

Amend CSHB 13 by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Subchapter D, Chapter 411, Government Code, is amended by adding Sections 411.052 and 411.0521 to read as follows:

Sec. 411.052. FEDERAL FIREARM REPORTING. (a) In this section, "federal prohibited person information" means information that identifies an individual as:

(1) a person ordered by a court to receive inpatient mental health services under Chapter 574, Health and Safety Code;

(2) a person with mental retardation committed by a court for long-term placement in a residential care facility under Chapter 593, Health and Safety Code;

(3) an incapacitated adult individual for whom a court has appointed a guardian with full authority over the individual under Chapter XIII, Probate Code;

(4) a person determined to be incompetent to stand trial under Chapter 46B, Code of Criminal Procedure; or

(5) a person acquitted in a criminal case by reason of insanity.

(b) The department by rule shall establish a procedure to provide federal prohibited person information to the Federal Bureau of Investigation for use with the National Instant Criminal Background Check System. Except as otherwise provided by state law, the department may disseminate federal prohibited person information under this subsection only to the extent necessary to allow the Federal Bureau of Investigation to collect and maintain a list of persons who are prohibited under federal law from engaging in certain activities with respect to a firearm.

(c) The department shall grant access to federal prohibited person information to the person who is the subject of the information.

(d) Federal prohibited person information maintained by the department is confidential information for the use of the department and, except as otherwise provided by this section and other state law, may not be disseminated by the department.

(e) The department by rule shall establish a procedure to correct the department's records and update the information sent to the Federal Bureau of Investigation when a person provides:

(1) proof that the person has obtained notice of relief from disabilities under 27 C.F.R. Section 478.144; and

(2) a copy of a judicial order or finding stating that the person no longer suffers from mental illness or mental retardation or is no longer incompetent to stand trial or an incapacitated adult.

Sec. 411.0521. REPORT BY COURT TO DEPARTMENT OF PUBLIC SAFETY. (a) The clerk of the court shall prepare and forward to the Department of Public Safety the information described by Subsection (b) not later than the 30th day after the date the court:

(1) orders a person to receive inpatient mental health services under Chapter 574, Health and Safety Code;

(2) commits a person with mental retardation for long-term placement in a residential care facility under Chapter 593, Health and Safety Code;

(3) appoints a guardian with full authority over an incapacitated adult individual under Chapter XIII, Probate Code;

(4) determines a person is incompetent to stand trial under Chapter 46B, Code of Criminal Procedure; or

(5) acquits a person in a criminal case by reason of insanity.

(b) The clerk of the court shall prepare and forward the following information under Subsection (a):

(1) the complete name, race, and sex of the person;

(2) any known identifying number of the person, including social security number, driver's license number, or state identification number;

(3) the person's date of birth; and

(4) a certified copy of:

(A) the order for inpatient mental health services;

(B) the order committing the person to a residential care facility;

(C) the order appointing a guardian;

(D) the order determining that the person is incompetent to stand trial; or

(E) the order acquitting a person in a criminal case by reason of insanity.

(c) As soon as practicable after the date the information becomes available, the clerk of the court shall also prepare and forward to the Department of Public Safety the following information regarding a court order previously reported to the department under Subsection (a):

(1) a subsequent reversal or modification of the order by any court; or

(2) notification of the expiration of the order, if applicable.

(d) The duty of a clerk to prepare and forward information under this section is not affected by:

(1) any subsequent appeal of the court order;

(2) any subsequent modification of the court order; or

(3) the expiration of the court order.

SECTION _____. Each clerk of the court shall prepare and forward information required to be forwarded to the Department of Public Safety by Section 411.0521, Government Code, as added by this Act, for each order issued on or after September 1, 2003. Not later than September 1, 2008, each clerk of the court shall prepare and forward the information for any court orders issued on or after September 1, 2003, and before September 1, 2007.