

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

2 and

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

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

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

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

15 (3) one member from a family violence center;

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

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

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

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

27 (8) one member who is a magistrate with experience in

1 proceedings relating to:

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

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

6 (9) one member from a law enforcement agency;

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

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

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

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

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

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

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

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

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

27 (b) Members of the task force serve without compensation or

1 reimbursement for expenses.

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

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

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

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

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

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

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

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

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

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

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

5 (2) ensure due process is provided;

6 (3) provide specific guidance on:

7 (A) policies and procedures for the transfer or
8 other disposition of a firearm by a person subject to a judgment or
9 order described by Subsection (a)(1);

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

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

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

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

27 (4) require verification that a person subject to a

1 judgment or order described by Subsection (a)(1) has transferred or
2 otherwise disposed of all firearms in the person's possession; and

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

6 (c) The task force shall make available all
7 recommendations, forms, and guidelines developed under this
8 section to all judges with jurisdiction over cases involving family
9 violence in this state and all law enforcement agencies with
10 jurisdiction in this state.

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

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

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

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

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