

By: Moody

H.B. No. 857

A BILL TO BE ENTITLED

AN ACT

relating to requiring certain persons prohibited by law from owning, possessing, or controlling a firearm to dispose of firearms owned, possessed, or controlled by the person.

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

SECTION 1. Title 1, Code of Criminal Procedure, is amended by adding Chapter 68 to read as follows:

CHAPTER 68. DISPOSAL OF FIREARM BY CERTAIN PERSONS PROHIBITED BY
LAW FROM OWNING, POSSESSING, OR CONTROLLING A FIREARM

Art. 68.001. APPLICABILITY. This chapter applies to a person who:

(1) is convicted of:

(A) an offense involving family violence, as defined by Section 71.004, Family Code; or

(B) a felony;

(2) is the subject of:

(A) a protective order under Chapter 85, Family Code, or Subchapter A, Chapter 7B, of this code; or

(B) a magistrate's order for emergency protection under Article 17.292; or

(3) is subject to a condition of bond or community supervision prohibiting the person from acquiring, possessing, or controlling a firearm.

Art. 68.002. NOTICE AND ORDER TO DISPOSE OF FIREARM. On

1 conviction of a person for an offense described by Article
2 68.001(1), issuance of an order described by Article 68.001(2), or
3 imposition of a condition described by Article 68.001(3), the court
4 shall:

5 (1) provide written notice to the person that the
6 person is prohibited from acquiring, possessing, or controlling a
7 firearm; and

8 (2) order the person to dispose of all firearms the
9 person owns, possesses, or controls not later than the 10th day
10 after:

11 (A) the date the person receives notice under
12 this article; or

13 (B) if the person was taken into custody
14 immediately after conviction, the date the person is released from
15 confinement.

16 Art. 68.003. REQUIRED DOCUMENTATION. A person subject to
17 an order under Article 68.002 shall submit to the court, not later
18 than the date specified by Subdivision (2) of that article, a signed
19 affidavit affirming that the person:

20 (1) has disposed of all firearms the person owns,
21 possesses, or controls; or

22 (2) does not own, possess, or control a firearm.

23 Art. 68.004. FORM OF AFFIDAVIT. The Office of Court
24 Administration of the Texas Judicial System shall adopt a model
25 affidavit for purposes of Article 68.003.

26 SECTION 2. Article 7B.006(a), Code of Criminal Procedure,
27 is amended to read as follows:

1 (a) Each protective order issued under this subchapter,
2 including a temporary ex parte order, must contain the following
3 prominently displayed statements in boldfaced type, in capital
4 letters, or underlined:

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

8 "NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS
9 ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY
10 PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS
11 VALID, EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT
12 UNLESS A COURT CHANGES THE ORDER."

13 "IT IS UNLAWFUL FOR ANY PERSON, OTHER THAN A PEACE OFFICER, AS
14 DEFINED BY SECTION 1.07, PENAL CODE, ACTIVELY ENGAGED IN EMPLOYMENT
15 AS A SWORN, FULL-TIME PAID EMPLOYEE OF A STATE AGENCY OR POLITICAL
16 SUBDIVISION, WHO IS SUBJECT TO A PROTECTIVE ORDER TO POSSESS A
17 FIREARM OR AMMUNITION. A PERSON SUBJECT TO THIS ORDER MUST DISPOSE
18 OF ANY FIREARMS IN THE PERSON'S POSSESSION OR CONTROL AS PROVIDED BY
19 CHAPTER 68, CODE OF CRIMINAL PROCEDURE."

