

By: Naishtat

H.B. No. 2407

A BILL TO BE ENTITLED

AN ACT

relating to restoration of a person's right to purchase a firearm on termination of a guardianship.

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

SECTION 1. Chapter 1202, Estates Code, as effective January 1, 2014, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. RESTORATION OF RIGHTS ON TERMINATION OF GUARDIANSHIP

Sec. 1202.201. REMOVAL OF FIREARM DISABILITY ON COMPLETE RESTORATION OF WARD'S CAPACITY. (a) A person whose guardianship was terminated because the person's capacity was completely restored may 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 18 U.S.C. Section 922(g)(4).

(b) At a proceeding involving the complete restoration of the ward's capacity under Subchapter B, the ward or a person interested in the ward's welfare may request an order seeking relief from a firearms disability described by Subsection (a).

(c) In determining whether to grant the relief sought under Subsection (a) or (b), the court must hear and consider evidence about:

(1) the circumstances that led to imposition of the firearms disability;

(2) the person's mental history;

1 (3) the person's criminal history; and

2 (4) the person's reputation.

3 (d) A court may not grant relief under this section unless
4 the court makes and enters in the record the following affirmative
5 findings:

6 (1) the person or ward is no longer likely to act in a
7 manner dangerous to public safety; and

8 (2) removing the person's or ward's disability to
9 purchase a firearm is in the public interest.

10 SECTION 2. Section 1202.151(a), Estates Code, as effective
11 January 1, 2014, is amended to read as follows:

12 (a) Except as provided by Section 1202.201, at [A~~t~~] a
13 hearing on an application filed under Section 1202.051, the court
14 shall consider only evidence regarding the ward's mental or
15 physical capacity at the time of the hearing that is relevant to the
16 complete restoration of the ward's capacity or modification of the
17 ward's guardianship.

18 SECTION 3. This Act takes effect January 1, 2014.