

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (3) ensure due process is provided;

24 (4) provide specific guidance on:

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

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

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

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

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

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

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

25 (i) The task force shall make available all
26 recommendations, forms, and guidelines developed under this
27 section to all judges with jurisdiction over cases involving family

1 violence in the county and all law enforcement agencies with
2 jurisdiction in the county.

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

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

10 (1) a list of task force members;

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

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

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

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

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

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

26 SECTION 2. Notwithstanding the requirement in Section
27 236.004, Local Government Code, as added by this Act, that a report

1 be submitted by December 1 of each odd-numbered year, a task force
2 created under that section shall submit its first report to the
3 county commissioners court not later than June 1, 2022.

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