87R3217 TSS-F

By:  Moody H.B. No. 1253

A BILL TO BE ENTITLED

AN ACT

relating to the creation of county task forces for the disposition of a firearm a person is prohibited from possessing under certain court orders related to family violence.

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

SECTION 1.  Chapter 236, Local Government Code, is amended by adding Section 236.004 to read as follows:

Sec. 236.004.  COUNTY TASK FORCES RELATING TO DISPOSITION OF FIREARMS PROHIBITED UNDER COURT ORDER RELATED TO FAMILY VIOLENCE. (a) In this section:

(1)  "Family violence" has the meaning assigned by Section 71.004, Family Code.

(2)  "Family violence center" means a public or private nonprofit organization that provides, as its primary purpose, services, including the services under Section 51.005(b)(3), Human Resources Code, to victims of family violence, as defined by Section 51.002, Human Resources Code.

(3)  "Firearm" has the meaning assigned by Section 46.01, Penal Code.

(4)  "Task force" means a task force created by a county under this section for the surrender, transfer, or other disposition of a firearm a person is prohibited from possessing under a court order related to family violence and for the return or other disposition of a surrendered firearm.

(b)  Each county commissioners court shall establish a task force under this section that must include the following members if applicable for the county:

(1)  the chief administrative officer of a family violence center or the chief administrator's designee;

(2)  the chief of police of the municipality having the largest population in the county or the chief's designee;

(3)  the sheriff of the county or the sheriff's designee;

(4)  a judge of a court in the county with jurisdiction over cases involving family violence; and

(5)  a prosecutor with jurisdiction in the county over cases involving family violence.

(c)  The county commissioners court shall call the first meeting of the task force at which the members shall elect a presiding officer. All subsequent meetings shall be held at the call of the presiding officer.

(d)  The presiding officer may appoint additional members to the task force if necessary for the task force to complete its duties under Subsection (g).

(e)  The task force may consult with individuals or organizations having knowledge and experience in the issues of firearms and family violence.

(f)  A vacancy for a member of the task force shall be filled immediately and in the same manner as the original appointment.

(g)  The task force shall develop policy recommendations, model forms, and guidelines for best practices related to:

(1)  the surrender, transfer, or other disposition of a firearm a person is prohibited from possessing under an order issued as a result of or to prevent family violence, including:

(A)  a protective order issued under Title 4, Family Code, or Chapter 7B, Code of Criminal Procedure;

(B)  a magistrate's order of emergency protection issued under Article 17.292, Code of Criminal Procedure;

(C)  an order setting the conditions of bond for a defendant charged with an offense involving family violence under Article 17.49, Code of Criminal Procedure; and

(D)  an order granting community supervision to a defendant convicted of an offense involving family violence, as described by Article 42A.504, Code of Criminal Procedure; and

(2)  the receipt, storage, and return or other disposition of a firearm surrendered under Subdivision (1).

(h)  In developing the recommendations, forms, and guidelines required under this section, the task force shall:

(1)  consult with a family violence advocacy organization that provides services throughout the state;

(2)  prioritize the safety of victims of family violence, including victims of dating violence and victims of emotional harm or abuse, and law enforcement personnel;

(3)  ensure due process is provided;

(4)  provide specific guidance on:

(A)  policies and procedures for the surrender, transfer, or other disposition of a firearm by a person subject to an order described by Subsection (g)(1);

(B)  policies and procedures for the receipt and disposition of a transferred firearm by a firearms dealer licensed under 18 U.S.C. Section 923 or a person not prohibited from possessing a firearm by state or federal law;

(C)  policies and procedures for the receipt and storage of a surrendered firearm by a law enforcement agency or other governmental entity and standards of care regarding the storage of the surrendered firearm;

(D)  policies and procedures for the return or other disposition of a surrendered firearm by the law enforcement agency or other governmental entity storing the firearm after the order described by Subsection (g)(1) expires or is rescinded; and

(E)  policies and procedures for compensating the owner of a surrendered firearm that is damaged or destroyed while in the possession of a law enforcement agency or other governmental entity or while in the possession of an entity operating under a contract with a governmental entity for the purpose of storing surrendered firearms;

(5)  require verification that a person described by Subdivision (4)(A) has surrendered, transferred, or otherwise disposed of all firearms in the person's possession; and

(6)  provide for an enforcement option if a verification is not made within 48 hours of the issuance of an order described by Subsection (g)(1).

(i)  The task force shall make available all recommendations, forms, and guidelines developed under this section to all judges with jurisdiction over cases involving family violence in the county and all law enforcement agencies with jurisdiction in the county.

(j)  The task force shall meet not later than the 90th day following the end of each regular legislative session to review and amend any recommendations, forms, or guidelines developed under this section.

(k)  Not later than December 1 of each odd-numbered year, the task force shall provide the county commissioners court a report including:

(1)  a list of task force members;

(2)  a summary of all recommendations, forms, and guidelines developed under this section;

(3)  a description of practices and procedures in the courts and law enforcement agencies within the county in regard to:

(A)  the surrender, transfer, or other disposition of a firearm a person is prohibited from possessing under an order issued as a result of or to prevent family violence; and

(B)  the receipt, storage, and return or other disposition of a surrendered firearm; and

(4)  a description of potential sources of funding available to implement recommendations.

(l)  The commissioners courts of multiple counties may agree to form a regional task force under this section to serve the needs of all counties in the agreement.

SECTION 2.  Notwithstanding the requirement in Section 236.004, Local Government Code, as added by this Act, that a report be submitted by December 1 of each odd-numbered year, a task force created under that section shall submit its first report to the county commissioners court not later than June 1, 2022.

SECTION 3.  This Act takes effect September 1, 2021.