 1927** failed of adoption by the following vote: Yeas 13, Nays 18.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Senator Schwertner offered the following amendment to the bill:

Floor Amendment No. 8

Amend **HB 1927** (senate committee printing) as follows:

(1) In the recital to SECTION 22 of the bill (page 7, lines 39 and 40), strike "Subsection (a-5)" and substitute "Subsections (a-5), (a-6), (a-7), and (e)".

(2) In SECTION 22 of the bill, following added Section 46.02(a-5), Penal Code (page 8, between lines 4 and 5), insert the following:

(a-6) A person commits an offense if the person:

(1) intentionally, knowingly, or recklessly carries on or about his or her person a handgun;

(2) is not:

(A) on the person's own premises or premises under the person's control; or

(B) inside of or directly en route to a motor vehicle or watercraft that is owned by the person or under the person's control; and

(3) at the time of the offense, was prohibited from possessing a firearm under Section 46.04(a), (b), or (c).

(a-7) If conduct constituting an offense under Subsection (a-6) constitutes an offense under another provision of law, the actor may be prosecuted under Subsection (a-6) or under both provisions.

(3) In SECTION 22 of the bill, in amended Section 46.02(b), Penal Code (page 8, line 5), between "(d)" and the comma, insert "or (e)".

(4) In SECTION 22 of the bill, following amended Section 46.02(b), Penal Code (page 8, between lines 6 and 7), insert the following:

(e) An offense under Subsection (a-6) is:

(1) a felony of the second degree with a minimum term of imprisonment of five years, if the actor was prohibited from possessing a firearm under Section 46.04(a); or

(2) a felony of the third degree, if the actor was prohibited from possessing a firearm under Section 46.04(b) or (c).

(5) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Article 42A.054(a), Code of Criminal Procedure, is amended to read as follows:

(a) Article 42A.053 does not apply to a defendant adjudged guilty of an offense under:

(1) Section 15.03, Penal Code, if the offense is punishable as a felony of the first degree;

(2) Section 19.02, Penal Code (Murder);

(3) Section 19.03, Penal Code (Capital Murder);

(4) Section 20.04, Penal Code (Aggravated Kidnapping);

(5) Section 20A.02, Penal Code (Trafficking of Persons);

(6) Section 20A.03, Penal Code (Continuous Trafficking of Persons);

(7) Section 21.11, Penal Code (Indecency with a Child);

(8) Section 22.011, Penal Code (Sexual Assault);

(9) Section 22.021, Penal Code (Aggravated Sexual Assault);

(10) Section 22.04(a)(1), Penal Code (Injury to a Child, Elderly Individual, or Disabled Individual), if:

(A) the offense is punishable as a felony of the first degree; and

(B) the victim of the offense is a child;

(11) Section 29.03, Penal Code (Aggravated Robbery);

(12) Section 30.02, Penal Code (Burglary), if:

(A) the offense is punishable under Subsection (d) of that section; and

(B) the actor committed the offense with the intent to commit a felony

under Section 21.02, 21.11, 22.011, 22.021, or 25.02, Penal Code;

(13) Section 43.04, Penal Code (Aggravated Promotion of Prostitution);

(14) Section 43.05, Penal Code (Compelling Prostitution);

(15) Section 43.25, Penal Code (Sexual Performance by a Child); ~~or~~

(16) Section 46.02, Penal Code (Unlawful Carrying Weapons), if the offense is committed under Subsection (a-6) of that section and punishable under Subsection (e)(1) of that section; or

(17) Chapter 481, Health and Safety Code, for which punishment is increased under:

(A) Section 481.140 of that code (Use of Child in Commission of Offense); or

(B) Section 481.134(c), (d), (e), or (f) of that code (Drug-free Zones) if it is shown that the defendant has been previously convicted of an offense for which punishment was increased under any of those subsections.

The amendment to **HB 1927** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 8.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 9

Amend **HB 1927** (senate committee report), in SECTION 24 of the bill, in added Section 46.04(a-1), Penal Code (page 10, line 19), immediately between the underlined comma and "commits", by inserting the following:

or who participates in or with an organization that incites violence or otherwise engages in acts of insurrection or white nationalism,

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| ZAFFIRINI | MENÉNDEZ |
| ALVARADO | MILES |
| ECKHARDT | POWELL |
| GUTIERREZ | WEST |
| HINOJOSA | WHITMIRE |
| JOHNSON | |

The amendment to **HB 1927** was read and failed of adoption by the following vote: Yeas 13, Nays 18.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Senator Blanco offered the following amendment to the bill:

Floor Amendment No. 10

Amend **HB 1927** (senate committee report) in SECTION 24 of the bill as follows:

(1) In the recital (page 10, line 17), strike "Subsection (a-1)" and substitute "Subsections (a-1), (a-2), and (h)".

(2) On page 10, between lines 21 and 22, insert the following:

(a-2) A person commits an offense if the person possesses a firearm at any time after the person has been convicted of:

(1) a felony for which the judgment contains an affirmative finding under Article 42.014, Code of Criminal Procedure; or

(2) a felony under:

(A) Section 19.02;

(B) Section 19.03;

(C) Chapter 20;

(D) Chapter 20A;

(E) Section 22.01;

(F) Section 22.011;

(G) Section 22.02;

(H) Section 22.021;

(I) Section 22.04;

(J) Section 22.041;

(K) Section 25.07;

(L) Section 25.071;

(M) Section 25.072;

(N) Section 29.02;

(O) Section 29.03; or

(P) Section 42.072.

(3) In amended Section 46.04(e), Penal Code (page 10, line 22), between "Subsection (a)" and "is a felony", insert "or (a-2)".

(4) On page 10, between lines 24 and 25, insert the following:

(h) If conduct that constitutes an offense under Subsection (a-2) also constitutes an offense under Subsection (a), the actor may be prosecuted under Subsection (a) or (a-2), but not both.

The amendment to **HB 1927** was read and failed of adoption by the following vote: Yeas 13, Nays 18.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Senator Blanco offered the following amendment to the bill:

Floor Amendment No. 11

Amend **HB 1927** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Article 14.06(b), Code of Criminal Procedure, is amended to read as follows:

(b) A peace officer who is charging a person, including a child, with committing an offense that is a Class C misdemeanor, other than an offense under Section 49.02, Penal Code, may, instead of taking the person before a magistrate, issue a citation to the person that contains:

(1) written notice of the time and place the person must appear before a magistrate;

(2) the name and address of the person charged;

(3) the offense charged;

(4) information regarding the alternatives to the full payment of any fine or costs assessed against the person, if the person is convicted of the offense and is unable to pay that amount; and

(5) the following admonishment, in boldfaced or underlined type or in capital letters:

"If you are convicted of a misdemeanor offense involving violence where you are or were a spouse, intimate partner, parent, or guardian of the victim or are or were involved in another, similar relationship with the victim, it may be unlawful for you to possess or acquire [~~purchase~~] a firearm, including a handgun or long gun, or ammunition, pursuant to federal law under 18 U.S.C. Section 922(g)(9) or Section 46.04(b), Texas Penal Code. If you have any questions whether these laws make it illegal for you to possess or acquire [~~purchase~~] a firearm, you should consult an attorney. If you make a false statement to the court under oath relating to your possession or acquisition of a firearm or ammunition, you may be subject to prosecution for an offense under Section 37.02, Texas Penal Code."

