

By: Wentworth

S.B. No. 1623

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. 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 ordered by a court to receive inpatient treatment or residential care under Chapter 46C, Code of Criminal Procedure;

(3) 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;

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

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

(b) The department by rule shall establish a procedure to provide federal prohibited person information to the Federal Bureau

1 of Investigation for use with the National Instant Criminal  
2 Background Check System. Except as otherwise provided by state  
3 law, the department may disseminate federal prohibited person  
4 information under this subsection only to the extent necessary to  
5 allow the Federal Bureau of Investigation to collect and maintain a  
6 list of persons who are prohibited under federal law from engaging  
7 in certain activities with respect to a firearm.

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

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

15 Sec. 411.0521. REPORT TO DEPARTMENT CONCERNING CERTAIN  
16 PERSONS' ACCESS TO FIREARMS. (a) The clerk of the court shall  
17 prepare and forward to the department the information described by  
18 Subsection (b) not later than the 30th day after the date the court:

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

21 (2) orders a person to receive inpatient treatment or  
22 residential care under Chapter 46C, Code of Criminal Procedure;

23 (3) commits a person with mental retardation for  
24 long-term placement in a residential care facility under Chapter  
25 593, Health and Safety Code;

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

1           (5) determines a person is incompetent to stand trial  
2 under Chapter 46B, Code of Criminal Procedure.

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

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

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

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

10                (4) a certified copy of:

11                         (A) the order for inpatient mental health  
12 services;

13                         (B) the order for inpatient treatment or  
14 residential care;

15                         (C) the order committing the person to a  
16 residential care facility;

17                         (D) the order appointing a guardian; or

18                         (E) the order determining that the person is  
19 incompetent to stand trial.

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

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

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

24                         (3) the expiration of the court order.

25           SECTION 2. Each clerk of the court shall prepare and forward  
26 information required to be forwarded to the Department of Public  
27 Safety of the State of Texas by Section 411.0521, Government Code,

1 as added by this Act, for each order issued on or after September 1,  
2 2005. Not later than September 1, 2010, each clerk of the court  
3 shall prepare and forward the information for any court orders  
4 issued on or after September 1, 2005, and before September 1, 2009.

5 SECTION 3. This Act takes effect September 1, 2009.