

By: Collier

H.B. No. 3812

A BILL TO BE ENTITLED

AN ACT

relating to the reporting, maintenance, and use of certain misdemeanor conviction information for purposes of the databases used in a federal firearm background check.

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

SECTION 1. Sections 411.052(a) 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 mental retardation and committed by a court for long-term placement in a residential care facility under Chapter 593, Health and Safety Code;

1            (D) [~~(4)~~] an incapacitated adult individual for  
2 whom a court has appointed a guardian of the individual under Title  
3 3, Estates Code, based on the determination that the person lacks  
4 the mental capacity to manage the person's affairs; [~~or~~]

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

7            (F) a person convicted of a family violence  
8 misdemeanor.

9            (e) The department by rule shall establish a procedure to  
10 correct department records and transmit those corrected records to  
11 the Federal Bureau of Investigation when a person provides:

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

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

17            (3) proof that the person is no longer ineligible to  
18 possess a firearm based on the commission of a family violence  
19 misdemeanor.

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

22            (a) The clerk of the court shall prepare and forward to the  
23 department the information described by Subsection (b) not later  
24 than the 30th day after the date the court:

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

27            (2) acquits a person in a criminal case by reason of

1 insanity or lack of mental responsibility, regardless of whether  
2 the person is ordered to receive inpatient treatment or residential  
3 care under Chapter 46C, Code of Criminal Procedure;

4 (3) commits a person determined to have mental  
5 retardation for long-term placement in a residential care facility  
6 under Chapter 593, Health and Safety Code;

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

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

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

15 (7) enters a judgment of conviction with respect to a  
16 family violence misdemeanor as defined by Section 411.052 that is  
17 punishable by fine only.

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

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