By: Garcia of Dallas H.B. No. 1159

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of the Texas Do-Not-Sell Registry for firearms.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 411, Government Code, is amended by adding Subchapter H-1 to read as follows:

SUBCHAPTER H-1. TEXAS DO-NOT-SELL REGISTRY

Sec. 411.221. DEFINITIONS. In this subchapter:

(1) "Firearm" has the meaning assigned by Section 46.01, Penal Code.

(2) "Registry" means the Texas Do-Not-Sell Registry created by this subchapter.

Sec. 411.222. REGISTRY OF INDIVIDUALS WAIVING RIGHT TO PURCHASE OR RECEIVE TRANSFER OF FIREARM. (a) The department shall establish and maintain a secure electronic registry to collect and store information regarding individuals who have voluntarily waived the right to purchase or receive transfer of a firearm under Section 411.224.

(b) To be eligible to have the individual's waiver information included in the registry, an individual must be:

(1) a resident of this state;

(2) at least 18 years of age; and

(3) not otherwise prohibited by state or federal law from possessing a firearm.

Sec. 411.223. TEMPORARY OR INDEFINITE WAIVER OF RIGHT TO PURCHASE OR RECEIVE TRANSFER OF FIREARM. An individual seeking to restrict the individual's access to firearms may waive the individual's right to purchase or receive transfer of a firearm:

(1) temporarily, with the restriction automatically expiring on the 180th day after the date the waiver is submitted; or

(2) indefinitely, with the restriction ending only when the waiver is revoked by the individual.

Sec. 411.224. WAIVER PROCEDURE. (a) An individual may submit to the department, on a form prescribed by the department, a waiver of the individual's right to purchase or receive transfer of a firearm. The individual may submit the waiver form to the department either in person or by mail and must include with the form any supplemental materials required by the department under Subsection (d) to ensure accuracy of information on the form.

(b) The waiver form must require the individual to provide information sufficient to enable the department to:

(1) verify the individual's identity; and

(2) submit the information to the Federal Bureau of Investigation for use with the National Instant Criminal Background Check System.

(c) The waiver form must allow the individual to specify whether the individual is waiving the right to purchase or receive transfer of a firearm temporarily or indefinitely, as provided by Section 411.223.

(d) The department by rule shall require an individual to submit a copy of the individual's government-issued photo

identification with the waiver form and may require any other supplemental materials to ensure accuracy of information on the form. The waiver form must include instructions on which supplemental materials should accompany the waiver form, if any.

(e) In addition to other requirements specified by department rule, the waiver form must contain the following prominently displayed statement:

"BECAUSE YOU HAVE SUBMITTED THIS WAIVER, YOUR INFORMATION WILL BE SUBMITTED TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM WHICH WILL PREVENT YOU FROM PURCHASING OR RECEIVING TRANSFER OF ANY FIREARMS WHILE THE WAIVER IS IN EFFECT. YOU MAY VOLUNTARILY REVOKE THIS WAIVER BY SUBMITTING A REVOCATION FORM TO THE TEXAS DEPARTMENT OF PUBLIC SAFETY AFTER THE APPROPRIATE WAITING PERIOD."

(f) In submitting the waiver, the individual may provide the name and contact information of a third person to be notified if the individual revokes the waiver or attempts to purchase or receive transfer of a firearm while the waiver is in effect.

(g) The fact that an individual has submitted a waiver under this section or is listed in the voluntary registry does not in itself prohibit the individual from possessing a firearm under state law.

(h) A waiver under this subchapter is valid only if the waiver:

(1) is submitted by an individual described by Section 411.222(b) for the purpose of waiving that individual's right to purchase or receive transfer of a firearm;

(2) provides all of the information required to be

included on the waiver form under Subsection (b); and

(3) includes any supplemental materials required under Subsection (d).

Sec. 411.225. ADDITION TO REGISTRY AND NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM. (a) Not later than 24 hours after the department receives a waiver form and any accompanying materials, the department shall determine whether the waiver is valid and meets the requirements of Section 411.224(h).

(b) If the department determines that the submitted waiver is valid, the department shall:

(1) provide the information from the waiver to the Federal Bureau of Investigation for use with the National Instant Criminal Background Check System;

(2) notify the individual by mail that the individual's information has been submitted for inclusion in the National Instant Criminal Background Check System; and

(3) as applicable, suspend the individual's license to carry a handgun under Subchapter H.

(c) If the department determines that the submitted waiver is not valid, the department shall provide to the individual by mail, as applicable:

(1) notice that there is a deficiency in the waiver form or in the supplemental materials submitted with the waiver form, which must include instructions that will assist the individual in correcting the deficiency; or

(2) notice that the individual is not eligible to have the individual's information included on the registry.

Sec. 411.226. REMOVAL ON EXPIRATION OF TEMPORARY WAIVER. (a) If the department receives a temporary waiver described by Section 411.223(1), on the 180th day after the date the waiver was submitted, the department shall:

(1) contact the Federal Bureau of Investigation to request the removal of the individual's information from the National Instant Criminal Background Check System;

(2) remove the individual's information from the voluntary registry; and

(3) as applicable, reinstate the individual's license to carry a handgun under Subchapter H if the individual is otherwise eligible to hold the license.

(b) At least 30 days before the expiration of a temporary waiver described by Section 411.223(1), the department shall notify the person who submitted the waiver that the waiver is about to expire.

