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HOUSE RESEARCH ORGANIZATION

daily floor report

Wednesday, April 14, 2021
87th Legislature, Number 34
The House convenes at 10 a.m.
Part Three

Two bills are on the Major State Calendar, one joint resolution is on the Constitutional Amendments Calendar, and 31 bills are on the General State Calendar for second reading consideration today. The bills analyzed or digested in Part Three of today's *Daily Floor Report* are listed on the following page.

The following House committees were scheduled to meet today: State Affairs; Public Health; Corrections; International Relations and Economic Development; Pensions, Investments and Financial Services; Judiciary and Civil Jurisprudence; Licensing and Administrative Procedures; Urban Affairs; Business and Industry; and Elections.

Alma Allen
Chairman
87(R) - 34

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SUBJECT: Excepting display of holstered handgun in car from unlawful carry offense

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

VOTE: 6 ayes — White, Harless, Hefner, Patterson, Schaefer, Tinderholt

3 nays — Bowers, Goodwin, E. Morales

WITNESSES: For — Richard Briscoe, Open Carry Texas; and 11 individuals; (*Registered, but did not testify*: Angela Smith, Fredericksburg Tea Party; Felisha Bull and Rachel Malone, Gun Owners of America; Tara Mica, National Rifle Association; Andi Turner, Texas State Rifle Association; and 21 individuals)

Against — Gyl Switzer and Louis Wichers, Texas Gun Sense; (*Registered, but did not testify*: Georgia Keysor)

On — (*Registered, but did not testify*: Brian Hawthorne and AJ Louderback, Sheriffs Association of Texas)

BACKGROUND: Under Penal Code sec. 46.035(a), it is a crime for a license holder to carry a handgun on or about their person and intentionally display the handgun in plain view of another person in a public place, with the exception of a handgun that is partially or wholly visible and carried in a shoulder or belt holster. The offense is a class A misdemeanor (up to one year in jail and/or a maximum fine of $4,000).

DIGEST: HB 1407 would make it an exception to the offense of unlawful carrying of a handgun by a license holder that the handgun was partially or wholly visible but was in a holster and the handgun and license holder were in a motor vehicle.

The bill would take effect September 1, 2021, and would apply only to an offense committed on or after January 1, 2022.

SUPPORTERS SAY: HB 1407 would increase the options for safely traveling with a licensed handgun by allowing licensed handgun owners to have their holstered

handgun in a car but not on their person. Current law has been interpreted by some to mean that a holstered, licensed handgun must be on the person of the license holder. This can be uncomfortable when in a car and potentially affect an individual's driving, and it could be difficult for someone with a physical disability. It would be a logical extension to current law to allow handguns to be visible in a vehicle if they were in a holster and the license holder was also present.

The bill would not increase the risk of accidental firearm discharge in cars. Rather, it would increase safety by allowing a handgun to be stored in a more secure location than on the gun owner's person. The handgun would have to be in a holster, and gun owners would ensure that it remained safe.

CRITICS SAY:

HB 1407 could increase the risk of gun accidents by allowing licensed gun owners to not carry their handguns while in the car. This could lead to children or others in a car accidentally accessing or firing the gun.

SUBJECT: Creating a student achievement indicator for CTE programs of study

COMMITTEE: Public Education — favorable, without amendment

VOTE: 11 ayes — Dutton, Lozano, Allison, K. Bell, Bernal, Buckley, M. González, Huberty, Meza, Talarico, VanDeaver

0 nays

2 absent — Allen, K. King

WITNESSES: For — Kerry Gain, Del Valle ISD; Mike Meroney, Texas Association of Manufacturers; (*Registered, but did not testify*: Monty Exter, ATPE; Robin Painovich, Career and Technical Association of Texas; Taylor Sims, Project Lead the Way; Michelle Smith, Raise Your Hand Texas; Grover Campbell, TASB; Barry Haenisch, Texas Association of Community Schools; Amy Beneski, Texas Association of School Administrators; Paige Williams, Texas Classroom Teachers Association; Mark Terry, Texas Elementary Principals and Supervisors Association; Charlie Leal, Texas Farm Bureau; Ryan Skrobarczyk, Texas Nursery & Landscape Association; Suzi Kennon, Texas PTA; Starlee Coleman, Texas Public Charter Schools Association; Dee Carney, Texas School Alliance; Heather Sheffield)

Against — None

On — (*Registered, but did not testify*: Jeff Cottrill, Texas Education Agency)

BACKGROUND: Education Code sec. 39.053(c) requires school districts and campuses to be evaluated based on three domains of indicators of achievement. The domains are student achievement, school progress, and closing the gaps.

