

## **BILL ANALYSIS**

Senate Research Center  
77R5794 GWK-D

S.B. 610  
By: Bernsen  
Jurisprudence  
2/27/2001  
As Filed

### **DIGEST AND PURPOSE**

Currently, federal law prohibits any person who has been convicted in any country of an offense punishable by imprisonment for a term exceeding one year from possessing a firearm or ammunition. State law prohibits a person convicted of a felony from possessing a firearm. As proposed, S.B. 610 provides a procedure by which a person who has been convicted in another country of a firearms offense that is not equivalent to a felony under state law can apply for restoration of their civil rights. It also requires an individual making application to have completed the sentence for the offense, and the conviction for the offense must have occurred two or more years before the application.

### **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 48.05(a), (b), (c), (d), and (k), Code of Criminal Procedure, as follows:

(a)(1) Authorizes an individual convicted of an offense described by Subdivision (2), rather than a federal offense other than an offense involving violence or the threat of violence of involving drugs or firearms, except as provided by Subsection (b) of this article, to submit an application for restoration of any civil rights forfeited under the laws of this state as a result of the conviction. (a)(2) Describes certain offenses to which this article applies.

(b) Prohibits an individual from applying for restoration of civil rights under this article unless certain conditions are met, including that the conviction occurred three or more years before the date of application, if the offense is a federal offense, or two or more years before the date of the application, if the offense is an offense under the laws of another country.

(c) Makes a conforming change.

(d) Makes a conforming change.

(k) Makes a conforming change.

SECTION 2. Makes application of this Act retroactive.

SECTION 3. Effective date: upon passage or September 1, 2001.