SECTION ____ . Article 26.13, Code of Criminal Procedure, is amended by adding Subsection (a-1) to read as follows:

(a-1) Before accepting a plea of guilty or a plea of nolo contendere, the court shall admonish the defendant by using the following statement:

"If you are convicted of a felony offense, it may be unlawful for you to possess or acquire a firearm, including a handgun or long gun, or ammunition, pursuant to federal law under 18 U.S.C. Section 922(g)(1) or Section 46.04(a), Texas Penal Code. If you have any questions whether these laws make it illegal for you to possess or acquire a firearm, you should consult an attorney. If you make a false statement to the court under oath relating to your possession or acquisition of a firearm or ammunition, you may be subject to prosecution for an offense under Section 37.02, Texas Penal Code."

SECTION ____ . Article 27.14(e)(1), Code of Criminal Procedure, is amended to read as follows:

(e)(1) Before accepting a plea of guilty or a plea of nolo contendere by a defendant charged with a misdemeanor involving family violence, as defined by Section 71.004, Family Code, the court shall admonish the defendant by using the following statement:

"If you are convicted of a misdemeanor offense involving violence where you are or were a spouse, intimate partner, parent, or guardian of the victim or are or were involved in another, similar relationship with the victim, it may be unlawful for you to possess or acquire [~~purchase~~] a firearm, including a handgun or long gun, or ammunition, pursuant to federal law under 18 U.S.C. Section 922(g)(9) or Section 46.04(b), Texas Penal Code. If you have any questions whether these laws make it illegal for you to possess or acquire [~~purchase~~] a firearm, you should consult an attorney. If you make a false statement to the court under oath relating to your possession or acquisition of a firearm or ammunition, you may be subject to prosecution for an offense under Section 37.02, Texas Penal Code."

SECTION ____ . Article 42.0131, Code of Criminal Procedure, is amended to read as follows:

Art. 42.0131. ~~REQUIRED NOTICE REGARDING FIREARMS [FOR PERSONS CONVICTED OF MISDEMEANORS INVOLVING FAMILY VIOLENCE]~~. If a person is convicted of a misdemeanor involving family violence, as defined by Section 71.004, Family Code, or of a felony, the court shall notify the person of the fact that:

(1) it is unlawful for the person to possess or acquire [~~transfer~~] a firearm or ammunition; and

(2) a person who makes a false statement to the court under oath relating to the person's possession or acquisition of a firearm or ammunition is subject to prosecution for an offense under Section 37.02, Penal Code.

SECTION ____ . (a) Article 14.06, Code of Criminal Procedure, as amended by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

(b) Articles 26.13 and 27.14, Code of Criminal Procedure, as amended by this Act, apply to a plea of guilty or a plea of nolo contendere accepted by a court on or after the effective date of this Act, regardless of whether the offense for which the plea was accepted was committed before, on, or after that date.

(c) Article 42.0131, Code of Criminal Procedure, as amended by this Act, applies to a judgment of conviction entered on or after the effective date of this Act, regardless of whether the offense of which the defendant is convicted was committed before, on, or after that date.

The amendment to **HB 1927** was read and failed of adoption by the following vote: Yeas 13, Nays 18.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Senator Schwertner offered the following amendment to the bill:

Floor Amendment No. 12

Amend **HB 1927** (senate committee printing) as follows:

(1) In the recital to SECTION 17 of the bill (page 6, lines 10 through 11), strike "Subsections (d-3) and (f-4)" and substitute "Subsection (d-3)".

(2) In SECTION 17 of the bill, strike added Section 30.05(f-4), Penal Code (page 6, line 67 through page 7, line 13).

(3) Strike the recital to SECTION 25 of the bill (page 10, lines 25 through 27) and substitute the following:

SECTION 25. Sections 46.15(b) and (l), Penal Code, are amended to read as follows:

(4) In SECTION 25 of the bill, strike added Section 46.15(m), Penal Code (page 11, lines 25 through 35).

The amendment to **HB 1927** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 12 except as follows:

Nays: Buckingham.

Senator Schwertner offered the following amendment to the bill:

Floor Amendment No. 13

Amend **HB 1927** (senate committee printing) by striking the recital to SECTION 17 of the bill (page 6, lines 9-11) and substituting the following:

SECTION 17. Section 30.05, Penal Code, is amended by adding Subsections (c), (d-3), and (f-4) and amending Subsections (d) and (f) to read as follows:

(c) A person may provide notice that firearms are prohibited on the property by posting a sign at each entrance to the property that:

(1) includes language that is identical to or substantially similar to the following: "Pursuant to Section 30.05, Penal Code (criminal trespass), a person may not enter this property with a firearm";

(2) includes the language described by Subdivision (1) in both English and Spanish;

(3) appears in contrasting colors with block letters at least one inch in height; and

(4) is displayed in a conspicuous manner clearly visible to the public.

The amendment to **HB 1927** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 13.

Senator Schwertner offered the following amendment to the bill:

Floor Amendment No. 14

Amend **HB 1927** (senate committee printing) as follows:

(1) In the recital to SECTION 6 of the bill (page 3, line 27), strike "Section 411.02096" and substitute "Sections 411.02096 and 411.02097".

(2) In SECTION 6 of the bill, following added Section 411.02096, Government Code (page 3, between lines 47 and 48), insert the following:

Sec. 411.02097. FIREARM SAFETY. The department shall develop and post on the department's Internet website a course on firearm safety and handling. The course must be accessible to the public free of charge.

The amendment to **HB 1927** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 14.

Senator Miles offered the following amendment to the bill:

Floor Amendment No. 15

Amend **HB 1927** (senate committee report) as follows:

(1) In SECTION 29 of the bill providing the effective date (page 11, line 59), strike "This Act" and substitute "Except as otherwise provided by this Act, this Act".

(2) Add the following appropriately numbered SECTIONS to the bill and renumber the SECTIONS of the bill accordingly:

SECTION _____. Subchapter Z, Chapter 411, Government Code, is amended by adding Section 411.951 to read as follows:

Sec. 411.951. ONLINE HANDGUN SAFETY COURSE. (a) The department shall develop and make available on the department's Internet website a handgun safety course. The department may not charge a fee for taking the course.

(b) The department shall provide a certificate of completion to a person who has completed the course or otherwise enable the person to access electronically proof of completion in a form and manner prescribed by the department.

SECTION _____. Effective September 1, 2022, Section 46.02, Penal Code, is amended by adding Subsection (a-6) to read as follows:

(a-6) A person commits an offense if the person intentionally, knowingly, or recklessly carries a handgun in a public place. It is an exception to the application of this subsection that the person completed the handgun safety course developed by the Department of Public Safety under Section 411.951, Government Code, in the four-year period preceding the date the person carried the handgun in a public place.

SECTION _____. Not later than September 1, 2022, the Department of Public Safety shall develop and make available the handgun safety course required by Section 411.951, Government Code, as added by this Act.