DIGEST: HB 773 would add an indicator in the student achievement domain of the public school accountability system for students who successfully completed a program of study in career and technical education.

The bill would apply beginning with the 2021-2022 school year.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2021.

SUPPORTERS SAY:

HB 773 would adjust the Texas public school accountability system to recognize students who complete a program of study in career and technical education. Programs of study include coherent sequences of courses, industry-based certifications, and work-based learning in a variety of disciplines, including agriculture, energy, health science, manufacturing, and information technology. These programs provide coursework and practical experience that align students' education with the state's economic needs to prepare students for high-demand careers.

Under the current accountability system, schools only get credit if a student receives an industry certification from a list of certifications, most of which are unattainable for individuals under age 18. Texas meets federal requirements under the 2018 Strengthening Career and Technical Education for the 21st Century Act (Perkins V) by offering numerous programs of study, but schools do not now receive credit for students who complete these courses. Allowing schools to receive accountability system credit for their students who complete programs of study in career and technical education could provide incentives for districts to expand their CTE course offerings.

CRITICS SAY:

No concerns identified.

SUBJECT: Allowing hotel guests to carry, store firearms and ammo on hotel property

COMMITTEE: Homeland Security and Public Safety — committee substitute recommended

VOTE: 7 ayes — White, Harless, Hefner, E. Morales, Patterson, Schaefer, Tinderholt

2 nays — Bowers, Goodwin

WITNESSES: For — Richard Briscoe, Open Carry Texas; Tara Mica, National Rifle Association; Dee (Diana) Chambless, Smith County Republican Women; and 11 individuals; (*Registered, but did not testify*: Frederick Frazier, Dallas Police Association and State FOP; Stacy McMahan, East Texans for Liberty; Felisha Bull and Rachel Malone, Gun Owners of America; Brian Hawthorne and AJ Louderback, Sheriffs Association of Texas; Andi Turner, Texas State Rifle Association; and 22 individuals)

Against — Gyl Switzer and Louis Wichers, Texas Gun Sense; Ling Zhu

On — Justin Bragiel, Texas Hotel and Lodging Association; (*Registered, but did not testify*: Thomas Parkinson)

BACKGROUND: Penal Code sec. 30.05 establishes an offense for criminal trespassing if a person enters or remains on someone else's property without consent and the person knew entry was forbidden or failed to leave after being asked to do so. The penalty generally ranges from a class B misdemeanor (up to 180 days in jail and/or a maximum fine of $2,000) to a class A misdemeanor (up to one year in jail and/or a maximum fine of $4,000), depending on where it was committed.

Under secs. 30.06 and 30.07, a handgun license holder may not conceal or openly carry a handgun on another's property without consent if the license holder received oral or written notice that entry on the property by a license holder was forbidden. The offenses generally are class C misdemeanors punishable by a fine not to exceed $200, except that they

are class A misdemeanors if the license holder failed to leave after being asked to do so.

DIGEST:

CSHB 1856 would prohibit a hotel, unless possession of a handgun or other firearm or ammunition on hotel property was prohibited by state or federal law, from adopting a policy prohibiting a hotel guest from:

- carrying or storing a firearm or ammunition in the guest's room or in the guest's vehicle on the hotel property; or
- carrying a firearm or ammunition directly en route to or from the hotel or the guest's room or to or from the guest's vehicle located on the hotel property.

A hotel could adopt a policy requiring a hotel guest carrying a firearm or ammunition in a common area on the property to carry the items in a concealed manner or in a case or bag.

The bill would create defenses to prosecution for the offenses of criminal trespass, trespass by license holder with a concealed handgun, and trespass by license holder with an openly carried handgun under Penal Code secs. 30.05, 30.06, and 30.07, respectively, if the actor or license holder was a guest of a hotel and:

- carried or stored a firearm, ammunition, or a handgun in the hotel room or in the actor's or license holder's vehicle located on the hotel property; or
- carried a firearm, ammunition, or a handgun directly en route to or from the hotel or the hotel room or to or from the actor's or license holder's vehicle located on the hotel property.

The bill would define "hotel" to mean a hotel, motel, inn, or similar business entity that offered more than 10 rooms to the public for temporary lodging for a fee.

The bill would take effect September 1, 2021, and the defenses to prosecution under the bill would apply only to an offense committed on or after that date.

SUPPORTERS SAY:

CSHB 1856 would protect the rights of Texans to lawfully keep their firearms with them by prohibiting hotels from establishing a policy forbidding such actions. Currently, if a hotel decides to prohibit the concealed or open carrying of handguns on its premises, it may provide such notice.