Sec. 411.227. REVOCATION OF WAIVER; REMOVAL FROM REGISTRY. (a) An individual who has previously submitted a valid waiver to the department and whose information has been included in the registry may revoke the waiver under this subchapter in person or by mail by submitting a revocation to the department on a form prescribed by the department.

(b) An individual who has submitted a temporary waiver described by Section 411.223(1) may submit a revocation form not earlier than the 30th day after the date the waiver was submitted. An individual who submitted an indefinite waiver described by Section 411.223(2) may submit a revocation form not earlier than

the 90th day after the date the waiver was submitted.

(c) The revocation form must require the individual to provide information sufficient to enable the department to verify that the individual submitting the revocation form is the same individual who submitted the waiver.

(d) As soon as practicable after the department receives a revocation form, the department shall determine if the revocation is valid.

(e) If the department determines that the submitted revocation is valid, the department shall notify both the individual who submitted the revocation form and the third person designated with the submission of the waiver under Section 411.224(f), if applicable:

(1) that the department has received a revocation form; and

(2) of the date by which the department will provide the information from the form to the Federal Bureau of Investigation to enable that agency to remove the individual's information from the National Instant Criminal Background Check System.

(f) If the department determines that the submitted revocation is not valid, the department shall provide to the individual by mail:

(1) notice that the revocation is deficient; and

(2) instructions that will assist the individual in correcting the deficiency.

(g) A revocation under this section is valid only if:

(1) the individual requesting the revocation submits the revocation form as required by the department;

(2) the revocation form provides all of the information required to be included on the form by the department; and

(3) the department is able to verify the individual's identity through the information provided on the revocation form.

(h) Not later than the third business day after the date the department receives a valid revocation form, the department shall:

(1) provide the information from the form to the Federal Bureau of Investigation to enable that agency to remove the individual's information from the National Instant Criminal Background Check System;

(2) remove the individual's information from the voluntary registry; and

(3) as applicable, reinstate the individual's license to carry a handgun under Subchapter H if the individual is otherwise eligible to hold the license.

Sec. 411.228. WAIVERS AND REVOCATIONS BY OTHER INDIVIDUALS NOT PERMITTED. (a) An individual may not submit a waiver or revocation form under this subchapter on behalf of another individual, regardless of the relationship between the individuals.

(b) The department may not add or remove an individual's information from the registry based on a waiver or revocation form, as applicable, that is submitted by another individual.

Sec. 411.229. MULTIPLE WAIVERS AND REVOCATIONS PERMITTED.

An individual may make one or more waivers or revocations of waiver under this subchapter, as the individual considers necessary or appropriate.

Sec. 411.230. AVAILABILITY OF FORMS. The department shall make available the waiver form described by Section 411.224 and the revocation form described by Section 411.227 on the department's Internet website. The Internet website must include clear instructions for:

(1) completing and submitting a waiver or revocation form; and

(2) submitting with the waiver any supplemental materials needed to ensure accuracy of information on the waiver form.

Sec. 411.231. CONFIDENTIALITY AND DISCLOSURE OF INFORMATION. (a) Except as provided by Subsection (b), information maintained by the department regarding an individual who has voluntarily waived the right to purchase or receive transfer of a firearm under this subchapter:

(1) is confidential and not subject to disclosure under Chapter 552; and

(2) may only be disclosed to:

(A) a law enforcement officer in connection with a prospective transfer of a firearm; or

(B) the individual who is the subject of the information in the form.

(b) The department may release anonymized statistics regarding:

(1) the number of individuals who submitted waivers under Section 411.224 for inclusion on the registry;

(2) the number of individuals who submitted revocations under Section 411.227 for removal of their information from the registry; and

(3) the number of individuals whose information is currently included in the registry.

Sec. 411.232. ATTEMPTED ACQUISITION OF FIREARM BY LISTED INDIVIDUAL; DUTIES OF LICENSED FIREARMS DEALER AND DEPARTMENT. (a) A licensed firearms dealer licensed under 18 U.S.C. Section 923 who declines to transfer a firearm to a prospective transferee in this state because the prospective transferee is listed in the voluntary registry shall notify the Department of Public Safety.

(b) On receipt of a notification under Subsection (a), the department shall notify the third person designated with the submission of the waiver under Section 411.224(f), if applicable.

Sec. 411.233. RULES. (a) The director shall adopt rules to establish and maintain the secure electronic registry, including rules prescribing the forms necessary for submission or revocation of a waiver described by this subchapter. The rules may not establish any eligibility requirements to submit a waiver or revocation form other than the requirements under this subchapter.

(b) The department by rule shall establish procedures that will enable the department to provide information from a waiver form under Section 411.224 or a revocation form under Section 411.227 to the Federal Bureau of Investigation for use with the National Instant Criminal Background Check System.

(c) The department by rule shall establish a procedure to correct department records as necessary to accurately reflect an individual's waiver status and a procedure to transmit the corrected records to the Federal Bureau of Investigation.

SECTION 2. Not later than September 1, 2028, the Department of Public Safety of the State of Texas shall:

(1) develop and make available the waiver and revocation forms and create the voluntary registry required by Subchapter H-1, Chapter 411, Government Code, as added by this Act;

(2) adopt the procedures regarding submitting information under Subchapter H-1, Chapter 411, Government Code, as added by this Act, to the Federal Bureau of Investigation for use with the National Instant Criminal Background Check System; and

(3) adopt procedures regarding correcting department records of individuals listed in the voluntary registry under Subchapter H-1, Chapter 411, Government Code, as added by this Act.

SECTION 3. This Act takes effect September 1, 2027.