

BILL ANALYSIS

S.B. 1944
By: Huffman
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that a firearm may be seized from a person taken into custody pursuant to an emergency mental health warrant. The parties are concerned, however, that it is too difficult for a person who has been released from custody to reclaim their firearm. S.B. 1944 seeks to remedy this situation.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1944 amends the Code of Criminal Procedure to include among the Texas Mental Health Code provisions that trigger the requirement that a law enforcement agency holding a firearm seized from a person with a mental illness, after being advised by a clerk of the court that the person was released under certain Texas Mental Health Code provisions, conduct a check of certain criminal history record information and provide written notice to the person that the firearm may be returned under certain circumstances, the provision relating to the release of the person from detention on the determination of a magistrate or associate judge that no probable cause exists to believe that the person presented a substantial risk of serious harm to any person.

EFFECTIVE DATE

September 1, 2015.