

1-1 By: Naishtat (Senate Sponsor - Huffman) H.B. No. 2407
 1-2 (In the Senate - Received from the House May 3, 2013;
 1-3 May 6, 2013, read first time and referred to Committee on Criminal
 1-4 Justice; May 17, 2013, reported favorably by the following vote:
 1-5 Yeas 7, Nays 0; May 17, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to restoration of a person's right to purchase a firearm on
 1-18 termination of a guardianship.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Chapter 1202, Estates Code, as effective January
 1-21 1, 2014, is amended by adding Subchapter E to read as follows:

1-22 SUBCHAPTER E. RESTORATION OF RIGHTS ON TERMINATION OF GUARDIANSHIP

1-23 Sec. 1202.201. REMOVAL OF FIREARM DISABILITY ON COMPLETE
 1-24 RESTORATION OF WARD'S CAPACITY. (a) A person whose guardianship
 1-25 was terminated because the person's capacity was completely
 1-26 restored may file an application with the court that created the
 1-27 guardianship for an order requesting the removal of the person's
 1-28 disability to purchase a firearm imposed under 18 U.S.C. Section
 1-29 922(g)(4).

1-30 (b) At a proceeding involving the complete restoration of
 1-31 the ward's capacity under Subchapter B, the ward or a person
 1-32 interested in the ward's welfare may request an order seeking
 1-33 relief from a firearms disability described by Subsection (a).

1-34 (c) In determining whether to grant the relief sought under
 1-35 Subsection (a) or (b), the court must hear and consider evidence
 1-36 about:

1-37 (1) the circumstances that led to imposition of the
 1-38 firearms disability;

1-39 (2) the person's mental history;

1-40 (3) the person's criminal history; and

1-41 (4) the person's reputation.

1-42 (d) A court may not grant relief under this section unless
 1-43 the court makes and enters in the record the following affirmative
 1-44 findings:

1-45 (1) the person or ward is no longer likely to act in a
 1-46 manner dangerous to public safety; and

1-47 (2) removing the person's or ward's disability to
 1-48 purchase a firearm is in the public interest.

1-49 SECTION 2. Section 1202.151(a), Estates Code, as effective
 1-50 January 1, 2014, is amended to read as follows:

1-51 (a) Except as provided by Section 1202.201, at [At] a
 1-52 hearing on an application filed under Section 1202.051, the court
 1-53 shall consider only evidence regarding the ward's mental or
 1-54 physical capacity at the time of the hearing that is relevant to the
 1-55 complete restoration of the ward's capacity or modification of the
 1-56 ward's guardianship.

1-57 SECTION 3. This Act takes effect January 1, 2014.

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