

By: Ellis

S.B. No. 1755

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the collection and dissemination of certain information  
3 for a federal firearm background check.

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

5 SECTION 1. Subchapter D, Chapter 411, Government Code, is  
6 amended by adding Sections 411.052 and 411.0521 to read as follows:

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

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

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

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

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

20 (b) The department by rule shall establish a procedure to  
21 provide federal prohibited person information to the Federal Bureau  
22 of Investigation for use with the National Instant Criminal  
23 Background Check System. Except as otherwise provided by state  
24 law, the department may disseminate federal prohibited person

1 information under this subsection only to the extent necessary to  
2 allow the Federal Bureau of Investigation to collect and maintain a  
3 list of persons who are prohibited under federal law from engaging  
4 in certain activities with respect to a firearm.

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

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

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

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

18 (2) commits a person with mental retardation for  
19 long-term placement in a residential care facility under Chapter  
20 593, Health and Safety Code;

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

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

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

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

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

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

5           (4) a certified copy of:

6                   (A) the order for inpatient mental health  
7 services;

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

10                   (C) the order appointing a guardian; or

11                   (D) the order determining that the person is  
12 incompetent to stand trial.

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

15                   (1) any subsequent appeal of the court order;

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

17                   (3) the expiration of the court order.

18           SECTION 2. Each clerk of the court shall prepare and forward  
19 information required to be forwarded to the Department of Public  
20 Safety by Section 411.0521, Government Code, as added by this Act,  
21 for each order issued on or after September 1, 2003. Not later than  
22 September 1, 2008, each clerk of the court shall prepare and forward  
23 the information for any court orders issued on or after September 1,  
24 2003, and before September 1, 2007.

25           SECTION 3. This Act takes effect September 1, 2007.