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| ECKHARDT | WEST |
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| HINOJOSA | ZAFFIRINI |
| JOHNSON | |

The amendment to **HB 1927** was read and failed of adoption by the following vote: Yeas 13, Nays 18.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Senator Eckhardt offered the following amendment to the bill:

Floor Amendment No. 16

Amend **HB 1927** (senate committee report) in SECTION 6 of the bill as follows:

(1) In added Section 411.02096(a), Government Code (page 3, between lines 35 and 36), add the following appropriately numbered subdivisions to that subsection and renumber subsequent subdivisions of that subsection accordingly:

() the number of criminal and accidental shootings that occurred in this state;

() the number of encounters between a law enforcement officer and a person who was in unlawful possession of a firearm that occurred in this state;

() the total number of persons in this state who are prohibited from possessing a firearm under state or federal law, including the number of persons:

(A) convicted of a felony under Section 46.04, Penal Code;

(B) convicted of an offense under Section 22.01, Penal Code, that is punishable as a Class A misdemeanor and that involves a member of the person's family or household;

(C) subject to an order described by Section 46.04(c), Penal Code; and

(D) who are prohibited from possessing a firearm under 18 U.S.C. Section 922(g), including persons adjudicated to be mentally incompetent;

(2) Strike added Section 411.02096(d), Government Code (page 3, line 47).

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| GUTIERREZ | WEST |

HINOJOSA
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WHITMIRE
ZAFFIRINI

The amendment to **HB 1927** was read and failed of adoption by the following vote: Yeas 13, Nays 18.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Senator Blanco offered the following amendment to the bill:

Floor Amendment No. 17

Amend **HB 1927** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____. Article 66.252, Code of Criminal Procedure, is amended by amending Subsection (d) and adding Subsection (e-1) to read as follows:

(d) Except as provided by Subsections [Subsection] (e) and (e-1) or as otherwise required by applicable state law or rule, information or data required by this chapter to be reported to the Department of Public Safety or the Texas Department of Criminal Justice shall be reported promptly but not later than the 30th day after the date on which the information or data is received by the agency responsible for reporting it.

(e-1) A clerk of court shall report to the Department of Public Safety the dispositions of criminal cases in the court not later than the fifth business day after the date of each disposition. Each month, the department shall aggregate on a county-wide basis information relating to the timeliness of the dispositions reported for that month by the clerks of court in each county under this subsection and shall determine the corresponding percentage of case dispositions that were timely reported for that county for that period.

SECTION ____. Article 66.402, Code of Criminal Procedure, is amended to read as follows:

Art. 66.402. CERTIFICATION REQUIRED FOR ALLOCATION OF CERTAIN GRANT MONEY. (a) Before allocating money to a county from any federal or state grant program for the enhancement of criminal justice programs, an agency of the state must certify that, using all or part of the allocated money, the county has taken or will take all action necessary to provide the Department of Public Safety and the Texas Department of Criminal Justice any criminal history records maintained by the county in the manner specified for purposes of those departments.

(b) Before allocating grant money to a county under Chapter 772, Government Code, the criminal justice division must certify that the county consistently reports to the Department of Public Safety not less than 90 percent of the dispositions of criminal cases in the county not later than the fifth business day after the date of the disposition, as determined from reports submitted to the department by clerks of the

court in that county under Article 66.252(e-1). On request of the division, the department shall provide to the division the applicable information aggregated for a county under that subsection.

The amendment to **HB 1927** was read and failed of adoption by the following vote: Yeas 13, Nays 18.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Senator Schwertner offered the following amendment to the bill:

Floor Amendment No. 18

Amend **HB 1927** (senate committee printing) by striking SECTION 4 of the bill (page 2, line 10 through page 3, line 19) and SECTION 10 of the bill (page 4, lines 32 through 38) and renumbering subsequent SECTIONS of the bill accordingly.

The amendment to **HB 1927** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 18.

Senator Gutierrez offered the following amendment to the bill:

Floor Amendment No. 19

Amend **HB 1927** (senate committee printing) as follows:

(1) In SECTION 16 of the bill, in amended Section 229.001(b)(9), Local Government Code (page 6, line 4), following the semicolon, strike "or" and substitute "[~~or~~]".

(2) In SECTION 16 of the bill, in amended Section 229.001(b)(10), Local Government Code (page 6, line 8), between "duties" and the period, insert the following:

; or

(11) regulate the carrying of a handgun by a person by adopting an ordinance under Section 411.2035, Government Code

(3) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter H, Chapter 411, Government Code, is amended by adding Section 411.2035 to read as follows:

Sec. 411.2035. LOCAL REGULATION OF CARRYING HANDGUN. The commissioners court of a county or the governing body of a municipality may enter an order or adopt an ordinance prohibiting a person from carrying a handgun within the boundaries of the county or municipality unless the person:

(1) holds a license issued under this subchapter; or

(2) carries the handgun in accordance with Section 46.15, Penal Code.

SECTION _____. Section 236.002(c), Local Government Code, is amended to read as follows:

(c) Subsection (a) does not affect the authority of a county to:

(1) require a resident or public employee to be armed for personal or national defense, law enforcement, or other purpose under other law;

(2) regulate the discharge of firearms or air guns in accordance with Section 235.022;

(3) regulate the carrying of a firearm by a person licensed to carry a handgun under Subchapter H, Chapter 411, Government Code, in accordance with Section 411.209, Government Code;

(4) except as provided by Subsection (d), adopt or enforce a generally applicable land use regulation, fire code, or business regulation; ~~or~~

(5) except as provided by Subsection (e), regulate or prohibit an employee's carrying or possession of a firearm, firearm accessory, or ammunition in the course of the employee's official duties; or

(6) regulate the carrying of a handgun by a person by entering an order under Section 411.2035, Government Code.

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| GUTIERREZ | MENÉNDEZ |
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| HINOJOSA | WHITMIRE |
| JOHNSON | ZAFFIRINI |

The amendment to **HB 1927** was read and failed of adoption by the following vote: Yeas 13, Nays 18.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Senator Eckhardt offered the following amendment to the bill:

Floor Amendment No. 20

Amend **HB 1927** (senate committee printing) as follows:

(1) In the recital to SECTION 23 of the bill (page 8, line 9), between "(a-4)," and "and (g-2)", insert "(a-5)".

(2) In SECTION 23 of the bill, after added Section 46.03(a-4), Penal Code (page 9, between lines 36 and 37), insert the following:

(a-5) A person commits an offense if the person carries a firearm on property in the Capitol Complex, as defined by Section 411.061, Government Code, regardless of whether the person holds a license to carry a handgun issued under Subchapter H, Chapter 411, Government Code.

(3) In SECTION 23 of the bill, in added Section 46.03(g-2), Penal Code (page 10, line 14), strike "or (a-4)" and substitute "(a-4), or (a-5)".

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| ALVARADO | WEST |
| GUTIERREZ | WHITMIRE |

HINOJOSA
JOHNSON

ZAFFIRINI

The amendment to **HB 1927** was read.

Senator Eckhardt withdrew Floor Amendment No. 20.

