

BILL ANALYSIS

H.B. 1872
By: Simmons
Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerned parties observe that currently, those who are found mentally ill by a court are automatically registered in the national background check system as a person who is prohibited from purchasing a firearm. However, concerned parties note there is no method by which an individual may voluntarily self-register in the system if the person has never been admitted to a mental institution but knows that mental illness could lead the person to violent episodes. H.B. 1872 seeks to address this issue by providing the means by which an individual may voluntarily self-identify as someone who is mentally unfit to possess a firearm.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Department of Public Safety in SECTION 1 of this bill.

ANALYSIS

H.B. 1872 amends the Government Code to require the Department of Public Safety (DPS) by rule to establish a procedure to collect and provide information relating to federal firearm reporting about a person who voluntarily self-identifies to DPS or a local law enforcement agency as a person with a mental illness who should be precluded from possessing a firearm.

H.B. 1872 amends the Health and Safety Code to authorize a person who voluntarily self-identifies to the Department of State Health Services or a local law enforcement agency as a person with a mental illness to petition a court with jurisdiction of proceedings under the Texas Mental Health Code for an order stating that the person qualifies for relief from a firearms disability.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.