It can be difficult to determine a hotel's policy, and travelers sometimes arrive at hotels to find the facility prohibits firearms and that they cannot bring in their weapon. This can force license holders complying with the hotel policy to leave their weapon in their vehicle, which can be unadvisable. Law-abiding Texans who are hotel guests should be allowed to keep their weapons safe and secure near them and to carry their weapons from their vehicle to their room.

CSHB 1856 would be a logical extension of current laws, including one covering law-abiding apartment dwellers carrying and keeping their firearms. Hotels have opened themselves up to the public, and guests should know that they will be able to bring their firearms to and from their rooms. Hotels would retain control of their property, as the bill ensures they have the discretion to require that firearms and ammunition be carried in a concealed manner.

CRITICS SAY:

CSHB 1856 would infringe on the right of hotels to exercise control over their property and prohibit the carrying of firearms on their premises. Hotels should be able to choose to have a gun-free establishment, something they might do as part of their business model. Individuals or businesses might prefer a gun-free hotel, and CSHB 1856 would take away options for hotels to provide such a service. Those who want to bring firearms to a hotel easily could contact the hotel before arrival and determine the establishment's policy.

SUBJECT: Allowing for road district authority for all fresh water supply districts

COMMITTEE: Natural Resources — favorable, without amendment

VOTE: 7 ayes — T. King, Bowers, Kacal, Larson, Paul, Price, Wilson

0 nays

4 absent — Harris, Lucio, Ramos, Walle

WITNESSES: For — Ross Martin, Winstead PC

Against — None

BACKGROUND: Water Code ch. 53 establishes fresh water supply districts (FWSD) and sets procedures for their creation, governance, and division. A FWSD can be created through a special election held in the proposed districts. Provisions in the chapter allow an FWSD in Harris County or Dallas County, or any county adjacent to those counties, to be granted road authority through an election held in the district.

DIGEST: HB 1796 would authorize the granting of road district authority to a fresh water supply district (FWSD) located in any Texas county after a majority of voters in an election held in the district approved the proposition. The bill also would authorize a FWSD located in any county in the state to be divided into two new districts in accordance with certain statutory provisions relating to district division and associated elections.

The bill would take effect September 1, 2021.

SUPPORTERS SAY: HB 1796 would increase the efficiency and effectiveness of fresh water supply districts (FWSD) across the state by giving all FWSDs the opportunity to obtain road authority. Allowing FWSDs to finance, construct, and maintain roads would ensure that infrastructure in the district was sufficient to meet the district's needs. This is especially important in growing, populous counties such as Travis or Bexar that still

do not meet current population or adjacency requirements for road authority.

Unlike a municipal utility district, an FWSD can be created through local initiatives in a much shorter time period. Extending the potential for road authority to FWSDs in all Texas counties would be in line with the idea of local control that is found in provisions relating to these districts. FWSDs would use their road authority to build and maintain public roads, providing a benefit to the entire district.

CRITICS SAY:

No concerns identified.

SUBJECT: Making the Concacaf Gold Cup eligible for funding under MERP

COMMITTEE: Culture, Recreation and Tourism — favorable, without amendment

VOTE: 9 ayes — K. King, Gervin-Hawkins, Burns, Clardy, Frullo, Israel, Krause, Martinez, C. Morales

0 nays

WITNESSES: For — Andy Loughnane, Austin FC; (*Registered, but did not testify*: Dana Harris, Austin Chamber of Commerce; Nilesh Patel, Texas Hotel & Lodging Association; Ron Hinkle, TexasTravel Alliance; Idona Griffith; Thomas Parkinson

Against — None

On — (*Registered, but did not testify*: Adriana Cruz, Texas Economic Development & Tourism, Office of the Governor)

BACKGROUND: Government Code ch. 478 establishes the Major Events Reimbursement Program (MERP). MERP is designed to help Texas communities offset the cost of hosting major events that generate large amounts of tax revenue for the state. Events eligible for reimbursement under MERP include the Super Bowl, presidential debates, professional all-star games, and certain auto races among others. To be eligible, an event must generate an estimated incremental tax revenue of at least $1 million. Local governments are required to contribute to the fund and the state matches each dollar contributed by a local government with $6.25. Documentation that verifies actual attendance of the event is required to be submitted within 45 days of the event being held. If the actual attendance is lower than the estimated attendance, the amount for reimbursement could be reduced in proportion to the actual attendance.

DIGEST: HB 1472 would include the Confederation of North, Central America and Caribbean Association Football (Concacaf) Gold Cup among the events that are eligible for reimbursement funding under the Major Events Reimbursement Program.

