87R10812 TSS-F

By:  West S.B. No. 1967

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of a task force relating to reducing family violence by providing for the transfer of firearms.

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

SECTION 1.  Chapter 72, Government Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. TASK FORCE TO REDUCE FAMILY VIOLENCE BY CREATING STANDARDS RELATED TO FIREARMS TRANSFER

Sec. 72.251.  DEFINITIONS. (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 the task force created under this subchapter relating to the transfer of firearms to reduce family violence.

Sec. 72.252.  TASK FORCE MEMBERSHIP. (a) The task force is composed of 19 members appointed as provided under this section.

(b)  The director shall appoint to the task force:

(1)  one member who is a representative of the office; and

(2)  one member from a statewide family violence advocacy organization.

(c)  The members appointed under Subsection (b) shall serve as presiding officers of the task force and shall jointly appoint the remaining 17 members of the task force as follows:

(1)  one member from the bureau of identification and records of the Department of Public Safety;

(2)  two members from nonprofit organizations that serve the victims of family violence, at least one of whom is an attorney licensed in this state whose practice includes the representation of victims of family violence applying for protective orders under Title 4, Family Code;

(3)  one member from a family violence center;

(4)  one member who is a judge or associate judge with experience hearing criminal proceedings relating to family violence;

(5)  one member who is a judge or associate judge with experience hearing proceedings relating to the issuance of a protective order under Title 4, Family Code;

(6)  one member who is a prosecuting attorney with experience in prosecuting offenses involving family violence;

(7)  one member who is a prosecuting attorney with experience in representing a person seeking a protective order under Title 4, Family Code;

(8)  one member who is a magistrate with experience in proceedings relating to:

(A)  orders for emergency protection under Article 17.292, Code of Criminal Procedure; and

(B)  the conditions of bond in cases involving family violence;

(9)  one member from a law enforcement agency;

(10)  one member from the Texas Commission on Law Enforcement;

(11)  one member from the Texas Center for the Judiciary;

(12)  one member from the Permanent Judicial Commission for Children, Youth and Families established by the supreme court;

(13)  one member from the Texas Municipal Courts Education Center;

(14)  one member from the Texas Justice Court Training Center;

(15)  one member from the County and District Clerks' Association of Texas; and

(16)  any other member whom the presiding officers determine to be appropriate and who consents to serve on the task force.

(d)  Appointed members of the task force serve at the will of the appointing authority. A vacancy on the task force must be filled in the same manner as the original appointment.

Sec. 72.253.  MEETINGS; COMPENSATION. (a) The task force shall meet at the call of the presiding officers.

(b)  Members of the task force serve without compensation or reimbursement for expenses.

Sec. 72.254.  DUTIES. (a) The task force shall develop policy recommendations, model forms, and guidelines for best practices related to:

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

(A)  a protective order issued under Title 4, Family Code;

(B)  a magistrate's order of emergency protection issued under Article 17.292, Code of Criminal Procedure, that requires the defendant to transfer firearms for the duration of the order;

(C)  an order setting the conditions of bond for a defendant charged with an offense involving family violence that requires the defendant to transfer firearms during the pendency of the case;

(D)  an order granting community supervision to a defendant convicted of an offense involving family violence;

(E)  an order placing the defendant on deferred adjudication community supervision for an offense involving family violence that requires the defendant to transfer firearms as a condition of deferred adjudication community supervision; and

(F)  a judgment of conviction for an offense involving family violence; and

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

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

(1)  prioritize the safety of victims of family violence and law enforcement personnel;

(2)  ensure due process is provided;

(3)  provide specific guidance on:

(A)  policies and procedures for the transfer or other disposition of a firearm by a person subject to a judgment or order described by Subsection (a)(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 transferred firearm by a law enforcement agency or other governmental entity and standards of care regarding the storage of the firearm;

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

(E)  policies and procedures for compensating the owner of a 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 firearms;

(4)  require verification that a person subject to a judgment or order described by Subsection (a)(1) has transferred or otherwise disposed of all firearms in the person's possession; and

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

(c)  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 this state and all law enforcement agencies with jurisdiction in this state.

Sec. 72.255.  ADMINISTRATIVE SUPPORT. The office shall provide reasonably necessary administrative and technical support for the activities of the task force.

Sec. 72.256.  ASSISTANCE WITH RECOMMENDATIONS. The office shall seek the assistance of the task force before the office makes any recommendation as a result of the work done by the task force.

Sec. 72.257.  EXPIRATION DATE. The task force is abolished and this subchapter expires on September 1, 2023.

SECTION 2.  As soon as practicable after the effective date of this Act, the appropriate persons shall appoint the members of the task force created by Subchapter H, Chapter 72, Government Code, as added by this Act.

SECTION 3.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.