

BILL ANALYSIS

H.B. 2407
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties assert that current statute does not provide a procedure by which a completely restored ward whose guardianship has been terminated may regain the right to own or possess a firearm, meaning such a person remains subject to federal criminal penalties if the person owns or possesses a firearm. A procedure currently exists for a person who has been committed for inpatient mental health services to seek from a court the restoration of the person's right to own or possess a firearm, and the parties argue that the same right should apply to a completely restored ward whose guardianship has been terminated. H.B. 2407 seeks to remedy this situation by establishing a procedure under which such a restored ward may apply to the court to remove the person's disability to purchase a firearm.

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. 2407 amends the Estates Code, as effective January 1, 2014, to authorize a person whose guardianship was terminated because the person's capacity was completely restored to file an application with the court that created the guardianship for an order requesting the removal of the person's disability to purchase a firearm imposed under federal law. The bill authorizes a ward or a person interested in the ward's welfare, at a proceeding involving the complete restoration of the ward's capacity, to request an order seeking relief from such a firearms disability.

H.B. 2407 requires a court, in determining whether to grant such relief, to hear and consider evidence about the circumstances that led to imposition of the firearms disability, the person's mental history, the person's criminal history, and the person's reputation. The bill prohibits a court from granting relief unless the court makes and enters in the record an affirmative finding that the person or ward is no longer likely to act in a manner dangerous to public safety and an affirmative finding that removing the person's or ward's disability to purchase a firearm is in the public interest.

EFFECTIVE DATE

January 1, 2014.