

By: Flynn

H.B. No. 3030

A BILL TO BE ENTITLED

AN ACT

relating to the reporting of certain information for purposes of a federal firearm background check.

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

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

(a) In this section:

(1) "Family violence misdemeanor" means a misdemeanor crime of domestic violence under 18 U.S.C. Section 921.

(2) "Federal[, ~~—~~ "federal] prohibited person information" means information that identifies an individual as:

(A) [~~(1)~~] a person ordered by a court to receive inpatient mental health services under Chapter 574, Health and Safety Code;

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

(C) [~~(3)~~] a person determined to have intellectual disabilities [~~mental retardation~~] and committed by a court for long-term placement in a residential care facility under Chapter 593, Health and Safety Code;

(D) [~~(4)~~] an incapacitated adult individual for

1 whom a court has appointed a guardian of the individual under Title  
2 3, Estates Code, based on the determination that the person lacks  
3 the mental capacity to manage the person's affairs; ~~[or]~~

4 (E) [~~5~~] a person determined to be incompetent  
5 to stand trial under Chapter 46B, Code of Criminal Procedure;

6 (F) a person convicted of or placed on deferred  
7 adjudication community supervision for a felony;

8 (G) a person convicted of or placed on deferred  
9 adjudication community supervision for a family violence  
10 misdemeanor;

11 (H) a person subject to a protective order under  
12 Chapter 85, Family Code; or

13 (I) a person subject to a magistrate's order for  
14 emergency protection under Article 17.292, Code of Criminal  
15 Procedure, based on an arrest for an offense involving family  
16 violence.

17 (b) The department by rule shall establish a procedure to  
18 promptly provide federal prohibited person information to the  
19 Federal Bureau of Investigation for use with the National Instant  
20 Criminal Background Check System. Except as otherwise provided by  
21 state law, the department may disseminate federal prohibited person  
22 information under this subsection only to the extent necessary to  
23 allow the Federal Bureau of Investigation to collect and maintain a  
24 list of persons who are prohibited under federal law from engaging  
25 in certain activities with respect to a firearm.

26 (e) The department by rule shall establish a procedure to  
27 correct department records and transmit those corrected records to

1 the Federal Bureau of Investigation when a person provides:

2 (1) a copy of a judicial order or finding that a person  
3 is no longer an incapacitated adult or is entitled to relief from  
4 disabilities under Section 574.088, Health and Safety Code; ~~[or]~~

5 (2) proof that the person has obtained notice of  
6 relief from disabilities under 18 U.S.C. Section 925;

7 (3) proof that the person is no longer ineligible to  
8 possess a firearm based on the commission of a felony or a family  
9 violence misdemeanor; or

10 (4) proof that the person is no longer subject to a  
11 protective order under Chapter 85, Family Code, or a magistrate's  
12 order for emergency protection under Article 17.292, Code of  
13 Criminal Procedure.

14 SECTION 2. Section 411.0521(a), Government Code, is amended  
15 to read as follows:

16 (a) The clerk of the court shall prepare and forward to the  
17 department the information described by Subsection (b) not later  
18 than four hours ~~[the 30th day]~~ after the time ~~[date]~~ the court:

19 (1) orders a person to receive inpatient mental health  
20 services under Chapter 574, Health and Safety Code;

21 (2) acquits a person in a criminal case by reason of  
22 insanity or lack of mental responsibility, regardless of whether  
23 the person is ordered to receive inpatient treatment or residential  
24 care under Chapter 46C, Code of Criminal Procedure;

25 (3) commits a person determined to have intellectual  
26 disabilities ~~[mental retardation]~~ for long-term placement in a  
27 residential care facility under Chapter 593, Health and Safety

1 Code;

2 (4) appoints a guardian of the incapacitated adult  
3 individual under Title 3, Estates Code, based on the determination  
4 that the person lacks the mental capacity to manage the person's  
5 affairs;

6 (5) determines a person is incompetent to stand trial  
7 under Chapter 46B, Code of Criminal Procedure; ~~[or]~~

8 (6) finds a person is entitled to relief from  
9 disabilities under Section 574.088, Health and Safety Code;

10 (7) enters a judgment of conviction or an order of  
11 deferred adjudication community supervision with respect to a  
12 felony;

13 (8) enters a judgment of conviction or an order of  
14 deferred adjudication community supervision with respect to a  
15 family violence misdemeanor as defined by Section 411.052;

16 (9) issues a protective order under Chapter 85, Family  
17 Code; or

18 (10) issues a magistrate's order for emergency  
19 protection under Article 17.292, Code of Criminal Procedure, based  
20 on an arrest for an offense involving family violence.

21 SECTION 3. The change in law made by this Act applies only  
22 to a judgment or order entered or issued on or after the effective  
23 date of this Act. A judgment or order entered or issued before the  
24 effective date of this Act is governed by the law in effect on the  
25 date the judgment or order was entered or issued, and the former law  
26 is continued in effect for that purpose.

27 SECTION 4. This Act takes effect September 1, 2019.