

## **BILL ANALYSIS**

H.B. 1421  
By: Perry  
Homeland Security & Public Safety  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Under current law, law enforcement agencies are authorized to seize and hold firearms involved in the commission of certain weapons-related offenses until a court makes a ruling regarding the disposition of the weapon. The weapon may be returned within a specified time to the rightful owner if the court determines that there will be no prosecution or conviction for an offense involving the weapon seized. However, when the return of the weapon is prohibited, the court may order the weapon to be destroyed or forfeited to the state for use by the law enforcement agency holding the weapon or by a county forensic laboratory. H.B. 1421 seeks to add the option for the court to sell such a seized weapon strictly to a federally licensed firearms dealer at a public sale by the law enforcement agency in possession of the weapon or by a licensed auctioneer.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 1421 amends the Code of Criminal Procedure to expand the methods of disposition that a magistrate or court, as applicable, may order for a weapon seized in connection with certain weapons-related offenses to include selling at a public sale by the law enforcement agency holding the weapon or by a licensed auctioneer. The bill restricts the purchase of such a seized weapon to a federally licensed firearms dealer and requires proceeds from the sale of the weapon to be transferred, after the deduction of court costs to which a district court clerk is entitled under statutory contraband forfeiture procedures, followed by the deduction of auction costs, to the law enforcement agency holding the weapon.

### **EFFECTIVE DATE**

September 1, 2013.