The bill would take effect September 1, 2021.

SUPPORTERS SAY:

HB 1472 would continue the proven success of the Major Events Reimbursement Program (MERP) by including the Confederation of North, Central America and Caribbean Association Football (Concacaf) Gold Cup among the events eligible for the program. MERP has consistently drawn major events to Texas generating large amounts of revenue for the state, and including the Gold Cup among eligible events is an effective way to ensure that the proven benefits this tournament creates for the state continue into the future.

The Gold Cup is a proven success in Texas. Essentially functioning as Concacaf's continental championship, the tournament has national and international appeal and Gold Cup matches have been successfully staged with high attendance in Texas for a number of years. The growing popularity of soccer in the state and across the country indicates that the Gold Cup, which is held every two years, will continue to be a successful event in Texas that draws large numbers of out-of-state visitors.

Ensuring the continuation of this biannual event in Texas is a more effective method of creating economic benefit for the state than cutting taxes used to fund MERP and reducing regulation in an attempt to make the state a competitive host. Including the already successful Gold Cup under MERP, which would require it to continue to generate an estimated $1 million in tax revenue for the state, would create a benefit for the state with a greater degree of certainty.

Bids to host Gold Cup matches, as with events already eligible for MERP, are highly competitive. Giving municipalities the reassurance that costs incurred as part of the bidding process could be reimbursed under MERP would allow them to confidently put forward bids that are likely to be successful. Event holders also appreciate the knowledge that a municipality has state backing and often view that favorably when evaluating bids. The effectiveness of the program is demonstrated by the continuing willingness of municipalities to host events and the event holders continuing to select Texas cities as hosts.

Including the Gold Cup among events eligible for MERP is a timely concern. The Gold Cup is set to be held this summer and Texas is again a likely candidate to host matches. The growth of soccer in the state also opens up the possibility of new sites such as Austin FC's Q2 Stadium being selected to host the Gold Cup, which would spread the economic benefits of the tournament to new areas of the state.

CRITICS SAY:

HB 1472 would add another type of event to MERP without any guarantee that it would create revenue for the state and would expand a program already lacking in transparency. Data about supposed out-of-state visitors is especially hard to verify and economic benefit analyses often fail to account for the fact that major events tend to have a crowding-out effect that depresses spending in other areas near the event. Reducing the taxes used to fund MERP could be an equally effective way to create an economic benefit. Carving out a special class of events is not the most effective way to ensure a benefit for the state. Rather, the state should reduce associated regulations and let market forces decide if Texas is a suitable host for an event.

SUBJECT: Requiring subsidized child care providers participate in Texas Rising Star

COMMITTEE: International Relations and Economic Development — favorable, without amendment

VOTE: 6 ayes — Button, C. Morales, Beckley, C. Bell, Metcalf, Ordaz Perez

0 nays

3 absent — Canales, Hunter, Larson

WITNESSES: For — Marnie Glaser, Child Care Associates; Mandi Kimball, Children At Risk; Sandy Dochen, Early Matters Greater Austin; Kimberly Kofron, Texas Association for the Education of Young Children; (*Registered, but did not testify*: Charles Cohn, Angels Care and Learning Center; Lyn Lucas, Camp Fire First Texas; Christine Wright, City of San Antonio; Libby McCabe, Early Matters and The Commit Partnership; Jonathan Lewis, Every Texan; Ky Ash, Methodist Healthcare Ministries of South Texas; Melanie Rubin, North Texas Early Education Alliance; David Feigen, Texans Care for Children; Dana Harris, The Greater Austin Chamber of Commerce; Ashley Harris, United Ways of Texas; Brooke Freeland; Vanessa MacDougal)

Against — None

On — Reagan Miller, Texas Workforce Commission; (*Registered, but did not testify*: Stephanie Retherford, Texas Licensed Child Care Association)

BACKGROUND: Government Code sec. 2308.3155 establishes the Texas Rising Star Program as a voluntary, quality-based child care rating system of child care providers participating in the Texas Workforce Commission's subsidized child care program.

DIGEST: HB 2607 would make participation in the Texas Rising Star Program mandatory for child care providers that participated in the Texas Workforce Commission (TWC) subsidized child care program, introduce an entry level rating for child care providers in Texas Rising Star, require

TWC to assess the number of child care providers in partnerships with public school districts, and require local workforce development boards to inform local school districts in their area of partnership opportunities, among other provisions.

Rating system. The rating system for child care providers under the Texas Rising Star Program would have to include an entry level rating for child care providers and a maximum length of time a provider could participate at the entry level rating. To qualify for the entry level rating a child care provider would have to meet minimum quality standards that qualified that provider to receive technical support and assistance under the Texas Rising Star Program. A provider that participated at the entry level rating would not be eligible for increased reimbursement rates.

