

By: Curry

H.B. No. 4933

A BILL TO BE ENTITLED

AN ACT

relating to the disposition of a seized weapon belonging to a person who is not prosecuted or convicted for an offense involving the weapon.

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

SECTION 1. Article 18.19(c), Code of Criminal Procedure, is amended to read as follows:

(c) If there is no prosecution or conviction for an offense involving the weapon seized, the magistrate to whom the seizure was reported shall, not later than the 60th ~~[before the 61st]~~ day after the date the magistrate determines that there will be no prosecution or conviction, notify in writing the person found in possession of the weapon that the person is entitled to the weapon upon written request to the magistrate. Not later than the 60th day after the date of notification, the ~~[The]~~ magistrate shall order the weapon returned to the person found in possession ~~[before the 61st day after the date the magistrate receives a request from the person. If the weapon is not requested before the 61st day after the date of notification, the magistrate shall, before the 121st day after the date of notification, order the weapon destroyed, sold at public sale by the law enforcement agency holding the weapon or by an auctioneer licensed under Chapter 1802, Occupations Code, or forfeited to the state for use by the law enforcement agency holding the weapon or by a county forensic laboratory designated by~~

1 ~~the magistrate. If the magistrate does not order the return,~~
2 ~~destruction, sale, or forfeiture of the weapon within the~~
3 ~~applicable period prescribed by this subsection, the law~~
4 ~~enforcement agency holding the weapon may request an order of~~
5 ~~destruction, sale, or forfeiture of the weapon from the magistrate.~~
6 ~~Only a firearms dealer licensed under 18 U.S.C. Section 923 may~~
7 ~~purchase a weapon at public sale under this subsection. Proceeds~~
8 ~~from the sale of a seized weapon under this subsection shall be~~
9 ~~transferred, after the deduction of court costs to which a district~~
10 ~~court clerk is entitled under Article 59.05(f), followed by the~~
11 ~~deduction of auction costs, to the law enforcement agency holding~~
12 ~~the weapon].~~

13 SECTION 2. The change in law made by this Act applies to the
14 disposition of a weapon on or after the effective date of this Act,
15 regardless of whether the weapon was seized by a law enforcement
16 agency before, on, or after that date.

17 SECTION 3. This Act takes effect September 1, 2025.