Senator Miles offered the following amendment to the bill:

Floor Amendment No. 21

Amend **HB 1927** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 411.172(a), Government Code, is amended to read as follows:

(a) A person is eligible for a license to carry a handgun if the person:

(1) is a legal resident of this state for the six-month period preceding the date of application under this subchapter or is otherwise eligible for a license under Section 411.173(a);

(2) is at least 21 years of age;

(3) has not been convicted of a felony;

(4) is not charged with the commission of a Class A or Class B misdemeanor or equivalent offense, or of an offense under Section 42.01, Penal Code, or equivalent offense, or of a felony under an information or indictment;

(5) is not a fugitive from justice for a felony or a Class A or Class B misdemeanor or equivalent offense;

(6) is not a chemically dependent person;

(7) is not incapable of exercising sound judgment with respect to the proper use and storage of a handgun;

(8) has not, in the five years preceding the date of application, been convicted of a Class A or Class B misdemeanor or equivalent offense or of an offense under Section 42.01, Penal Code, or equivalent offense;

(9) is fully qualified under applicable federal and state law to purchase a handgun;

(10) has not been finally determined to be delinquent in making a child support payment administered or collected by the attorney general;

(11) has not been finally determined to be delinquent in the payment of a tax or other money collected by the comptroller, the tax collector of a political subdivision of the state, or any agency or subdivision of the state;

(12) is not currently restricted under a court protective order or subject to a restraining order affecting the spousal relationship, other than a restraining order solely affecting property interests;

(13) has not, in the 10 years preceding the date of application, been adjudicated as having engaged in delinquent conduct violating a penal law of the grade of felony; ~~and~~

(14) has not made any material misrepresentation, or failed to disclose any material fact, in an application submitted pursuant to Section 411.174; and

(15) does not pose a public safety risk.

SECTION _____. Sections 411.177(a) and (b), Government Code, are amended to read as follows:

(a) The department may, at the department's discretion, [~~shall~~] issue a license to carry a handgun to an applicant if the applicant meets all the eligibility requirements and submits all the application materials. The department shall administer the licensing procedures in good faith [~~so that any applicant who meets all the eligibility requirements and submits all the application materials shall receive a license~~]. The department may not deny an application on the basis of a capricious or arbitrary decision by the department.

(b) The department shall, not later than the 60th day after the date of the receipt by the director's designee of the completed application materials:

(1) issue the license;

(2) notify the applicant in writing that the application was denied:

(A) on the grounds that the applicant failed to qualify under the criteria listed in Section 411.172;

(B) based on the affidavit of the director's designee submitted to the department under Section 411.176(c); [~~or~~]

(C) based on the affidavit of the qualified handgun instructor submitted to the department under Section 411.188(k); or

(D) at the discretion of the department; or

(3) notify the applicant in writing that the department is unable to make a determination regarding the issuance or denial of a license to the applicant within the 60-day period prescribed by this subsection and include in that notification an explanation of the reason for the inability and an estimation of the amount of time the department will need to make the determination.

SECTION _____. Section 411.185(e), Government Code, is amended to read as follows:

(e) The department may [~~shall~~] renew the license of a license holder who meets all the eligibility requirements to continue to hold a license and submits all the renewal materials described by Subsection (a). Not later than the 45th day after receipt of the renewal materials, the department shall issue the renewed license or notify the license holder in writing that the department denied the license holder's renewal application.

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| MILES | MENÉNDEZ |
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| JOHNSON | |

The amendment to **HB 1927** was read and failed of adoption by the following vote: Yeas 13, Nays 18.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Senator Eckhardt offered the following amendment to the bill:

Floor Amendment No. 22

Amend **HB 1927** (senate committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. The heading to Chapter 95A, Civil Practice and Remedies Code, is amended to read as follows:

CHAPTER 95A. ACTIONS INVOLVING THE CARRYING OF FIREARMS
~~[HANDGUNS ON CERTAIN PROPERTY]~~

SECTION _____. Chapter 95A, Civil Practice and Remedies Code, is amended by adding Section 95A.0002 to read as follows:

Sec. 95A.0002. LIABILITY OF PERSON CARRYING FIREARM WITHOUT LICENSE. A person who carries a firearm in a public place is strictly liable for actual damages for personal injury, death, or property damage arising from the discharge of the person's firearm unless at the time the discharge occurs the person:

(1) is licensed to carry a handgun under Subchapter H, Chapter 411, Government Code; or

(2) carries the firearm in accordance with Section 46.15, Penal Code.

SECTION _____. Section 95A.0002, Civil Practice and Remedies Code, as added by this Act, applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before the effective date of this Act is governed by the law applicable to the cause of action immediately before that date, and that law is continued in effect for that purpose.

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| HINOJOSA | ZAFFIRINI |
| JOHNSON | |

The amendment to **HB 1927** was read and failed of adoption by the following vote: Yeas 13, Nays 18.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Senator Blanco offered the following amendment to the bill:

Floor Amendment No. 23

Amend **HB 1927** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 2002, Insurance Code, is amended by adding Section 2002.007 to read as follows:

Sec. 2002.007. PROOF OF LOSS FOR FIREARM COVERAGE. (a) In this section, "personal property insurance" means insurance against damage to or loss of tangible personal property, including coverage provided in a homeowners insurance policy, residential fire and allied lines insurance policy, or farm and ranch owners insurance policy.

(b) This section applies to each insurer that provides personal property insurance in this state, including a county mutual insurance company, farm mutual insurance company, Lloyd's plan, and reciprocal or interinsurance exchange.

(c) A personal property insurance policy that includes firearm coverage must provide that a report of the loss or theft of a covered firearm submitted to a peace officer or law enforcement agency on or before the 10th day after the date the policyholder became aware the firearm was lost or stolen is sufficient proof of loss for the firearm.

SECTION _____. Section 2002.007, Insurance Code, as added by this Act, applies only to an insurance policy delivered, issued for delivery, or renewed on or after January 1, 2022.

The amendment to **HB 1927** was read and failed of adoption by the following vote: Yeas 13, Nays 18.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Senator Menéndez offered the following amendment to the bill:

Floor Amendment No. 24

Amend **HB 1927** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Title 6, Business & Commerce Code, is amended by adding Chapter 205 to read as follows:

CHAPTER 205. REGULATION OF PRIVATE FIREARM TRANSFERS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 205.001. DEFINITIONS. In this chapter:

(1) "Firearm" has the meaning assigned by Section 46.01, Penal Code.

(2) "Physician" means a person licensed to practice medicine in this state.

SUBCHAPTER B. REQUIREMENTS FOR PRIVATE FIREARM TRANSFERS

Sec. 205.051. DOCUMENTATION OF MENTAL HEALTH CHECK REQUIRED FOR PRIVATE TRANSFER OF FIREARM. (a) On request of a person, a physician shall conduct a mental health evaluation of the person and certify, in the form and manner prescribed by the Department of Public Safety, whether the person is

prohibited from lawfully possessing a firearm on the basis of the person's mental health. The certification must include the date on which the mental health evaluation was performed.

(b) A physician may certify under Subsection (a) that a person is not prohibited from lawfully possessing a firearm only if the person:

(1) has never been committed to a mental hospital or other inpatient or residential facility as a result of mental illness; or

(2) has been committed to a mental hospital or other inpatient or residential facility as a result of mental illness, but is able to demonstrate to the physician that the person no longer suffers from the mental illness in a manner that would prohibit the person from lawfully possessing a firearm.