TWC evaluation. The commission's evaluation would have to assess the number of places reserved by each local workforce development board in contracts with child care providers for participants in the child care subsidy program out of the total number of children enrolled with a provider on a full-time basis. The evaluation also would have to assess the number of 3-star and 4-star rated child care providers participating in partnerships with public school districts and public charter schools based on data provided by the Texas Education Agency, as necessary.

Local workforce development boards. Each local workforce development board would have to inform the local school districts and open-enrollment charter schools in the workforce development area regarding opportunities to partner with child care providers in the board's area to expand access to and provide facilities for prekindergarten programs.

Under the bill, a local workforce development board would have to update its required report to TWC every 12 months, instead of every six months, from the date the board submitted its initial report to the commission.

Local workforce development boards could allow a child care provider with whom the board contracted to identify and refer to the board children who could be eligible for subsidized child care services. In making a referral, the child care provider would have to consider whether the child's

parent was a member of a group entitled to a priority in the provision of services provided by or in cooperation with TWC.

The bill would take effect September 1, 2021.

SUPPORTERS SAY:

HB 2607 would improve early childhood development outcomes in Texas by requiring subsidized child care providers to participate in the Texas Rising Star Program. The bill also would benefit the Texas workforce by expanding access to quality child care providers for working families.

Despite receiving funds from the state, subsidized child care providers are not required to participate in the Texas Rising Star Program. In December 2020, only around 31 percent of eligible subsidized child care providers participated in Texas Rising Star. Without a child care provider's participation in the program, the state cannot assess the quality of the provider's services and ensure that taxpayer dollars are being spent efficiently. The bill would ensure that subsidized child care providers offered high quality services for low-income children by bringing these providers into the successful Texas Rising Star Program.

The bill also would benefit the Texas workforce by expanding access to high-quality child care for working families and provide flexibility to child care providers by allowing them to recommend eligible children in their area to local workforce development boards. The bill also would bolster pre-K partnerships by requiring the Texas Education Agency to report such partnership agreements, building on the work of the 86th session to build the network of providers eligible to partner with independent school districts to provide pre-K.

The bill would not risk leading to cuts in the reimbursement rate for the Texas Workforce Commission subsidy program because Texas is expecting a steady source of federal money from the American Rescue Plan Act that could be used to fund child care.

CRITICS SAY:

HB 2607 could result in a reduced number of children subsidized by the Texas Workforce Commission (TWC) being served by child care providers by mandating all providers participate in Texas Rising Star. Because the subsidy program is dependent largely on fluctuating levels of

federal money received through the Child Care and Development Block Grant and the state does not provide enough funds to cover the cost of care, child care providers may choose not to accept children subsidized by TWC. Mandating all subsidized child care providers participate in Texas Rising Star could result in cuts to the enhanced reimbursement rate for the program, which could further disincentivize child care providers from accepting TWC-subsidized children.

NOTES:

According to the Legislative Budget Board, the bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

SUBJECT: Amending the appointment of appraisal review board members

COMMITTEE: Ways and Means — favorable, without amendment

VOTE: 11 ayes — Meyer, Thierry, Button, Cole, Guerra, Martinez Fischer, Murphy, Noble, Rodriguez, Sanford, Shine

0 nays

WITNESSES: For — Brent South, Texas Association of Appraisal Districts; (*Registered, but did not testify*: Ray Head, Texas Association of Property Tax Professionals; Julia Parenteau, Texas Realtors)

Against — None

On — (*Registered, but did not testify*: Shannon Murphy, Comptroller of Public Accounts)

BACKGROUND: Tax Code sec. 6.41 governs the establishment of appraisal review boards and the appointment of members. Members of a board are appointed by resolution of a majority of the appraisal district board of directors or, if in a county with a population of 120,000 or more, by the local administrative district judge.

DIGEST: HB 2941 would amend the process by which members were appointed to an appraisal review board (ARB) by:

- removing the authorization for a majority of the appraisal district board of directors to appoint members; and
- providing that all ARB members were appointed by the local administrative district judge, regardless of the population of the county in which the ARB was established.

The bill would apply statutes currently governing ARBs appointed by an administrative judge to all ARBs. An appraisal district board of directors could no longer remove a member from the board by a majority vote.

The bill would specify that members of a consolidated ARB were appointed jointly by the local administrative district judges in the counties in which the appraisal districts that were parties to the contract were established.

HB 2941 would apply only to the appointment of ARB members to terms beginning on or after January 1, 2022, and would not affect the term of an ARB member that expired December 31, 2022.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2021.

