

By: Johnson of Dallas

H.B. No. 3671

A BILL TO BE ENTITLED

AN ACT

1  
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 seventh calendar day after the date the judgment  
26 of 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 PROTECTIVE ORDERS AND FAMILY  
5 VIOLENCE CONVICTIONS. (a) In this section:

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

8 (2) "Protective order" means:

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

11 (B) a magistrate's order for emergency  
12 protection issued under Article 17.292, Code of Criminal Procedure.

13 (b) The department shall report to the Federal Bureau of  
14 Investigation for use with the National Instant Criminal Background  
15 Check System each protective order and each conviction for an  
16 offense involving family violence not later than the seventh  
17 calendar day after the date the department receives information  
18 that the protective order or judgment of conviction was entered.

19 SECTION 5. Articles 7B.0085, 7B.054, and 66.252(d-1), Code  
20 of Criminal Procedure, as added by this Act, apply only to a  
21 protective order, magistrate's order for emergency protection, or  
22 judgment of conviction entered on or after the effective date of  
23 this Act.

24 SECTION 6. Section 411.0525, Government Code, as added by  
25 this Act, applies only to information received by the Department of  
26 Public Safety of the State of Texas on or after the effective date  
27 of this Act.

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