20 SECTION 3. Article 17.292(g), Code of Criminal Procedure,
21 is amended to read as follows:

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

25 "A VIOLATION OF THIS ORDER BY COMMISSION OF AN ACT PROHIBITED
26 BY THE ORDER MAY BE PUNISHABLE BY A FINE OF AS MUCH AS \$4,000 OR BY
27 CONFINEMENT IN JAIL FOR AS LONG AS ONE YEAR OR BY BOTH. AN ACT THAT

1 RESULTS IN A SEPARATE OFFENSE MAY BE PROSECUTED AS A SEPARATE
2 MISDEMEANOR OR FELONY OFFENSE, AS APPLICABLE, IN ADDITION TO A
3 VIOLATION OF THIS ORDER. IF THE ACT IS PROSECUTED AS A SEPARATE
4 FELONY OFFENSE, IT IS PUNISHABLE BY CONFINEMENT IN PRISON FOR AT
5 LEAST TWO YEARS. THE POSSESSION OF A FIREARM BY A PERSON, OTHER
6 THAN A PEACE OFFICER, AS DEFINED BY SECTION 1.07, PENAL CODE,
7 ACTIVELY ENGAGED IN EMPLOYMENT AS A SWORN, FULL-TIME PAID EMPLOYEE
8 OF A STATE AGENCY OR POLITICAL SUBDIVISION, WHO IS SUBJECT TO THIS
9 ORDER MAY BE PROSECUTED AS A SEPARATE OFFENSE PUNISHABLE BY
10 CONFINEMENT OR IMPRISONMENT. A PERSON SUBJECT TO THIS ORDER MUST
11 DISPOSE OF ANY FIREARMS IN THE PERSON'S POSSESSION OR CONTROL AS
12 PROVIDED BY CHAPTER 68, CODE OF CRIMINAL PROCEDURE."

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

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

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

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

27 "NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS

1 ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY
2 PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS
3 VALID, EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT
4 UNLESS A COURT CHANGES THE ORDER."

5 "IT IS UNLAWFUL FOR ANY PERSON, OTHER THAN A PEACE OFFICER, AS
6 DEFINED BY SECTION 1.07, PENAL CODE, ACTIVELY ENGAGED IN EMPLOYMENT
7 AS A SWORN, FULL-TIME PAID EMPLOYEE OF A STATE AGENCY OR POLITICAL
8 SUBDIVISION, WHO IS SUBJECT TO A PROTECTIVE ORDER TO POSSESS A
9 FIREARM OR AMMUNITION. A PERSON SUBJECT TO THIS ORDER MUST DISPOSE
10 OF ANY FIREARMS IN THE PERSON'S POSSESSION OR CONTROL AS PROVIDED BY
11 CHAPTER 68, CODE OF CRIMINAL PROCEDURE."

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

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

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

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

1 SEPARATE FELONY OFFENSE, IT IS PUNISHABLE BY CONFINEMENT IN PRISON
2 FOR AT LEAST TWO YEARS."

3 SECTION 5. (a) Chapter 68, Code of Criminal Procedure, as
4 added by this Act, applies only to a person who is convicted of an
5 offense described by Article 68.001(1), Code of Criminal Procedure,
6 as added by this Act, on or after January 1, 2026, or who is the
7 subject of an order described by Article 68.001(2), Code of
8 Criminal Procedure, as added by this Act, or who is subject to a
9 condition of bond or community supervision described by Article
10 68.001(3), Code of Criminal Procedure, as added by this Act, that is
11 issued on or after that date. A person who is convicted of an
12 offense before January 1, 2026, who is the subject of an order
13 issued before that date, or who is subject to a condition imposed
14 before that date, is governed by the law in effect immediately
15 before the effective date of this Act, and the former law is
16 continued in effect for that purpose.

17 (b) The Office of Court Administration of the Texas Judicial
18 System shall adopt the model affidavit required by Article 68.004,
19 Code of Criminal Procedure, as added by this Act, not later than
20 December 1, 2025.

21 SECTION 6. The change in law made by this Act relating to
22 the contents of a protective order or a magistrate's order for
23 emergency protection applies to an order issued on or after January
24 1, 2026. An order issued before that date is governed by the law as
25 it existed immediately before the effective date of this Act, and
26 the former law is continued in effect for that purpose.

27 SECTION 7. This Act takes effect September 1, 2025.