

BILL ANALYSIS

Senate Research Center
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S.B. 666
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas law prohibits firearm possession by certain family violence misdemeanants for five years following release from confinement or community supervision. Federal law also prohibits people convicted of certain family violence crimes, including misdemeanors, from purchasing or possessing firearms.

County and district courts are currently required to report low-level family violence convictions to the Department of Public Safety of the State of Texas (DPS); however, municipal courts and justice of the peace courts are not. S.B. 666 would close this reporting gap by requiring all courts to report Class C misdemeanor family violence convictions to DPS.

As proposed, S.B. 666 amends current law relating to the reporting, maintenance, and use of certain misdemeanor conviction information for purposes of the databases used in a federal firearm background check.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Department of Public Safety of the State of Texas is modified in SECTION 1 (Section 411.052, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 411.052(a) and (e), Government Code, as follows:

(a) Defines:

(1) "Family violence misdemeanor" as a misdemeanor crime of domestic violence under 18 U.S.C. Section 921.

(2) "Federal prohibited person information" as information that identifies an individual as:

(A) redesignates existing Subdivision (1) as Paragraph (A) and makes no further changes to this paragraph;

(B) redesignates existing Subdivision (2) as Paragraph (B) and makes no further changes to this paragraph;

(C) redesignates existing Subdivision (3) as Paragraph (C) and makes no further changes to this paragraph;

(D) redesignates existing Subdivision (4) as Paragraph (D) and makes a nonsubstantive change;

(E) redesignates existing Subdivision (5) as Paragraph (E) and makes a nonsubstantive change; or

(F) a person convicted of a family violence misdemeanor.

(e) Requires the Department of Public Safety of the State of Texas (DPS) by rule to establish a procedure to correct DPS records and transmit those corrected records to the Federal Bureau of Investigation when a person provides:

(1)–(2) makes nonsubstantive changes; or

(3) proof that the person is no longer ineligible to possess a firearm based on the commission of a family violence misdemeanor.

SECTION 2. Amends Section 411.0521(a), Government Code, as follows:

(a) Requires the clerk of the court to prepare and forward to DPS the information described by Subsection (b) not later than the 30th day after the date the court:

(1)–(4) makes no changes to these subdivisions;

(5)–(6) makes nonsubstantive changes; or

(7) enters a judgment of conviction with respect to a family violence misdemeanor as defined by Section 411.052 (Federal Firearm Reporting) that is punishable by fine only.

SECTION 3. Makes application of the changes in law made by this Act prospective.

SECTION 4. Effective date: September 1, 2019.