

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a ballistics database for use by law enforcement officials; creating an offense.

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

SECTION 1. Chapter 411, Government Code, is amended by adding Subchapter M to read as follows:

SUBCHAPTER M. BALLISTICS DATABASE SYSTEM

Sec. 411.401. DEFINITIONS. In this subchapter:

(1) "Ballistic fingerprint" means the unique marking left by a projectile or shell casing after a firearm is discharged.

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

(3) "Firearms dealer" means a person licensed as a firearms dealer under 18 U.S.C. Chapter 44, as amended.

(4) "Manufacturer" means any person who possesses a federal license authorizing the person to engage in the business of manufacturing firearms or ammunition for sale or distribution.

(5) "Projectile" means that part of firearm ammunition that is, by means of an explosion, expelled through the barrel of the firearm.

(6) "Shell casing" means that part of firearm ammunition that contains the primer and propellant powder to discharge a projectile.

Sec. 411.402. DUTIES OF MANUFACTURERS AND DEALERS. (a) A

1 manufacturer transporting a firearm to be sold, rented, leased, or  
2 otherwise transferred in the state shall include in the box with the  
3 firearm in a separate sealed container:

4 (1) a shell casing of a projectile discharged from  
5 that firearm; and

6 (2) any additional information in the manufacturer's  
7 possession that identifies the type of firearm and shell casing  
8 contained in the box.

9 (b) A manufacturer commits an offense if the manufacturer  
10 fails to comply with Subsection (a).

11 (c) On receipt of a firearm from the manufacturer, a  
12 firearms dealer shall confirm to the department that the dealer  
13 received the firearm and sealed container.

14 (d) When the firearm is sold, rented, leased, or otherwise  
15 transferred, the firearms dealer shall forward the sealed container  
16 to the department. A firearms dealer commits an offense if the  
17 dealer fails to comply with this subsection.

18 (e) An offense under this section is a Class B misdemeanor.

19 Sec. 411.403. BALLISTICS DATABASE. (a) The department  
20 shall develop and maintain a computerized database to serve as the  
21 central depository in the state for ballistic fingerprint records.  
22 In developing the database, the department may consult with the  
23 Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco  
24 and Firearms of the United States Department of the Treasury to  
25 ensure compatibility with national ballistic technology.

26 (b) When the department receives a sealed container under  
27 this subchapter, including a shell casing and other identifying

1 information, the department shall enter the pertinent information  
2 in the ballistics database.

3 (c) When a firearm is used during the commission of an  
4 offense or immediate flight from the commission of an offense, law  
5 enforcement officials shall submit any shell casings left from the  
6 firearm to the department to determine if a shell casing matches any  
7 of the information on shell casings in the ballistics database.

8 SECTION 2. Subchapter A, Chapter 102, Code of Criminal  
9 Procedure, is amended by adding Article 102.021 to read as follows:

10 Art. 102.021. COSTS ON CONVICTION FOR OFFENSES COMMITTED  
11 USING FIREARMS. (a) A person shall pay \$50 as a court cost on  
12 conviction of an offense:

13 (1) in which the possession, delivery, or use of a  
14 firearm is an element of the offense; or

15 (2) for which the judgment contains an affirmative  
16 finding that the defendant used a firearm during the commission of  
17 an offense or immediate flight from the commission of the offense.

18 (b) The court shall assess and make a reasonable effort to  
19 collect the cost due under this article whether or not any other  
20 court cost is assessed or collected.

21 (c) For purposes of this article, a person is considered to  
22 have been convicted if:

23 (1) a sentence is imposed; or

24 (2) the defendant receives community supervision or  
25 deferred adjudication.

26 (d) Court costs under this article are collected in the same  
27 manner as other fines or costs. An officer collecting the costs

1 shall keep separate records of the funds collected as costs under  
2 this article and shall deposit the funds in the county treasury.

3 (e) The custodian of a county treasury shall:

4 (1) keep records of the amount of funds on deposit  
5 collected under this article; and

6 (2) send to the comptroller before the last day of the  
7 first month following each calendar quarter the funds collected  
8 under this article during the preceding quarter.

9 (f) A county may retain 10 percent of the funds collected  
10 under this article by an officer of the county as a collection fee  
11 if the custodian of the county treasury complies with Subsection  
12 (e).

13 (g) If no funds due as costs under this article are  
14 deposited in a county treasury in a calendar quarter, the custodian  
15 of the treasury shall file the report required for the quarter in  
16 the regular manner and must state that no funds were collected.

17 (h) The comptroller shall deposit the funds received under  
18 this article to the credit of the ballistics database account. The  
19 ballistics database account is an account in the general revenue  
20 fund that may be appropriated only for the purposes of developing  
21 and maintaining the ballistics database.

22 (i) Funds collected under this article are subject to audit  
23 by the comptroller.

24 SECTION 3. (a) This Act takes effect September 1, 2003.

25 (b) The change in law made by Subchapter M, Government Code,  
26 as added by this Act, applies only to a firearm that is manufactured  
27 on or after September 1, 2003. A firearm manufactured before

1 September 1, 2003, is covered by the law in effect when the firearm  
2 was manufactured, and the former law is continued in effect for that  
3 purpose.

4 (c) The change in law made by Article 102.021, Code of  
5 Criminal Procedure, as added by this Act, applies only to an offense  
6 committed on or after September 1, 2003. An offense committed  
7 before September 1, 2003, is covered by the law in effect when the  
8 offense was committed, and the former law is continued in effect for  
9 that purpose. For purposes of this subsection, an offense was  
10 committed before September 1, 2003, if any element of the offense  
11 was committed before that date.