

By: Alvarado

S.B. No. 1748

A BILL TO BE ENTITLED

AN ACT

relating to notice for certain defendants regarding the unlawful possession or acquisition of a firearm or ammunition and a related affidavit of firearm dispossession.

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

SECTION 1. Article 42.0131, Code of Criminal Procedure, is amended to read as follows:

Art. 42.0131. REQUIRED NOTICE FOR PERSONS CONVICTED OF MISDEMEANORS INVOLVING FAMILY VIOLENCE; AFFIDAVIT OF FIREARM DISPOSSESSION. (a) In this article, "firearm" has the meaning assigned by Section 46.01, Penal Code.

(b) If a person is convicted of a misdemeanor involving family violence, as defined by Section 71.004, Family Code, the court shall:

(1) notify the person orally and in writing of the fact that it is unlawful for the person to possess or transfer a firearm or ammunition;

(2) provide the person an affidavit of firearm dispossession described by Subsection (c); and

(3) inform the person that the affidavit of firearm dispossession must be completed and returned to the court not later than 48 hours after the person receives the notification under this subsection.

(c) An affidavit of firearm dispossession must include:

1 (1) the following information:

2 (A) the deadline for the person to transfer or
3 surrender all firearms in the person's possession and return the
4 completed, signed affidavit; and

5 (B) lawful methods for transferring or
6 surrendering a firearm, including:

7 (i) transferring the firearm to a third
8 party who may lawfully possess a firearm;

9 (ii) surrendering the firearm to a
10 designated law enforcement agency; and

11 (iii) any other method of transferring the
12 firearm that complies with state and federal law, including the
13 National Firearms Act (26 U.S.C. Section 5801 et seq.);

14 (2) a declaration under penalty of perjury that all
15 firearms and ammunition in the person's possession have been
16 lawfully transferred or surrendered; and

17 (3) notice of the penalties for failure to comply with
18 the required dispossession of all firearms and ammunition,
19 including state and federal penalties.

20 (d) On receipt of a completed affidavit of firearm
21 dispossession described by Subsection (c), the court shall send a
22 copy of the affidavit, the judgment in the case, and the details of
23 the person's firearm dispossession to the sheriff in the county in
24 which the person resides and, if applicable, the law enforcement
25 agency with jurisdiction over the municipality in which the person
26 resides.

27 (e) The Texas Commission on Law Enforcement shall develop

1 written model policies and related forms that law enforcement
2 agencies may use to implement the requirements of this article,
3 including separate model policies tailored to the needs of law
4 enforcement agencies located in rural and urban areas. The
5 commission shall post the written model policies and related forms
6 on the commission's Internet website. The commission may
7 collaborate with urban and rural law enforcement agencies, the
8 Office of Court Administration of the Texas Judicial System, and
9 any other agencies as necessary to develop the model policies under
10 this subsection.

11 SECTION 2. Not later than January 1, 2026, the Texas
12 Commission on Law Enforcement shall publish the model policies
13 required by Article 42.0131(e), Code of Criminal Procedure, as
14 added by this Act.

15 SECTION 3. The changes in law made by this Act apply to a
16 judgment of conviction entered on or after the effective date of
17 this Act, regardless of whether the offense of which the defendant
18 is convicted was committed before, on, or after that date.

19 SECTION 4. This Act takes effect September 1, 2025.