(c) A person may not sell or otherwise transfer a firearm to another person unless, before the firearm is delivered, the person to whom the firearm is being sold or transferred presents a physician's certification described by Subsection (a) that:

(1) certifies that the person received a mental health evaluation described by Subsection (a) and that a physician determined the person is not prohibited from lawfully possessing a firearm; and

(2) indicates the person received the mental health evaluation within the four-year period preceding the date of the instant sale or transfer.

(d) A person who violates Subsection (c) commits an offense. An offense under this subsection is a Class C misdemeanor.

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| ALVARADO | MILES |
| ECKHARDT | WEST |
| GUTIERREZ | WHITMIRE |
| HINOJOSA | ZAFFIRINI |

The amendment to **HB 1927** was read and failed of adoption by the following vote: Yeas 13, Nays 18.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Senator Blanco offered the following amendment to the bill:

Floor Amendment No. 25

Amend **HB 1927** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Title 6, Business & Commerce Code, is amended by adding Chapter 205 to read as follows:

CHAPTER 205. REGULATION OF PRIVATE FIREARM TRANSFERS
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 205.001. DEFINITIONS. In this chapter:

(1) "Firearm" has the meaning assigned by Section 46.01, Penal Code.

(2) "Licensed firearms dealer" means a person who is licensed as a firearms dealer under 18 U.S.C. Section 923.

SUBCHAPTER B. NATIONAL INSTANT CRIMINAL BACKGROUND CHECK
FOR PRIVATE FIREARM TRANSFERS

Sec. 205.051. NATIONAL INSTANT CRIMINAL BACKGROUND CHECK REQUIRED FOR PRIVATE TRANSFER OF FIREARM. A person may not sell or otherwise transfer a firearm to another person unless:

(1) the person is a licensed firearms dealer;
(2) the person sells or transfers the firearm to a licensed firearms dealer; or
(3) before the firearm is delivered to the person to whom the firearm is being sold or transferred, the person selling or transferring the firearm delivers the firearm to a licensed firearms dealer to retain possession of the firearm until the dealer conducts a national instant criminal background check in the manner required by 18 U.S.C. Section 922 and verifies that the person to whom the firearm is being sold or transferred may lawfully possess a firearm.

Sec. 205.052. DUTIES OF LICENSED FIREARMS DEALER. (a) If a licensed firearms dealer receives a firearm under Section 205.051(3), the dealer shall conduct a national instant criminal background check in the manner required by 18 U.S.C. Section 922 to verify that the person to whom the firearm is being sold or transferred may lawfully possess a firearm.

(b) If a licensed firearms dealer determines that the person to whom the firearm is being sold or transferred may not lawfully possess a firearm, the dealer shall return the firearm to the person selling or transferring the firearm.

(c) If a licensed firearms dealer determines that the person to whom the firearm is being sold or transferred may lawfully possess a firearm, the dealer shall transfer the firearm as directed by the person selling or transferring the firearm.

(d) A licensed firearms dealer to whom a firearm is delivered under Section 205.051(3) may collect a reasonable fee from the person who is selling or transferring the firearm.

Sec. 205.053. EXCEPTION. This subchapter does not apply to:

(1) a transfer of a firearm by a person who is not a licensed firearms dealer to a person who is known by the transferor before the date of the transfer; or

(2) a sale or other transfer of a firearm by the owner of the firearm if the transferor and the transferee are related within the third degree by consanguinity or within the second degree by affinity as determined under Chapter 573, Government Code.

Sec. 205.054. OFFENSE. A person who violates this subchapter commits an offense. An offense under this section is a Class A misdemeanor.

BLANCO
WEST

The amendment to **HB 1927** was read and failed of adoption by the following vote: Yeas 13, Nays 18.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Senator Gutierrez offered the following amendment to the bill:

Floor Amendment No. 26

Amend **HB 1927** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____. Chapter 418, Government Code, is amended by adding new section 418.014A to read as follows:

Sec. 418.014A. DECLARATION OF A WEAPONS-RELATED STATE OF DISASTER. (a) The governor by executive order or proclamation shall declare a statewide weapons-related state of disaster if the governor finds a mass shooting has occurred.

(b) In this section, "mass shooting" means a person's discharge of a firearm to cause serious bodily injury or death, or to attempt to cause serious bodily injury or death, to four or more persons:

(A) during the same criminal transaction; or

(B) during different criminal transactions but pursuant to the same scheme or course of conduct.

(c) A state of disaster may not continue for more than the later of 30 days or 30 days after the last incident in the state of Texas of a mass shooting. The legislature by law may terminate a state of disaster at any time. On termination by the legislature, the governor shall issue an executive order ending the state of disaster.

(d) An executive order or proclamation issued under this section must include:

(1) a description of the nature of the disaster;

(2) mandate that a person commits an offense if the person intentionally, knowingly, or recklessly carries on or about his or her person a handgun and the handgun is in plain view, unless the person is licensed to carry a handgun under Subchapter H, Chapter 411, Government Code, and the handgun is carried in a shoulder or belt holster; and

(3) a description of the conditions that have brought the state of disaster about or made possible the termination of the state of disaster.

(e) An executive order or proclamation shall be disseminated promptly by means intended to bring its contents to the attention of the general public. An order or proclamation shall be filed promptly with the division, the secretary of state, and the county clerk or city secretary in each area to which it applies unless the circumstances attendant on the disaster prevent or impede the filing.

The amendment to **HB 1927** was read and failed of adoption by the following vote: Yeas 13, Nays 18.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Senator West offered the following amendment to the bill:

Floor Amendment No. 27

Amend **HB 1927** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Chapter 7B, Code of Criminal Procedure, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. EXTREME RISK PROTECTIVE ORDER

Art. 7B.151. DEFINITIONS. In this subchapter:

(1) "Bodily injury" and "serious bodily injury" have the meanings assigned by Section 1.07, Penal Code.

(2) "Family," "family violence," and "household" have the meanings assigned by Chapter 71, Family Code.

(3) "Firearm" has the meaning assigned by Section 46.01, Penal Code.

Art. 7B.152. APPLICATION FOR EXTREME RISK PROTECTIVE ORDER.

(a) An application for a protective order under this subchapter may be filed by:

(1) a member of the respondent's family or household;

(2) a parent, guardian, or conservator of a person who is under 18 years of age and a member of the respondent's family or household; or

(3) a prosecuting attorney acting:

(A) on behalf of a person described by Subdivision (1) or (2); or

(B) at the request of a peace officer.

(b) An application must:

(1) include:

(A) detailed allegations, based on personal knowledge of a person described by Subsection (a)(1) or (2) or of a peace officer, regarding any dangerous behavior or conduct exhibited by the respondent, including any behavior or conduct related to the respondent's use of firearms;

(B) any relevant medical or mental health information concerning the respondent, including copies of relevant medical or mental health records, if available;

(C) information concerning the quantity, type, and location of any firearms the applicant believes to be in the respondent's possession or control, if any;

(D) any other relevant facts indicating a need for a protective order under this subchapter;

(E) a statement that the applicant believes the respondent poses an immediate and present danger of causing bodily injury, serious bodily injury, or death to any person, including the respondent, as a result of the respondent's access to firearms; and

(F) for an applicant described by Subsection (a)(3), a statement that the applicant provided notice under Subsection (d) or that the applicant intends to provide that notice promptly and indicating the manner in which the notice is to be provided; and

(2) be signed by the applicant under an oath that, to the knowledge and belief of the applicant, the facts and circumstances contained in the application are true.