SUPPORTERS SAY:

HB 2941 would create a uniform process of appointing appraisal review board (ARB) members throughout the state by requiring all members to be appointed by the local administrative district judge. Currently, ARBs in certain smaller counties are appointed by a majority of the appraisal district board of directors. However, this has caused a public perception of bias as property owners may not be convinced of the separation of appraisal districts and review boards. The bill would provide clear separation between the entities, ensuring that ARB members were appointed in a uniform and fair manner.

CRITICS SAY:

No concerns identified.

SUBJECT: Prohibiting law enforcement contracts with reality television shows

COMMITTEE: Homeland Security and Public Safety — committee substitute recommended

VOTE: 7 ayes — White, Bowers, Goodwin, Harless, Hefner, E. Morales, Patterson

2 nays — Schaefer, Tinderholt

WITNESSES: For — Kimberly Ambler-Moore; Eric Schafer; (*Registered, but did not testify*: Chas Moore, Austin Justice Coalition; TJ Patterson, City of Fort Worth; Rudy Metayer, City of Pflugerville; Jennifer Szimanski, CLEAT; Jim Allison, County Judges and Commissioners Association of Texas; Scott Henson, Just Liberty; Susana Carranza, League of Women Voters of Texas; Laura Nodolf, Midland County District Attorney's Office; AJ Louderback, Sheriffs Association of Texas; Maggie Luna, Statewide Leadership Council; Alycia Castillo, Texas Criminal Justice Coalition; Louis Wichers, Texas Gun Sense; Frederick Haynes and Joshua Houston, Texas Impact; Mitch Landry, Texas Municipal Police Association; and 21 individuals)

Against — Dylan Price; (*Registered, but did not testify*: Kelley Shannon, Freedom of Information Foundation of Texas; and seven individuals)

On — Linda Nuno

DIGEST: CSHB 54 would prohibit a state or local law enforcement agency from authorizing a person to accompany and film a peace officer acting in the line of duty for the purpose of producing a reality television program. Journalists reporting on a matter of public concern would be exempt from the prohibition under the bill's provisions.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2021.

SUPPORTERS SAY:

CSHB 54 would prohibit the filming of law enforcement officers acting in the line of the duty for the purpose of creating a reality television show, which would help protect public safety and prevent unnecessary or inappropriate policing.

A recent event in Texas that involved a peace officer being filmed by a reality television production crew and that resulted in the death of a civilian has heightened concern about the negative impact of on-film policing. Some law enforcement agencies enter into contracts to allow television crews to follow their officers in exchange for money, and these contracts can create a perverse incentive for officers to act more intensely when carrying out their duties in front of a camera than they otherwise would. Studies have shown that violent encounters between citizens and on-duty peace officers increase during the filming of reality television shows. By prohibiting state and local law enforcement agencies from authorizing reality television crews to accompany and film officers on duty, CSHB 54 could help prevent dangerous car chases and overzealous law enforcement that can occur when officers are filmed by a camera crew.

The bill would not interfere with the constitutional right of journalists to report on or film police actions and would not prevent television news or documentary film crews from recording on-duty officers. CSHB 54 explicitly does not apply to journalists reporting on a matter of public concern and is narrowly targeted to only prohibit law enforcement agencies from partnering with reality television programs. The bill would not prohibit transparency and accountability measures but would help restore the public's trust in law enforcement by removing the possibility that an officer's actions were meant for television, not public safety.

CRITICS SAY:

CSHB 54 could infringe on constitutional rights of freedom of the press and of speech and could have a chilling effect on certain law enforcement transparency and accountability measures.

The bill's prohibition on law enforcement agencies authorizing officers to be accompanied by reality television program could result in restrictions on content-based speech. It is sometimes difficult to determine whether content is meant to inform or entertain, and some types of film

programming, such as documentary film, do both. Drawing the line between reality television, documentary programming, and certain journalistic activities could be difficult under the bill's provisions, potentially causing a chilling effect beyond the bill's intent. CSHB 54 also could limit film and television production in Texas.

CSHB 54 also could reduce law enforcement accountability by limiting the filming of on-duty officers. Just as police body cameras can serve as a check on police behavior, camera crews may provide accountability and transparency for law enforcement. The filming of one tragic incident by a television crew should not result in a blanket prohibition on filming peace officers.

