

By: Johnson of Dallas

H.B. No. 3671

Substitute the following for H.B. No. 3671:

By: White

C.S.H.B. No. 3671

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the reporting of certain orders and convictions to the
3 Department of Public Safety and Federal Bureau of Investigation for
4 use with the National Instant Criminal Background Check System for
5 the transfer of firearms.

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

7 SECTION 1. Subchapter A, Chapter 7B, Code of Criminal
8 Procedure, is amended by adding Article 7B.0085 to read as follows:

9 Art. 7B.0085. REPORTING. For an original or modified
10 protective order issued under this subchapter, on receipt of the
11 order from the clerk of the court, a law enforcement agency shall
12 immediately, but not later than the third business day after the
13 date the order is received, enter the information required by
14 Section 411.042(b)(6), Government Code, into the statewide law
15 enforcement information system maintained by the Department of
16 Public Safety.

17 SECTION 2. Subchapter B, Chapter 7B, Code of Criminal
18 Procedure, is amended by adding Article 7B.054 to read as follows:

19 Art. 7B.054. REPORTING. For an original or modified
20 protective order issued under this subchapter, on receipt of the
21 order from the clerk of the court, a law enforcement agency shall
22 immediately, but not later than the third business day after the
23 date the order is received, enter the information required by
24 Section 411.042(b)(6), Government Code, into the statewide law

1 enforcement information system maintained by the Department of
2 Public Safety.

3 SECTION 3. Article 66.252, Code of Criminal Procedure, is
4 amended by amending Subsections (b) and (d) and adding Subsections
5 (d-1) and (h) to read as follows:

6 (b) The arresting law enforcement agency shall prepare a
7 uniform incident fingerprint card described by Article 66.251 and
8 initiate the reporting process for each offender charged with:

9 (1) a felony;

10 (2) a misdemeanor for which a term of confinement may
11 be imposed; or

12 (3) a misdemeanor punishable by fine only that
13 involves family violence[~~, as defined by Section 71.004, Family~~
14 ~~Code~~].

15 (d) Except as provided by Subsection (d-1) or (e) or as
16 otherwise required by applicable state law or rule, information or
17 data required by this chapter to be reported to the Department of
18 Public Safety or the Texas Department of Criminal Justice shall be
19 reported promptly but not later than the 30th day after the date on
20 which the information or data is received by the agency responsible
21 for reporting it.

22 (d-1) A conviction for an offense involving family violence
23 that would prohibit a person from possessing a firearm under state
24 or federal law shall be reported to the Department of Public Safety
25 not later than the fifth calendar day after the date the judgment of
26 conviction is entered.

27 (h) For purposes of this article, "family violence" has the

1 meaning assigned by Section 71.004, Family Code.

2 SECTION 4. Subchapter D, Chapter 411, Government Code, is
3 amended by adding Section 411.0525 to read as follows:

4 Sec. 411.0525. REPORTING OF CERTAIN PROTECTIVE ORDERS AND
5 FAMILY VIOLENCE MISDEMEANOR CONVICTIONS. (a) In this section:

6 (1) "Family violence misdemeanor" means a misdemeanor
7 crime of domestic violence as defined by 18 U.S.C. Section 921.

8 (2) "Protective order" means a court order described
9 by 18 U.S.C. Section 922(g)(8).

10 (b) The department shall report to the Federal Bureau of
11 Investigation for use with the National Instant Criminal Background
12 Check System each protective order and each conviction for a family
13 violence misdemeanor not later than the fifth calendar day after
14 the date the department receives information that the protective
15 order or judgment of conviction was entered.

16 SECTION 5. Articles 7B.0085, 7B.054, and 66.252(d-1), Code
17 of Criminal Procedure, as added by this Act, apply only to a
18 protective order or judgment of conviction entered on or after the
19 effective date of this Act.

20 SECTION 6. Section 411.0525, Government Code, as added by
21 this Act, applies only to information received by the Department of
22 Public Safety of the State of Texas on or after the effective date
23 of this Act.

24 SECTION 7. This Act takes effect September 1, 2021.