(c) An application for a protective order under this subchapter may be filed in a district court, juvenile court having the jurisdiction of a district court, statutory county court, or constitutional county court in the county in which the applicant or the respondent resides.

(d) An applicant described by Subsection (a)(3), before filing an application under this subchapter or promptly following filing the application, shall make a good faith attempt to notify a member of the respondent's family or household and any other person that the applicant believes may be at risk as a result of the respondent's dangerous behavior or conduct of:

(1) the application filed or the applicant's intent to file an application under this subchapter; and

(2) available mental health, family violence, and counseling resources.

Art. 7B.153. CONFIDENTIALITY OF CERTAIN INFORMATION. On receiving an application containing specific medical or mental health information concerning the respondent, the court shall order the clerk to:

(1) strike the information from the public records of the court; and

(2) maintain a confidential record of the information for use only by the court.

Art. 7B.154. TEMPORARY EX PARTE ORDER. (a) If the court finds from the information contained in an application for a protective order under this subchapter that there is reasonable cause to believe that the respondent poses an immediate and present danger of causing bodily injury, serious bodily injury, or death to any person, including the respondent, as a result of the respondent's access to firearms, the court, without further notice to the respondent and without a hearing, may issue a temporary ex parte order prohibiting the respondent from purchasing, owning, possessing, or controlling a firearm.

(b) In a temporary ex parte order, the court may order the respondent to:

(1) relinquish, without delay, any firearms owned by or in the actual or constructive possession or control of the respondent to a law enforcement agency for holding in the manner provided by Article 18.192; and

(2) if applicable, surrender to the court the respondent's license to carry a handgun issued under Subchapter H, Chapter 411, Government Code.

Art. 7B.155. HEARING; ISSUANCE OF PROTECTIVE ORDER. (a) Not later than the 14th day after the later of the date an application is filed or the date a temporary ex parte order is issued, the court shall hold a hearing on the issuance of the protective order.

(b) The court shall provide personal notice of the hearing to the respondent.

(c) In determining whether to issue a protective order under this article, the court:

(1) shall consider:

(A) any relevant medical or mental health information concerning the respondent;

(B) any history of threats or acts of violence by the respondent directed at any person, including the respondent;

(C) any history of the respondent using, attempting to use, or threatening to use physical force against another person;

(D) any recent violation by the respondent of an order issued:

(i) under another provision of this chapter or under Article 17.292;

(ii) under Section 6.504 or Chapter 85, Family Code;

(iii) under Chapter 83, Family Code, if the temporary ex parte order has been served on the respondent; or

(iv) by another jurisdiction as provided by Chapter 88, Family Code;

(E) any arrest or conviction of the respondent for:

(i) an offense under Section 42.072, Penal Code; or

(ii) a misdemeanor offense involving violence, including family violence;

(F) any conviction of the respondent for an offense under Section 42.09, 42.091, or 42.092, Penal Code; and

(G) evidence related to the respondent's abuse of a controlled substance or alcohol, including mitigating evidence of any treatment for or recovery from abusing a controlled substance or alcohol; and

(2) may consider any other relevant factor including:

(A) any previous violation by the respondent of an order described by Subdivision (1)(D); and

(B) evidence regarding the respondent's recent acquisition of firearms, ammunition, or other deadly weapons.

(d) At the close of the hearing, if the court finds by clear and convincing evidence that the respondent poses an immediate and present danger of causing bodily injury, serious bodily injury, or death to any person, including the respondent, as a result of the respondent's access to firearms, the court shall issue a protective order that includes a statement of the required finding.

(e) If the court does not make the finding described by Subsection (d), the court shall, as applicable, immediately rescind any temporary ex parte order issued under Article 7B.154 and return the respondent's license to carry a handgun.

Art. 7B.156. CONTENTS OF PROTECTIVE ORDER. In a protective order issued under Article 7B.155, the court shall:

(1) prohibit the person who is subject to the order from purchasing, owning, possessing, or controlling a firearm for the duration of the order;

(2) order the person to:

(A) relinquish, without delay, any firearms owned by or in the actual or constructive possession or control of the person to a law enforcement agency for holding in the manner provided by Article 18.192; and

(B) if applicable, surrender to the court the person's license to carry a handgun issued under Subchapter H, Chapter 411, Government Code; and

(3) suspend a license to carry a handgun issued under Subchapter H, Chapter 411, Government Code, that is held by the person.

Art. 7B.157. DURATION OF PROTECTIVE ORDER. (a) A protective order issued under Article 7B.155 is effective until the first anniversary of the date the order was issued.

(b) The court may renew a protective order issued under Article 7B.155 for a period not to exceed one year after the order's original expiration date. Before renewing the order the court must hold a hearing and provide personal notice of the hearing to the person who is the subject of the order.

(c) A person who is the subject of a protective order may file a motion not earlier than the 91st day after the date on which the order was initially issued or renewed, as applicable, requesting that the court review the order and determine whether there is a continuing need for the order. After a hearing on the motion, if the court fails to make the finding that there is no continuing need for the order, the order remains in effect until the date the order expires as provided by this article.

(d) At a hearing to renew or rescind a protective order under this article, the court shall consider the factors described by Article 7B.155(c).

Art. 7B.158. NOTICE TO DEPARTMENT OF PUBLIC SAFETY. (a) Not later than the 30th day after the date a protective order is issued under Article 7B.155, the clerk of the issuing court shall provide the following to the Department of Public Safety:

(1) the complete name, race, and sex of the person who is the subject of the order;

(2) any known identifying number of the person, including a social security number, driver's license number, or state identification number;

(3) the person's date of birth;

(4) if surrendered to the court, the person's license to carry a handgun issued under Subchapter H, Chapter 411, Government Code; and

(5) a copy of the order suspending the person's license to carry a handgun under Subchapter H, Chapter 411, Government Code.

(b) On receipt of an order suspending a license to carry a handgun, the Department of Public Safety shall:

(1) record the suspension of the license in the records of the department;

(2) report the suspension to local law enforcement agencies, as appropriate;

and

(3) if the license was not surrendered to the court, demand surrender of the suspended license from the license holder.

(c) Not later than the 30th day after the date the protective order expires under Article 7B.157, the clerk of the issuing court shall notify the Department of Public Safety of the expiration.

Art. 7B.159. APPLICATION OF OTHER LAW. Except as otherwise provided by this subchapter and to the extent applicable, Title 4, Family Code, applies to a protective order issued under this subchapter.

SECTION ____ . Chapter 18, Code of Criminal Procedure, is amended by adding Article 18.192 to read as follows:

Art. 18.192. HOLDING AND DISPOSITION OF FIREARM RELINQUISHED UNDER EXTREME RISK PROTECTIVE ORDER. (a) A law enforcement officer who takes possession of a firearm from a person who is the

subject of an extreme risk protective order issued under Subchapter D, Chapter 7B, shall immediately provide the person a written copy of the receipt for the firearm and a written notice of the procedure for the return of a firearm under this article.

