

By: Huffman

S.B. No. 324

A BILL TO BE ENTITLED

AN ACT

relating to the disposition of a firearm seized from certain persons with mental illness.

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

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

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

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

(1) conduct a check of state and national criminal 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.