By: Moody H.B. No. 660

A BILL TO BE ENTITLED

AN ACT

relating to requiring certain persons prohibited by law from owning, possessing, or controlling a firearm to dispose of firearms owned, possessed, or controlled by the person.

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

SECTION 1. Title 1, Code of Criminal Procedure, is amended by adding Chapter 68 to read as follows:

CHAPTER 68. DISPOSAL OF FIREARM BY CERTAIN PERSONS PROHIBITED BY LAW FROM OWNING, POSSESSING, OR CONTROLLING A FIREARM

Art. 68.001. APPLICABILITY. This chapter applies to a person who:

(1) is convicted of:

(A) an offense involving family violence, as defined by Section 71.004, Family Code; or

(B) a felony;

(2) is the subject of:

(A) a protective order under Chapter 85, Family Code, or Subchapter A, Chapter 7B, of this code; or

(B) a magistrate's order for emergency protection under Article 17.292; or

(3) is subject to a condition of bond or community supervision prohibiting the person from acquiring, possessing, or controlling a firearm.

Art. 68.002. NOTICE AND ORDER TO DISPOSE OF FIREARM. On

conviction of a person for an offense described by Article 68.001(1), issuance of an order described by Article 68.001(2), or imposition of a condition described by Article 68.001(3), the court shall:

(1) provide written notice to the person that the person is prohibited from acquiring, possessing, or controlling a firearm; and

(2) order the person to dispose of all firearms the person owns, possesses, or controls not later than the 10th day after:

(A) the date the person receives notice under this article; or

(B) if the person was taken into custody immediately after conviction, the date the person is released from confinement.

Art. 68.003. REQUIRED DOCUMENTATION. A person subject to an order under Article 68.002 shall submit to the court, not later than the date specified by Subdivision (2) of that article, a signed affidavit affirming that the person:

(1) has disposed of all firearms the person owns, possesses, or controls; or

(2) does not own, possess, or control a firearm.

Art. 68.004. FORM OF AFFIDAVIT. The Office of Court Administration of the Texas Judicial System shall adopt a model affidavit for purposes of Article 68.003.

SECTION 2. Article 7B.006(a), Code of Criminal Procedure, is amended to read as follows:

(a) Each protective order issued under this subchapter, including a temporary ex parte order, must contain the following prominently displayed statements in boldfaced type, in capital letters, or underlined:

"A PERSON WHO VIOLATES THIS ORDER MAY BE PUNISHED FOR CONTEMPT OF COURT BY A FINE OF AS MUCH AS $500 OR BY CONFINEMENT IN JAIL FOR AS LONG AS SIX MONTHS, OR BOTH."

"NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS VALID, EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT UNLESS A COURT CHANGES THE ORDER."

"IT IS UNLAWFUL FOR ANY PERSON, OTHER THAN A PEACE OFFICER, AS DEFINED BY SECTION 1.07, PENAL CODE, ACTIVELY ENGAGED IN EMPLOYMENT AS A SWORN, FULL-TIME PAID EMPLOYEE OF A STATE AGENCY OR POLITICAL SUBDIVISION, WHO IS SUBJECT TO A PROTECTIVE ORDER TO POSSESS A FIREARM OR AMMUNITION. A PERSON SUBJECT TO THIS ORDER MUST DISPOSE OF ANY FIREARMS IN THE PERSON'S POSSESSION OR CONTROL AS PROVIDED BY CHAPTER 68, CODE OF CRIMINAL PROCEDURE."

SECTION 3. Article 17.292(g), Code of Criminal Procedure, is amended to read as follows:

(g) An order for emergency protection issued under this article must contain the following statements printed in bold-face type or in capital letters:

"A VIOLATION OF THIS ORDER BY COMMISSION OF AN ACT PROHIBITED BY THE ORDER MAY BE PUNISHABLE BY A FINE OF AS MUCH AS $4,000 OR BY CONFINEMENT IN JAIL FOR AS LONG AS ONE YEAR OR BY BOTH. AN ACT THAT

RESULTS IN A SEPARATE OFFENSE MAY BE PROSECUTED AS A SEPARATE MISDEMEANOR OR FELONY OFFENSE, AS APPLICABLE, IN ADDITION TO A VIOLATION OF THIS ORDER. IF THE ACT IS PROSECUTED AS A SEPARATE FELONY OFFENSE, IT IS PUNISHABLE BY CONFINEMENT IN PRISON FOR AT LEAST TWO YEARS. THE POSSESSION OF A FIREARM BY A PERSON, OTHER THAN A PEACE OFFICER, AS DEFINED BY SECTION 1.07, PENAL CODE, ACTIVELY ENGAGED IN EMPLOYMENT AS A SWORN, FULL-TIME PAID EMPLOYEE OF A STATE AGENCY OR POLITICAL SUBDIVISION, WHO IS SUBJECT TO THIS ORDER MAY BE PROSECUTED AS A SEPARATE OFFENSE PUNISHABLE BY CONFINEMENT OR IMPRISONMENT. A PERSON SUBJECT TO THIS ORDER MUST DISPOSE OF ANY FIREARMS IN THE PERSON'S POSSESSION OR CONTROL AS PROVIDED BY CHAPTER 68, CODE OF CRIMINAL PROCEDURE."

"NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS VALID, EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT UNLESS A COURT CHANGES THE ORDER."

SECTION 4. Section 85.026(a), Family Code, is amended to read as follows:

(a) Each protective order issued under this subtitle, including a temporary ex parte order, must contain the following prominently displayed statements in boldfaced type, capital letters, or underlined:

"A PERSON WHO VIOLATES THIS ORDER MAY BE PUNISHED FOR CONTEMPT OF COURT BY A FINE OF AS MUCH AS $500 OR BY CONFINEMENT IN JAIL FOR AS LONG AS SIX MONTHS, OR BOTH."

"NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS

ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS VALID, EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT UNLESS A COURT CHANGES THE ORDER."

"IT IS UNLAWFUL FOR ANY PERSON, OTHER THAN A PEACE OFFICER, AS DEFINED BY SECTION 1.07, PENAL CODE, ACTIVELY ENGAGED IN EMPLOYMENT AS A SWORN, FULL-TIME PAID EMPLOYEE OF A STATE AGENCY OR POLITICAL SUBDIVISION, WHO IS SUBJECT TO A PROTECTIVE ORDER TO POSSESS A FIREARM OR AMMUNITION. A PERSON SUBJECT TO THIS ORDER MUST DISPOSE OF ANY FIREARMS IN THE PERSON'S POSSESSION OR CONTROL AS PROVIDED BY CHAPTER 68, CODE OF CRIMINAL PROCEDURE."

"IF A PERSON SUBJECT TO A PROTECTIVE ORDER IS RELEASED FROM CONFINEMENT OR IMPRISONMENT FOLLOWING THE DATE THE ORDER WOULD HAVE EXPIRED, OR IF THE ORDER WOULD HAVE EXPIRED NOT LATER THAN THE FIRST ANNIVERSARY OF THE DATE THE PERSON IS RELEASED FROM CONFINEMENT OR IMPRISONMENT, THE ORDER IS AUTOMATICALLY EXTENDED TO EXPIRE ON:

"(1) THE FIRST ANNIVERSARY OF THE DATE THE PERSON IS RELEASED, IF THE PERSON WAS SENTENCED TO CONFINEMENT OR IMPRISONMENT FOR A TERM OF MORE THAN FIVE YEARS; OR

"(2) THE SECOND ANNIVERSARY OF THE DATE THE PERSON IS RELEASED, IF THE PERSON WAS SENTENCED TO CONFINEMENT OR IMPRISONMENT FOR A TERM OF FIVE YEARS OR LESS."

"A VIOLATION OF THIS ORDER BY COMMISSION OF AN ACT PROHIBITED BY THE ORDER MAY BE PUNISHABLE BY A FINE OF AS MUCH AS $4,000 OR BY CONFINEMENT IN JAIL FOR AS LONG AS ONE YEAR, OR BOTH. AN ACT THAT RESULTS IN FAMILY VIOLENCE MAY BE PROSECUTED AS A SEPARATE MISDEMEANOR OR FELONY OFFENSE. IF THE ACT IS PROSECUTED AS A

SEPARATE FELONY OFFENSE, IT IS PUNISHABLE BY CONFINEMENT IN PRISON FOR AT LEAST TWO YEARS."

SECTION 5. (a) Chapter 68, Code of Criminal Procedure, as added by this Act, applies only to a person who is convicted of an offense described by Article 68.001(1), Code of Criminal Procedure, as added by this Act, on or after January 1, 2028, or who is the subject of an order described by Article 68.001(2), Code of Criminal Procedure, as added by this Act, or who is subject to a condition of bond or community supervision described by Article 68.001(3), Code of Criminal Procedure, as added by this Act, that is issued on or after that date. A person who is convicted of an offense before January 1, 2028, who is the subject of an order issued before that date, or who is subject to a condition imposed before that date, is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

(b) The Office of Court Administration of the Texas Judicial System shall adopt the model affidavit required by Article 68.004, Code of Criminal Procedure, as added by this Act, not later than December 1, 2027.

SECTION 6. The change in law made by this Act relating to the contents of a protective order or a magistrate's order for emergency protection applies to an order issued on or after January 1, 2028. An order issued before that date is governed by the law as it existed immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 7. This Act takes effect September 1, 2027.