

By: Uresti

H.B. No. 2712

A BILL TO BE ENTITLED

AN ACT

relating to a firearm buyback program administered by certain local law enforcement agencies.

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

SECTION 1. Subtitle C, Title 11, Local Government Code, is amended by adding Chapter 364 to read as follows:

CHAPTER 364. LOCAL LAW ENFORCEMENT AGENCY FIREARM BUYBACK PROGRAMS

Sec. 364.001. DEFINITION. In this chapter, "local law enforcement agency" means a municipal police department or sheriff's department.

Sec. 364.002. FIREARM BUYBACK PROGRAM. A firearm buyback program is a program under which a local law enforcement agency seeks to reduce violence or crime in the community by offering a payment as an incentive for each firearm surrendered to the agency.

Sec. 364.003. SURRENDER OF FIREARM. (a) A person may surrender a firearm to any local law enforcement agency in this state.

(b) A person who surrenders a firearm under this section is not subject to prosecution for the possession of the firearm.

Sec. 364.004. MONETARY INCENTIVES. A local law enforcement agency shall pay \$100 to the surrendering person for each firearm surrendered under this chapter.

Sec. 364.005. RETENTION AND RETURN OF FIREARM. (a) A local law enforcement agency that receives a firearm surrendered under

1 this chapter may not dispose of the firearm under Section 364.006  
2 before the 30th day after the date the firearm is surrendered.

3 (b) The local law enforcement agency shall return the  
4 firearm to the owner of the firearm if the owner:

5 (1) shows documentation that the owner lawfully owns  
6 the firearm;

7 (2) attests that the owner did not authorize the  
8 surrender of the firearm; and

9 (3) remits to the agency reimbursement for the \$100  
10 paid to the person who surrendered the firearm.

11 Sec. 364.006. DISPOSITION OF SURRENDERED FIREARMS. (a) A  
12 local law enforcement agency may retain a surrendered firearm as  
13 evidence of an offense other than possession of a firearm.

14 (b) If a firearm is surrendered under this chapter and not  
15 retained as evidence, the local law enforcement agency shall  
16 destroy the firearm.

17 Sec. 364.007. REIMBURSEMENT BY COMPTROLLER. (a) A local  
18 law enforcement agency may monthly submit to the comptroller of  
19 public accounts an invoice for amounts paid for firearms  
20 surrendered under the firearm buyback program on a form adopted by  
21 the comptroller.

22 (b) Not later than the fifth working day after the date the  
23 comptroller receives the invoice, the comptroller shall reimburse  
24 the local law enforcement agency.

25 SECTION 2. This Act takes effect September 1, 2017.