

By: Reynolds

H.B. No. 847

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the storage of firearms surrendered by a person subject  
3 to a magistrate's order for emergency protection or protective  
4 order as a result of family violence, sexual assault or abuse,  
5 stalking, or trafficking of persons.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Article 7B.006(a), Code of Criminal Procedure,  
8 is amended to read as follows:

9 (a) Each protective order issued under this subchapter,  
10 including a temporary ex parte order, must contain the following  
11 prominently displayed statements in boldfaced type, in capital  
12 letters, or underlined:

13 "A PERSON WHO VIOLATES THIS ORDER MAY BE PUNISHED FOR  
14 CONTEMPT OF COURT BY A FINE OF AS MUCH AS \$500 OR BY CONFINEMENT IN  
15 JAIL FOR AS LONG AS SIX MONTHS, OR BOTH."

16 "NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS  
17 ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY  
18 PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS  
19 VALID, EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT  
20 UNLESS A COURT CHANGES THE ORDER."

21 "IT IS UNLAWFUL FOR ANY PERSON, OTHER THAN A PEACE OFFICER, AS  
22 DEFINED BY SECTION 1.07, PENAL CODE, ACTIVELY ENGAGED IN EMPLOYMENT  
23 AS A SWORN, FULL-TIME PAID EMPLOYEE OF A STATE AGENCY OR POLITICAL  
24 SUBDIVISION, WHO IS SUBJECT TO A PROTECTIVE ORDER TO POSSESS A

1 FIREARM OR AMMUNITION. A PERSON SUBJECT TO THIS ORDER MAY SURRENDER  
2 ANY FIREARMS IN THE PERSON'S POSSESSION TO A DESIGNATED SECURE  
3 LOCATION AS PROVIDED BY SECTION 85.0221, FAMILY CODE, FOR THE  
4 DURATION OF THIS ORDER."

5 SECTION 2. Article 17.292(g), Code of Criminal Procedure,  
6 is amended to read as follows:

7 (g) An order for emergency protection issued under this  
8 article must contain the following statements printed in bold-face  
9 type or in capital letters:

10 "A VIOLATION OF THIS ORDER BY COMMISSION OF AN ACT PROHIBITED  
11 BY THE ORDER MAY BE PUNISHABLE BY A FINE OF AS MUCH AS \$4,000 OR BY  
12 CONFINEMENT IN JAIL FOR AS LONG AS ONE YEAR OR BY BOTH. AN ACT THAT  
13 RESULTS IN A SEPARATE OFFENSE MAY BE PROSECUTED AS A SEPARATE  
14 MISDEMEANOR OR FELONY OFFENSE, AS APPLICABLE, IN ADDITION TO A  
15 VIOLATION OF THIS ORDER. IF THE ACT IS PROSECUTED AS A SEPARATE  
16 FELONY OFFENSE, IT IS PUNISHABLE BY CONFINEMENT IN PRISON FOR AT  
17 LEAST TWO YEARS. THE POSSESSION OF A FIREARM BY A PERSON, OTHER  
18 THAN A PEACE OFFICER, AS DEFINED BY SECTION 1.07, PENAL CODE,  
19 ACTIVELY ENGAGED IN EMPLOYMENT AS A SWORN, FULL-TIME PAID EMPLOYEE  
20 OF A STATE AGENCY OR POLITICAL SUBDIVISION, WHO IS SUBJECT TO THIS  
21 ORDER MAY BE PROSECUTED AS A SEPARATE OFFENSE PUNISHABLE BY  
22 CONFINEMENT OR IMPRISONMENT. A PERSON SUBJECT TO THIS ORDER MAY  
23 SURRENDER ANY FIREARMS IN THE PERSON'S POSSESSION TO A DESIGNATED  
24 SECURE LOCATION AS PROVIDED BY SECTION 85.0221, FAMILY CODE, FOR  
25 THE DURATION OF THIS ORDER."

26 "NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS  
27 ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY

1 PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS  
2 VALID, EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT  
3 UNLESS A COURT CHANGES THE ORDER."

4 SECTION 3. Subchapter B, Chapter 85, Family Code, is  
5 amended by adding Section 85.0221 to read as follows:

6 Sec. 85.0221. PROVISIONS FOR SURRENDER OF FIREARM BY PERSON  
7 SUBJECT TO PROTECTIVE ORDER. (a) The commissioners court of each  
8 county shall designate a secure location to store firearms  
9 surrendered under this section.

10 (b) A person subject to a protective order under this  
11 chapter or Chapter 7B, Code of Criminal Procedure, or a  
12 magistrate's order for emergency protection under Article 17.292,  
13 Code of Criminal Procedure, may surrender a firearm possessed by  
14 the person to the secure location designated by the commissioners  
15 court in the county in which the person resides. A person  
16 responsible for the administration of the designated secure  
17 location shall accept the firearm and store it in the secure  
18 location until the expiration of the protective order. A person who  
19 accepts a surrendered firearm shall immediately provide the person  
20 surrendering the firearm a written copy of the receipt for the  
21 firearm and a written notice of the procedure for the return of the  
22 firearm.

