

By: Simmons

H.B. No. 1872

A BILL TO BE ENTITLED

AN ACT

1
2 relating to federal firearm reporting for a person who voluntarily
3 identifies as a person with mental illness.

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

5 SECTION 1. Sections 411.052(a) and (b), Government Code,
6 are amended to read as follows:

7 (a) In this section, "federal prohibited person
8 information" means information that identifies an individual as:

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

11 (2) a person acquitted in a criminal case by reason of
12 insanity or lack of mental responsibility, regardless of whether
13 the person is ordered by a court to receive inpatient treatment or
14 residential care under Chapter 46C, Code of Criminal Procedure;

15 (3) a person determined to have mental retardation and
16 committed by a court for long-term placement in a residential care
17 facility under Chapter 593, Health and Safety Code;

18 (4) an incapacitated adult individual for whom a court
19 has appointed a guardian of the individual under Chapter XIII,
20 Probate Code, based on the determination that the person lacks the
21 mental capacity to manage the person's affairs; ~~or~~

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

24 (6) a person who voluntarily identifies the person's

1 self to the department or a local law enforcement agency as a person
2 with a mental illness who should be precluded from possessing a
3 firearm.

4 (b) The department by rule shall establish a procedure to
5 provide federal prohibited person information to the Federal Bureau
6 of Investigation for use with the National Instant Criminal
7 Background Check System. The department by rule shall establish a
8 procedure to collect and provide information about a person who
9 voluntarily identifies the person's self to the department or a
10 local law enforcement agency as a person with a mental illness who
11 should be precluded from possessing a firearm. Except as otherwise
12 provided by state law, the department may disseminate federal
13 prohibited person information under this subsection only to the
14 extent necessary to allow the Federal Bureau of Investigation to
15 collect and maintain a list of persons who are prohibited under
16 federal law from engaging in certain activities with respect to a
17 firearm.

18 SECTION 2. Section 574.088, Health and Safety Code, is
19 amended by adding Subsection (a-1) to read as follows:

20 (a-1) A person who voluntarily identifies the person's self
21 to the department or a local law enforcement agency as a person with
22 a mental illness may petition a court with jurisdiction of
23 proceedings under Subtitle C, Title 7, Health and Safety Code, for
24 an order stating that the person qualifies for relief from a
25 firearms disability.

26 SECTION 3. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2013.