

1-1 By: Huffman S.B. No. 666
1-2 (In the Senate - Filed February 6, 2019; March 1, 2019, read
1-3 first time and referred to Committee on State Affairs;
1-4 March 13, 2019, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; March 13, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Huffman	X		
1-9	Hughes	X		
1-10	Birdwell	X		
1-11	Creighton	X		
1-12	Fallon	X		
1-13	Hall	X		
1-14	Lucio	X		
1-15	Nelson	X		
1-16	Zaffirini	X		

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the reporting, maintenance, and use of certain
1-20 misdemeanor conviction information for purposes of the databases
1-21 used in a federal firearm background check.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Sections 411.052(a) and (e), Government Code,
1-24 are amended to read as follows:

1-25 (a) In this section:

1-26 (1) "Family violence misdemeanor" means a misdemeanor
1-27 crime of domestic violence under 18 U.S.C. Section 921.

1-28 (2) "Federal[~~,~~ "Federal]" prohibited person
1-29 information" means information that identifies an individual as:

1-30 (A) [~~(1)~~] a person ordered by a court to receive
1-31 inpatient mental health services under Chapter 574, Health and
1-32 Safety Code;

1-33 (B) [~~(2)~~] a person acquitted in a criminal case
1-34 by reason of insanity or lack of mental responsibility, regardless
1-35 of whether the person is ordered by a court to receive inpatient
1-36 treatment or residential care under Chapter 46C, Code of Criminal
1-37 Procedure;

1-38 (C) [~~(3)~~] a person determined to have mental
1-39 retardation and committed by a court for long-term placement in a
1-40 residential care facility under Chapter 593, Health and Safety
1-41 Code;

1-42 (D) [~~(4)~~] an incapacitated adult individual for
1-43 whom a court has appointed a guardian of the individual under Title
1-44 3, Estates Code, based on the determination that the person lacks
1-45 the mental capacity to manage the person's affairs; [~~or~~]

1-46 (E) [~~(5)~~] a person determined to be incompetent
1-47 to stand trial under Chapter 46B, Code of Criminal Procedure; or

1-48 (F) a person convicted of a family violence
1-49 misdemeanor.

1-50 (e) The department by rule shall establish a procedure to
1-51 correct department records and transmit those corrected records to
1-52 the Federal Bureau of Investigation when a person provides:

1-53 (1) a copy of a judicial order or finding that a person
1-54 is no longer an incapacitated adult or is entitled to relief from
1-55 disabilities under Section 574.088, Health and Safety Code; [~~or~~]

1-56 (2) proof that the person has obtained notice of
1-57 relief from disabilities under 18 U.S.C. Section 925; or

1-58 (3) proof that the person is no longer ineligible to
1-59 possess a firearm based on the commission of a family violence
1-60 misdemeanor.

1-61 SECTION 2. Section 411.0521(a), Government Code, is amended

2-1 to read as follows:

2-2 (a) The clerk of the court shall prepare and forward to the
2-3 department the information described by Subsection (b) not later
2-4 than the 30th day after the date the court:

2-5 (1) orders a person to receive inpatient mental health
2-6 services under Chapter 574, Health and Safety Code;

2-7 (2) acquits a person in a criminal case by reason of
2-8 insanity or lack of mental responsibility, regardless of whether
2-9 the person is ordered to receive inpatient treatment or residential
2-10 care under Chapter 46C, Code of Criminal Procedure;

2-11 (3) commits a person determined to have mental
2-12 retardation for long-term placement in a residential care facility
2-13 under Chapter 593, Health and Safety Code;

2-14 (4) appoints a guardian of the incapacitated adult
2-15 individual under Title 3, Estates Code, based on the determination
2-16 that the person lacks the mental capacity to manage the person's
2-17 affairs;

2-18 (5) determines a person is incompetent to stand trial
2-19 under Chapter 46B, Code of Criminal Procedure; [~~or~~]

2-20 (6) finds a person is entitled to relief from
2-21 disabilities under Section 574.088, Health and Safety Code; or

2-22 (7) enters a judgment of conviction with respect to a
2-23 family violence misdemeanor as defined by Section 411.052 that is
2-24 punishable by fine only.

2-25 SECTION 3. The change in law made by this Act applies only
2-26 to a judgment entered on or after the effective date of this Act. A
2-27 judgment entered before the effective date of this Act is governed
2-28 by the law in effect on the date the judgment was entered, and the
2-29 former law is continued in effect for that purpose.

2-30 SECTION 4. This Act takes effect September 1, 2019.

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