23 (c) Unless otherwise prohibited by law from possessing a  
24 firearm, a person who surrenders a firearm under Subsection (b) is  
25 entitled to the return of the firearm on the expiration of the  
26 protective order and after making a request to the person  
27 responsible for administering the secure location to which the

1 firearm was surrendered.

2 (d) If the firearm is not requested before the 61st day  
3 after the date the protective order expires, the commissioners  
4 court shall order the firearm destroyed, sold at public sale by an  
5 auctioneer licensed under Chapter 1802, Occupations Code, or  
6 forfeited to the state for use by a law enforcement agency in the  
7 county. Only a firearms dealer licensed under 18 U.S.C. Section 923  
8 may purchase a firearm at public sale under this subsection.  
9 Proceeds from the sale of an unclaimed firearm under this  
10 subsection, after deduction of auction costs, shall be deposited in  
11 the county treasury in a special fund to be used to administer the  
12 secure location for the surrender of firearms under this section.  
13 An expenditure from the fund may be made only in accordance with a  
14 budget approved by the commissioners court.

15 SECTION 4. Section 85.026(a), Family Code, is amended to  
16 read as follows:

17 (a) Each protective order issued under this subtitle,  
18 including a temporary ex parte order, must contain the following  
19 prominently displayed statements in boldfaced type, capital  
20 letters, or underlined:

21 "A PERSON WHO VIOLATES THIS ORDER MAY BE PUNISHED FOR  
22 CONTEMPT OF COURT BY A FINE OF AS MUCH AS \$500 OR BY CONFINEMENT IN  
23 JAIL FOR AS LONG AS SIX MONTHS, OR BOTH."

24 "NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS  
25 ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY  
26 PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS  
27 VALID, EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT

1 UNLESS A COURT CHANGES THE ORDER."

2 "IT IS UNLAWFUL FOR ANY PERSON, OTHER THAN A PEACE OFFICER, AS  
3 DEFINED BY SECTION 1.07, PENAL CODE, ACTIVELY ENGAGED IN EMPLOYMENT  
4 AS A SWORN, FULL-TIME PAID EMPLOYEE OF A STATE AGENCY OR POLITICAL  
5 SUBDIVISION, WHO IS SUBJECT TO A PROTECTIVE ORDER TO POSSESS A  
6 FIREARM OR AMMUNITION. A PERSON SUBJECT TO THIS ORDER MAY SURRENDER  
7 ANY FIREARMS IN THE PERSON'S POSSESSION TO A DESIGNATED SECURE  
8 LOCATION AS PROVIDED BY SECTION 85.0221, FAMILY CODE, FOR THE  
9 DURATION OF THIS ORDER."

10 "IF A PERSON SUBJECT TO A PROTECTIVE ORDER IS RELEASED FROM  
11 CONFINEMENT OR IMPRISONMENT FOLLOWING THE DATE THE ORDER WOULD HAVE  
12 EXPIRED, OR IF THE ORDER WOULD HAVE EXPIRED NOT LATER THAN THE FIRST  
13 ANNIVERSARY OF THE DATE THE PERSON IS RELEASED FROM CONFINEMENT OR  
14 IMPRISONMENT, THE ORDER IS AUTOMATICALLY EXTENDED TO EXPIRE ON:

15 "(1) THE FIRST ANNIVERSARY OF THE DATE THE PERSON IS  
16 RELEASED, IF THE PERSON WAS SENTENCED TO CONFINEMENT OR  
17 IMPRISONMENT FOR A TERM OF MORE THAN FIVE YEARS; OR

18 "(2) THE SECOND ANNIVERSARY OF THE DATE THE PERSON IS  
19 RELEASED, IF THE PERSON WAS SENTENCED TO CONFINEMENT OR  
20 IMPRISONMENT FOR A TERM OF FIVE YEARS OR LESS."

21 "A VIOLATION OF THIS ORDER BY COMMISSION OF AN ACT PROHIBITED  
22 BY THE ORDER MAY BE PUNISHABLE BY A FINE OF AS MUCH AS \$4,000 OR BY  
23 CONFINEMENT IN JAIL FOR AS LONG AS ONE YEAR, OR BOTH. AN ACT THAT  
24 RESULTS IN FAMILY VIOLENCE MAY BE PROSECUTED AS A SEPARATE  
25 MISDEMEANOR OR FELONY OFFENSE. IF THE ACT IS PROSECUTED AS A  
26 SEPARATE FELONY OFFENSE, IT IS PUNISHABLE BY CONFINEMENT IN PRISON  
27 FOR AT LEAST TWO YEARS."

1           SECTION 5. (a) The commissioners court of each county shall  
2 designate a secure location for the storage of surrendered  
3 firearms, as required by this Act, not later than December 1, 2023,  
4 and shall begin accepting surrendered firearms on January 1, 2024.

5           (b) The change in law made by this Act relating to the  
6 contents of a protective order or a magistrate's order for  
7 emergency protection applies to an order issued on or after January  
8 1, 2024. An order issued before that date is governed by the law as  
9 it existed immediately before the effective date of this Act, and  
10 the former law is continued in effect for that purpose.

11           SECTION 6. This Act takes effect September 1, 2023.