

FILED FOR RECORD

2013 MAR -6 PM 2:56

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In the County Court **TERESA KIEL**
GUADALUPE COUNTY CLERK

of

Guadalupe County, Texas

**BLANKET ORDER AUTHORIZING
RELEASE OF MENTAL HEALTH COURT RECORDS
PURSUANT TO SEC. 571.015 OF TEXAS HEALTH AND SAFETY CODE**

House Bill 3352 (now codified at sections 411.052 and 411.0521 of the Texas Government Code and section 574.088 of the Texas Health and Safety Code) was passed by the 81st Texas Legislature, Regular Session, in 2009, to comply with and implement the requirements of the federal NICS Improvement Amendments Act of 2007, Pub. L. 110-180 ("NIAA").

The NIAA was signed into law on January 8, 2008, and it amends the Brady Handgun Violence Prevention Act of 1993 ("the Brady Act"), Pub. L. 103-159, under which the United States Attorney General established the National Instant Criminal Background Check System (NICS). The Brady Act requires Federal Firearms Licensees to contact the NICS before transferring a firearm to an unlicensed person to obtain information on whether the proposed transferee is prohibited from receiving or possessing a firearm under state or federal law.

Many prohibited persons are not prevented from purchasing firearms because their records are not in NICS. The NIAA was enacted after the April 2007 shooting tragedy at Virginia Tech to enhance the reporting to NICS of disqualifying mental health information and other prohibiting factors such as felony convictions, active arrest warrants, and misdemeanor convictions for domestic violence.

The Federal Bureau of Investigation ("FBI") is conducting an audit to verify that the mental health information reported to NICS is valid and correct, and the Department of Public Safety ("DPS") is required to collect the information for the FBI's audit.

The Court finds that the use, inspection, or copying of each paper in a docket for mental health proceedings in the county clerk's office, including the docket book, indexes, and judgment books, by DPS, which is assisting the FBI in its audit to verify that the mental health information reported to NICS is valid and correct, is justified and in the public interest.

It is ORDERED that the county clerk is authorized to release to DPS, for its use, inspection or copying, each paper in a docket for mental health proceedings in the county clerk's office that is requested by the FBI for its audit to verify that the mental health information reported to NICS is valid and correct.

2-22-13
Effective [Date] and until further order of this Court,

BY THE COURT:



Judge

2-22-13.

Date of Order