

## **BILL ANALYSIS**

Senate Research Center

S.B. 1470  
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Criminal Justice  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The United States Congress recently reauthorized the Violence Against Women Act (VAWA), which became effective in January 2006. Under the Act, in order for a state to receive federal dollars, each state is required to certify that its judicial administrative policies and practices include notification to domestic violence offenders of the requirements contained in Sections 922(g)(8) and (g)(9), Title 18, U.S. Code, and any applicable federal, state, or local laws. These sections of the U.S. Code are provisions that prohibit the possession of a firearm by someone who is convicted of a family violence crime or subject to a family violence protective order. The state must make this certification before January 5, 2008, and without it Texas will lose \$7 million in federal funding for programs addressing family violence.

Current Texas law does include a requirement that such a warning be placed in protective orders issued in Texas. There is not, however, a similar provision in the Code of Criminal Procedure that requires the same notice to be given to people convicted of a family violence offense.

As proposed, S.B. 1470 requires judges to notify family violence offenders that under already existing provisions of state and federal law, they may be prohibited from possessing a firearm.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 1, Article 42.01, Code of Criminal Procedure, as follows:

Sec. 1. Requires that a judgment reflect certain information, including that in the event that the defendant has been convicted of an offense punishable as a misdemeanor and involving a member of his or her family or household, it may be unlawful for the defendant to possess a firearm or ammunition, pursuant to certain federal law or Section 46.04 (Unlawful Possession of a Firearm), Penal Code

SECTION 2. Effective date: September 1, 2007.