(b) Not later than the seventh day after the date a firearm subject to disposition under this article is received, the law enforcement agency holding the firearm shall notify the court that issued the extreme risk protective order that the person who is the subject of the order has relinquished the firearm.

(c) Not later than the 30th day after the date the extreme risk protective order is rescinded or expires, the clerk of the court shall notify the law enforcement agency of the rescission or expiration.

(d) Not later than the 30th day after the date the law enforcement agency holding a firearm subject to disposition under this article receives the notice described by Subsection (c), the law enforcement agency shall conduct a check of state and national criminal history record information to verify whether the person may lawfully possess a firearm under 18 U.S.C. Section 922(g) and under the law of this state.

(e) If the check conducted under Subsection (d) verifies that the person may lawfully possess a firearm, the law enforcement agency shall provide to the person by certified mail written notice stating that the firearm may be returned to the person if the person submits a written request before the 121st day after the date of the notice.

(f) An unclaimed firearm that is received under an extreme risk protective order issued under Subchapter D, Chapter 7B, may not be destroyed or forfeited to the state.

(g) The law enforcement agency holding the firearm may provide for the firearm to be sold by a person who is a licensed firearms dealer under 18 U.S.C. Section 923 if:

(1) the check conducted under Subsection (d) shows that the person who was the subject of the extreme risk protective order may not lawfully possess a firearm; or

(2) the notice is provided under Subsection (e) and the person who was the subject of the extreme risk protective order does not submit, before the 121st day after the date of the notice, a written request for the return of the firearm.

(h) The proceeds from the sale of a firearm under this article shall be paid to the owner of the seized firearm, less the cost of administering this article with respect to the firearm.

(i) A law enforcement officer or other employee of a law enforcement agency is subject to punishment for contempt of court if the officer or employee violates this article with the intent to withhold a firearm from a person who, at the time the violation occurred:

(1) was the subject of an extreme risk protective order that was rescinded or that expired; and

(2) may lawfully possess the firearm.

SECTION ____ . Subchapter D, Chapter 411, Government Code, is amended by adding Section 411.0522 to read as follows:

Sec. 411.0522. INFORMATION CONCERNING EXTREME RISK PROTECTIVE ORDER. (a) The department by rule shall establish a procedure to provide information concerning a person who is the subject of an extreme risk

protective order issued under Subchapter D, Chapter 7B, Code of Criminal Procedure, to the Federal Bureau of Investigation for inclusion in the National Instant Criminal Background Check System.

(b) The procedure must require the department to provide any information received under Article 7B.158, Code of Criminal Procedure, to the Federal Bureau of Investigation not later than the 30th day after the date the department received the information.

SECTION ____. Section 411.172(a), Government Code, is amended to read as follows:

(a) A person is eligible for a license to carry a handgun if the person:

(1) is a legal resident of this state for the six-month period preceding the date of application under this subchapter or is otherwise eligible for a license under Section 411.173(a);

(2) is at least 21 years of age;

(3) has not been convicted of a felony;

(4) is not charged with the commission of a Class A or Class B misdemeanor or equivalent offense, or of an offense under Section 42.01, Penal Code, or equivalent offense, or of a felony under an information or indictment;

(5) is not a fugitive from justice for a felony or a Class A or Class B misdemeanor or equivalent offense;

(6) is not a chemically dependent person;

(7) is not incapable of exercising sound judgment with respect to the proper use and storage of a handgun;

(8) has not, in the five years preceding the date of application, been convicted of a Class A or Class B misdemeanor or equivalent offense or of an offense under Section 42.01, Penal Code, or equivalent offense;

(9) is fully qualified under applicable federal and state law to purchase a handgun;

(10) has not been finally determined to be delinquent in making a child support payment administered or collected by the attorney general;

(11) has not been finally determined to be delinquent in the payment of a tax or other money collected by the comptroller, the tax collector of a political subdivision of the state, or any agency or subdivision of the state;

(12) is not currently:

(A) restricted under a court protective order, including an extreme risk protective order issued under Subchapter D, Chapter 7B, Code of Criminal Procedure;

or

(B) subject to a restraining order affecting the spousal relationship, other than a restraining order solely affecting property interests;

(13) has not, in the 10 years preceding the date of application, been adjudicated as having engaged in delinquent conduct violating a penal law of the grade of felony; and

(14) has not made any material misrepresentation, or failed to disclose any material fact, in an application submitted pursuant to Section 411.174.

SECTION ____. Sections 411.187(a) and (c), Government Code, are amended to read as follows:

(a) The department shall suspend a license under this section if the license holder:

(1) is charged with the commission of a Class A or Class B misdemeanor or equivalent offense, or of an offense under Section 42.01, Penal Code, or equivalent offense, or of a felony under an information or indictment;

(2) fails to notify the department of a change of address, name, or status as required by Section 411.181;

(3) commits an act of family violence and is the subject of an active protective order rendered under Title 4, Family Code; ~~or~~

(4) is arrested for an offense involving family violence or an offense under Section 42.072, Penal Code, and is the subject of an order for emergency protection issued under Article 17.292, Code of Criminal Procedure; or

(5) is the subject of an active protective order issued under Subchapter D, Chapter ~~7B~~, Code of Criminal Procedure.

(c) The department shall suspend a license under this section:

(1) for 30 days, if the person's license is subject to suspension for a reason listed in Subsection (a)(2) ~~[(3), or (4), except as provided by Subdivision (2)]~~;

(2) ~~[for not less than one year and not more than three years, if the person's license:~~

~~[(A) is subject to suspension for a reason listed in Subsection (a), other than the reason listed in Subsection (a)(1); and~~

~~[(B) has been previously suspended for the same reason;~~

~~[(3)]~~ until dismissal of the charges, if the person's license is subject to suspension for the reason listed in Subsection (a)(1); or

(3) [(4)] for the duration of or the period specified by:

(A) the protective order issued under Title 4, Family Code, if the person's license is subject to suspension for the reason listed in Subsection (a)(3) ~~[(a)(5)]~~; ~~or~~

(B) the order for emergency protection issued under Article 17.292, Code of Criminal Procedure, if the person's license is subject to suspension for the reason listed in Subsection (a)(4); or

(C) the extreme risk protective order issued under Subchapter D, Chapter 7B, Code of Criminal Procedure, if the person's license is subject to suspension for the reason listed in Subsection (a)(5) [(a)(6)].

SECTION ____. Chapter 37, Penal Code, is amended by adding Section 37.083 to read as follows:

Sec. 37.083. FALSE REPORT REGARDING REQUEST FOR EXTREME RISK PROTECTIVE ORDER. (a) In this section, "prosecuting attorney" means a district attorney, criminal district attorney, or county attorney.

(b) A person commits an offense if, with intent to deceive, the person knowingly makes to a prosecuting attorney or peace officer a false statement relating to a request that a prosecuting attorney file an application for an extreme risk protective order under Subchapter D, Chapter 7B, Code of Criminal Procedure.

(c) An offense under this section is a Class A misdemeanor.

