

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1470
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Criminal Justice
4/4/2007
Committee Report (Substituted)

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.

C.S.S.B. 1470 requires judges to notify family violence offenders that under existing provisions of state and federal law, they will be prohibited from possessing or transferring 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 Article 26.13(a), Code of Criminal Procedure, as follows:

(a) Requires the court, prior to accepting a plea of guilty or a plea of nolo contendere, to admonish the defendant of certain facts, including the fact that it is unlawful for the defendant to possess or transfer a firearm or ammunition if the defendant is convicted of a misdemeanor involving family violence, as defined by Section 71.004, Family Code.

SECTION 2. Amends Chapter 42, Code of Criminal Procedure, by adding Article 42.0131, as follows:

Sec. 42.0131. REQUIRED NOTICE FOR PERSONS CONVICTED OF MISDEMEANORS INVOLVING FAMILY VIOLENCE. Requires the court, if a person is convicted of a misdemeanor involving family violence, as defined by Section 71.004, Family Code, to notify the person of the fact that it is unlawful for the person to possess or transfer a firearm or ammunition.

SECTION 3. Effective date: September 1, 2007.