

BILL ANALYSIS

Senate Research Center
76R5826 KLA-D

S.B. 588
By: Nelson
Criminal Justice
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As Filed

DIGEST

Currently, Texas law prohibits a person currently restricted under a court protective order from carrying a concealed handgun. The 74th Legislature made it a crime to knowingly purchase, rent, lease, or receive as a loan or gift a handgun while there was a protective order directed to the person. This bill suspends the license to carry a concealed handgun issued to a person who commits family violence.

PURPOSE

As proposed, S.B. 588 suspends a license to carry a concealed handgun issued to a person who commits family violence.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 85.022, Family Code, by adding Subsection (d), to authorize a court, in a protective order, to suspend a license to carry a concealed handgun under Section 411.117, Government Code, that is held by a person found to have committed family violence.

SECTION 2. Amends Section 85.042, Family Code, by adding Subsection (e), to require the clerk of the court issuing a protective order that suspends a license to carry a concealed handgun to send a copy of the order to the appropriate division of Department of Public Safety (DPS) at its Austin headquarters. Sets forth requirements for DPS upon receipt of the order suspending the license.

SECTION 3. Amends Article 17.292, Code of Criminal Procedure, by amending Subsection (k) and adding Subsection (l), to authorize the magistrate to suspend a license to carry a concealed handgun that is held by the defendant. Establishes that certain definitions have the meanings assigned by Chapter 71, rather than Section 71.01, Family Code. Makes a conforming change.

SECTION 4. Amends Chapter 17, Code of Criminal Procedure, by adding Article 17.293, as follows:

Art. 17.293. DELIVERY OF ORDER FOR EMERGENCY PROTECTION TO OTHER PERSONS. Requires the magistrate or clerk of the magistrate's court issuing an order for emergency protection that suspends a license to carry a concealed handgun to immediately send a copy of the order to DPS at its Austin headquarters. Sets forth requirements for DPS upon receipt of the order suspending the license.

SECTION 5. Amends Sections 411.187(a) and (c), Government Code, to authorize a license to be suspended under this section if the license holder commits an act of family violence and is the subject of an active protective order, or is arrested for certain offenses involving family violence and is the subject of an order for emergency protection. Authorizes a license to be suspended under this section for the duration of or the period specified by certain orders. Makes conforming changes.

SECTION 6. (a) Provides that in accordance with Section 311.031(c), Government Code, which gives effect to a substantive amendment enacted by the same legislature that codifies the amended statute, the text of Section 411.187, Government Code, as set out in SECTION 5 of this Act, gives effect to changes made by Chapter 1261, Acts of the 75th Legislature, Regular Session, 1997.

(b) Provides that to the extent of any conflict, this Act prevails over another Act of the 76th Legislature, Regular Session, 1999, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 7. Effective date: September 1, 1999.
Makes application of this Act prospective.

SECTION 8. Emergency clause.