SUBJECT: Parole eligibility for certain online solicitation of a minor offenses

COMMITTEE: Corrections — favorable, without amendment

VOTE: 8 ayes — Murr, Allen, Bailes, Burrows, Rodriguez, Sherman, Slaton, White

0 nays

1 absent — Martinez Fischer

WITNESSES: For — (*Registered, but did not testify*: George Craig, Houston Police Department; AJ Louderback and Tom Maddox, Sheriffs Association of Texas)

Against — None

On — (*Registered, but did not testify*: David Gutierrez, Texas Board of Pardons and Paroles)

BACKGROUND: Penal Code sec. 33.021 makes the online solicitation of a minor a crime. Under sec. 33.021(c) it is a second-degree felony (two to 20 years in prison and an optional fine of up to $10,000) for an individual to use the internet, email, text message, or another electronic message system, or to use a commercial online service, to knowingly solicit a minor to meet another person, including the individual, with the intent that the minor will engage in sexual contact, sexual intercourse, or deviate sexual intercourse with the individual or another person. Other online solicitation of a minor offenses involving communicating with a minor or distributing sexually explicit material to a minor is punished as a third-degree felony (two to 10 years in prison and an optional fine of up to $10,000).

Government Code sec. 508.145(f) in general makes individuals who are not subject to specific provisions on parole eligibility eligible for release on parole when their actual time served plus good conduct time equals one-fourth of their sentence or 15 years, whichever is less.

Under Government Code sec. 508.145(d)(1), individuals serving sentences for certain offenses are not eligible for release on parole until their actual calendar time served, without consideration of good conduct time, equals one-half of their sentence or 30 years, whichever is less, with a minimum of two years.

DIGEST:

HB 379 would make individuals convicted of an offense for online solicitation of a minor that was punishable as a second-degree felony ineligible for parole consideration until their actual calendar time served, without consideration of good conduct time, equaled one-half of their sentence or 30 years, whichever was less, with a minimum of two years.

The bill would take effect September 1, 2021, and would apply to offenses committed on or after that date.

SUPPORTERS SAY:

HB 379 would make sure that those convicted of the most serious offenses involving online solicitation of a minor spent an appropriate amount of their sentence in prison by increasing the amount of time that such individuals would have to serve before being eligible for parole.

Currently, these individuals would be eligible for parole as soon as after serving one-fourth of their sentence. Given the predatory nature of offenses that involve soliciting minors with the intent that the minor would engage in sexual contact, those convicted of such offenses should have to serve at least half of their sentences before being considered for parole.

The bill is narrowly drawn to target the worst of online solicitation cases. The harm done to children through these online solicitation cases warrant it being treated like other serious offenses that require offenders to serve one-half of their sentences. The bill would more appropriately punish those who commit this type of offense involving online solicitation of a minor, and could help prevent serious sex offenses that may occur following online solicitation.

CRITICS SAY:

HB 379 would be inconsistent with current law by placing some online solicitation cases with the aggravated and violent offenses that currently require individuals to serve half of their sentence before being considered

for parole. If an online solicitation offense also involved a sex offense, punishments for those crimes, many of which require long prison terms before parole eligibility, would be available.

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

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

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

1 nay — Goodwin

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

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

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

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

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

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

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

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

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

SUPPORTERS SAY:

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

While protective orders are a great first step in preventing additional violence or abuse, victims often seek other means of personal protection, including by purchasing handguns. In many cases, defendants violate protective orders, and the violation often is associated with an escalation

of violence. By limiting a LTC issued under the bill to the duration of the protective order, it would ensure young adult victims could legally possess a handgun when the victim was most vulnerable.

CRITICS SAY:

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

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

OTHER CRITICS SAY:

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

SUBJECT: Requiring police training on interactions with homeless populations

COMMITTEE: Homeland Security and Public Safety — committee substitute recommended

VOTE: 6 ayes — White, Bowers, Goodwin, Harless, E. Morales, Patterson

3 nays — Hefner, Schaefer, Tinderholt

WITNESSES: For — Eric Samuels, Texas Homeless Network; Julie Nitsch and Drew McAngus, Travis County Constable Pct 3; (*Registered, but did not testify*: M Paige Williams, Dallas County District Attorney John Creuzot; Earl Gilbert, Jason Guidangen, and Ricardo Martinez, Equality Texas; Matthew Lovitt, National Alliance on Mental Illness (NAMI) Texas; Ashley Harris, United Ways of Texas; Georgia Keysor; Thomas Parkinson; Janice Riley)

Against — (*Registered, but did not testify*: Michael Fossum; Zoila Vega-Marchena)

On — Jessica Anderson, Houston Police Department; AJ Louderback, Sheriffs Association of Texas; (*Registered, but did not testify*: Brian Hawthorne, Sheriffs Association of Texas; Cullen Grissom, Texas Commission on Law Enforcement)

BACKGROUND: Occupations Code sec. 1701.352 requires the Texas Commission on Law Enforcement to require an entity that employs peace officers to provide each officer with a training program at least once every 48 months consisting of certain topics.

