

## **BILL ANALYSIS**

Senate Research Center  
86R2762 AJZ-F

S.B. 324  
By: Huffman  
State Affairs  
3/21/2019  
As Filed

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

Interested parties revealed a gap in existing law where law enforcement has no mechanism to return a seized firearm from a person released from detention after a mental health crisis. S.B. 324 seeks to remedy this by providing law enforcement a legal mechanism to return a seized firearm.

As proposed, S.B. 324 amends current law relating to the disposition of a firearm seized from certain persons with mental illness.

### **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 Articles 18.191(c) and (d), Code of Criminal Procedure, as follows:

(c) Requires, not later than the 30th day after the date a law enforcement agency holding a firearm contacts a court requesting disposition of a case, the clerk of the court to advise the requesting agency whether the person taken into custody was released under Section 573.023 (Release From Emergency Detention) or 574.028 (Release From Detention), Health and Safety Code, rather than released under Section 573.023, Health and Safety Code, or was ordered to receive inpatient mental health services under Section 574.034 (Order for Temporary Mental Health Services) or 574.035 (Order for Extended Mental Health Services), Health and Safety Code.

(d) Makes a conforming change.

SECTION 2. Effective date: September 1, 2019.