

By: Huffman

S.B. No. 324

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the disposition of a firearm seized from certain
3 persons with mental illness.

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

5 SECTION 1. Articles 18.191(c) and (d), Code of Criminal
6 Procedure, are amended to read as follows:

7 (c) Not later than the 30th day after the date a firearm
8 subject to disposition under this article is seized, the law
9 enforcement agency holding the firearm shall contact the court in
10 the county having jurisdiction to order commitment under Chapter
11 574, Health and Safety Code, and request the disposition of the
12 case. Not later than the 30th day after the date of this request,
13 the clerk of the court shall advise the requesting agency whether
14 the person taken into custody was released under Section 573.023 or
15 574.028, Health and Safety Code, or was ordered to receive
16 inpatient mental health services under Section 574.034 or 574.035,
17 Health and Safety Code.

18 (d) Not later than the 30th day after the date the clerk of
19 the court informs a law enforcement agency holding a firearm
20 subject to disposition under this article that the person taken
21 into custody was released under Section 573.023 or 574.028, Health
22 and Safety Code, the law enforcement agency shall:

23 (1) conduct a check of state and national criminal
24 history record information to verify whether the person may

1 lawfully possess a firearm under 18 U.S.C. Section 922(g); and

2 (2) provide written notice to the person by certified
3 mail that the firearm may be returned to the person on verification
4 under Subdivision (1) that the person may lawfully possess the
5 firearm.

6 SECTION 2. This Act takes effect September 1, 2019.