DIGEST: CSHB 1262 would require a peace officer employed by the law enforcement agency of a political subdivision with a homeless population of at least 25 to complete a one-time training program on trauma-informed techniques to facilitate interactions with homeless youth and adults and on resources available to those individuals.

The training program would have to be completed within two years after the officer was hired. A peace officer who was employed by a law enforcement agency on January 1, 2022, would have to complete the training required under the bill by January 1, 2024.

By January 1, 2022, the Texas Commission on Law Enforcement (TCOLE) would have to establish the training program required by the bill and determine and notify which agencies would have to complete the program for each 48-month training cycle.

The bill would take effect September 1, 2021.

SUPPORTERS SAY:

CSHB 1262 would ensure peace officers were trained in trauma-informed techniques to facilitate interactions with individuals experiencing homelessness, providing officers with tools to more efficiently communicate, build trust, and encourage cooperation.

Peace officers often interact with people experiencing homelessness, many of whom also suffer from mental health and substance abuse issues. Increasing officers' understanding and awareness of the impact of trauma and developing trauma-informed responses could help in extending needed services and resources to individuals experiencing homelessness, helping guide them away from involvement in the criminal justice system.

To eliminate a need for additional resources, the bill could be amended to apply only to larger cities or counties instead of defining agencies required to complete the training program by a specified homeless population.

CRITICS SAY:

CSHB 1262 continues a trend of piecemeal legislation that would require certain peace officer training. Instead, the Legislature should take a more comprehensive approach and look at peace officer training as a whole to ensure the curriculum, training techniques, and required hours advanced modern and responsive peace officer training in Texas.

Additionally, the bill is unnecessary as it would require the development of a new training course that would overlap with similar training already required, including on de-escalation.

OTHER CRITICS SAY:

CSHB 1262 would cost agency resources both to determine which law enforcement agencies would be required to complete the training program under the bill and to implement the bill in rural counties that do not experience the same population of individuals experiencing homelessness.

SUBJECT: Discharging fines accrued by foster youth through community service

COMMITTEE: Juvenile Justice and Family Issues — committee substitute recommended

VOTE: 7 ayes — Neave, Swanson, Cook, Frank, Ramos, Talarico, Vasut

0 nays

2 absent — Leach, Wu

WITNESSES: For — Deborah Fowler, Texas Appleseed; (*Registered, but did not testify*: M Paige Williams, Dallas Criminal District Attorney John Creuzot; Ender Reed, Harris County Commissioners Court; Charmet Findley, Harris County Youth Collective; Andrew Homer, Texas CASA; Rachana Chhin, Texas Catholic Conference of Bishops; Alycia Castillo, Texas Criminal Justice Coalition; Amelia Casas, Texas Fair Defense Project; Molly Weiner, United Ways of Texas; Thomas Parkinson)

Against — None

On — (*Registered, but did not testify*: Tiffany Roper, Department of Family and Protective Services)

DIGEST: CSHB 80 would prohibit a justice or judge from requiring a defendant who is under the conservatorship of the Department of Family and Protective Services or in extended foster care to pay any amount of a fine and costs imposed by the court. In lieu of a fine and costs, the justice or judge could require the defendant to perform community service.

The bill would take effect September 1, 2021, and would apply to a sentencing proceeding that commences before, on, or after that date.

SUPPORTERS SAY: CSHB 80 would prohibit judges from requiring youth in foster care to pay fines and costs imposed by a court, helping to prevent foster youth from accruing justice-related debt. Instead, the bill would allow judges to require these youths to perform community service, offering them an

opportunity to participate in meaningful service and engage with their communities.

Youth under the conservatorship of the Department of Family and Protective Services or in extended foster care are unlikely to have jobs or other means to pay fines or court fees, which can lead them to accrue justice-related debt. If fines and fees are paid at all, the payment is likely to be made by an adult, with little meaning to or rehabilitative effect on the youth. Moreover, the collection of fees from youth takes up significant county resources for a small return, and research has shown that young people who accrue justice-related debt are more likely to reoffend compared to their debt-free peers. Youths with court debt also may be jailed for nonpayment when they turn 17, a harmful and costly outcome for both the child and the state.

CSHB 80 would prevent youth in foster care from having to pay court fines and costs or accruing related debt and instead would allow judges to require these youths to perform community service, which would be more impactful for youths and help connect them to their communities.

CRITICS SAY:

No concerns identified.