SECTION ____. Section 46.06(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if the person:

(1) sells, rents, leases, loans, or gives a handgun to any person knowing that the person to whom the handgun is to be delivered intends to use it unlawfully or in the commission of an unlawful act;

(2) intentionally or knowingly sells, rents, leases, or gives or offers to sell, rent, lease, or give to any child younger than 18 years of age any firearm, club, or location-restricted knife;

(3) intentionally, knowingly, or recklessly sells a firearm or ammunition for a firearm to any person who is intoxicated;

(4) knowingly sells a firearm or ammunition for a firearm to any person who has been convicted of a felony before the fifth anniversary of the later of the following dates:

(A) the person's release from confinement following conviction of the felony; or

(B) the person's release from supervision under community supervision, parole, or mandatory supervision following conviction of the felony;

(5) sells, rents, leases, loans, or gives a handgun to any person knowing that an active protective order is directed to the person to whom the handgun is to be delivered;

(6) sells, rents, leases, loans, or gives a firearm to any person knowing that an active extreme risk protective order under Subchapter D, Chapter 7B, Code of Criminal Procedure, is directed to the person to whom the firearm is to be delivered;
or

(7) [(6)] knowingly purchases, rents, leases, or receives as a loan or gift from another a handgun while an active protective order is directed to the actor.

SECTION _____. Not later than October 1, 2021, the Department of Public Safety shall adopt rules as required by Section 411.0522, Government Code, as added by this Act.

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| ALVARADO | MENÉNDEZ |
| ECKHARDT | POWELL |
| GUTIERREZ | WHITMIRE |
| HINOJOSA | ZAFFIRINI |

The amendment to **HB 1927** was read and failed of adoption by the following vote: Yeas 13, Nays 18.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

HB 1927 as amended was passed to third reading by the following vote: Yeas 18, Nays 13.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given yesterday by Senator Buckingham.

Senator Buckingham moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 31, Nays 0.

Member, Board, Texas Department of Motor Vehicles: Manuel Robert Ramirez, Tarrant County.

Member, Commission on Jail Standards: Raul P. Gonzales, Refugio County.

Members, Council on Sex Offender Treatment: Elizabeth Perez Aliseda, Bee County; Velma Stanley, Angelina County; Tiffany Suzanne Strother, Johnson County.

Members, Parks and Wildlife Commission: Paul Lewis Foster, El Paso County; Travis B. Rowling, Dallas County.

Commissioner, Rio Grande Compact Commission: Robert Scott Skov, El Paso County.

Members, Board of Directors, San Jacinto River Authority: William Paul Faubel, Montgomery County; Ricardo R. Mora, Montgomery County.

Member, Board of Directors, State Bar of Texas: Maria Hernandez Ferrier, Bexar County.

Members, State Board of Dental Examiners: Linda Treviño Burke, Cameron County; Lois M. Palermo, Galveston County; David H. Yu, Travis County.

Members, State Securities Board: Robert Randall Belt, Harris County; Eugene Wallace Kinney, Kendall County; E. Edward Okpa, Dallas County.

Members, Texas Board of Architectural Examiners: Timothy Alfred Bargainer, Williamson County; Darren La Marr James, Denton County; Fernando Trevino, Bexar County.

Member, Texas Board of Criminal Justice: Sichan Siv, Bexar County.

Members, Texas Board of Occupational Therapy Examiners: Jacob William Boggus, Cameron County; Jennifer Bowlin Clark, Grimes County; Eddie R. Jessie, Harris County; Stephanie Durocher Johnston, Montgomery County; Sally Harris King, Harris County; Todd Matthew Novosad, Travis County.

Members, Texas Board of Physical Therapy Examiners: Harvey D. Aikman, Hidalgo County; Glenda Clausell, Harris County; Jacob Delgado, McLennan County; Liesl Lynn Stratton Olson, Lubbock County; Kathryn Jo Roby, Bell County.

Members, Texas Board of Respiratory Care: Samuel L. Brown, Harrison County; Timothy Rae Chappell, Collin County; Sam Gregory Marshall, Williamson County; Debra Elaine Patrick, Collin County; Kandace D'Ann Pool, Tom Green County; Hammad Nasir Qureshi, Harris County.

Member, Texas Commission on Fire Protection: Christopher Gavin Cantu, Travis County.

Member, Texas Commission on Law Enforcement: Jason Dewayne Hester, Travis County.

Members, Texas Industrialized Building Code Council: Suzanne Rebecca Arnold, Dallas County; Janet Murray Hoffman, Galveston County; Otis Wayne Jones, Harris County; Binoy Joseph Kurien, Brazoria County; Edwin O. Lofton, Llano County; John Dilworth Scholl, Armstrong County; William Fletcher Smith, Hays County.

Members, Board of Trustees, Texas Municipal Retirement System: Anali Alanis, Hidalgo County; Juan Diego Huizar, Atascosa County; Bill James Philibert, Harris County; Robert Bernard Scott, Dallas County.

Members, Board of Directors, Texas Public Finance Authority: Shanda Gillaspie Perkins, Tarrant County; Jay Alan Riskind, Travis County; Brendan Scher, Travis County; Benjamin Streusand, Harris County.

Members, Texas State Board of Examiners of Professional Counselors: Carmelia Amuna, Bell County; Loretta Jean Bradley, Lubbock County; Brenda Sanchez Compagnone, Bexar County; Christopher Scott Taylor, Tarrant County.

Members, Texas State Board of Plumbing Examiners: Frank S. Denton, Montgomery County; David Albert Yelovich, Harris County.

SENATE RULE 7.07(b) SUSPENDED

(Permission to Introduce)

(Motion In Writing)

Mr. President:

The following members hereby request to suspend Senate Rule 7.07(b) to permit the introduction of bills and resolutions as follows:

SB 2246 Schwertner

Relating to the designation of a portion of State Highway 164 in Limestone County as the State Trooper Chad Walker Memorial Highway.

SB 2247 Huffman

Relating to the removal of a fee for the issuance of an original, duplicate, modified, or renewed license to carry a handgun.

The Motion In Writing was read and prevailed without objection.

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time, and referred to the committees indicated:

SB 2246 by Schwertner

Relating to the designation of a portion of State Highway 164 in Limestone County as the State Trooper Chad Walker Memorial Highway.

To Committee on Transportation.

SB 2247 by Huffman

Relating to the removal of a fee for the issuance of an original, duplicate, modified, or renewed license to carry a handgun.

To Committee on Finance.

BILLS SIGNED

The President announced the signing of the following enrolled bills in the presence of the Senate after the captions had been read:

HB 17, HB 119, HB 139, HB 626, HB 1033, HB 1514.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 360 by Nelson, Hughes, and Nichols, In memory of James B. "Jim" Prewitt.

Congratulatory Resolutions

SR 358 by Eckhardt, Recognizing Steven Folberg for his service to Congregation Beth Israel.

SR 361 by Nelson, Recognizing the Flower Mound Smoke Fest Competition and Fundraiser.

SR 363 by Hinojosa and Lucio, Recognizing James E. "Jim" Darling for his career of public service.

SR 364 by Nelson, Recognizing Bonnie Sudderth for her service as acting Governor of Texas.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 5:26 p.m. adjourned until 5:27 p.m. today.