

By: Goodwin, Reynolds, Ortega, et al.

H.B. No. 220

Substitute the following for H.B. No. 220:

By: Canales

C.S.H.B. No. 220

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the offense of unlawful transfer of handguns and other  
3 firearms and to the duties of certain entities with respect to  
4 handgun licenses that are active, suspended, or revoked; creating a  
5 criminal offense.

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

7 SECTION 1. Subchapter H, Chapter 411, Government Code, is  
8 amended by adding Section 411.1805 to read as follows:

9 Sec. 411.1805. DATABASE OF SUSPENDED AND REVOKED LICENSES.

10 (a) The department shall maintain a current record of license  
11 numbers with respect to each unexpired license to carry a handgun  
12 that is suspended or revoked under this subchapter.

13 (b) Notwithstanding Section 411.192, the department shall  
14 make available on the department's publicly accessible Internet  
15 website a searchable database of license numbers that allows a  
16 firearms dealer licensed under 18 U.S.C. Section 923 to determine  
17 whether the person to whom a firearm is being transferred may use  
18 the license as a permit described by 18 U.S.C. Section 922(t). The  
19 department may not include any information that would otherwise  
20 identify the person to whom the license was issued.

21 (c) Not later than the fifth working day after the  
22 applicable period of suspension ends for a license, the department  
23 shall update the database under Subsection (b) to reflect that the  
24 license is no longer suspended.

1       (d) If a revoked license is reinstated, the department shall  
2 update the database under Subsection (b) to reflect that  
3 reinstatement not later than the fifth working day after the  
4 reinstatement occurs.

5       (e) A firearms dealer licensed under 18 U.S.C. Section 923  
6 who transfers a firearm to a person who presents a license issued  
7 under this subchapter is not subject to civil liability for failing  
8 to perform an action described by Section 411.222(a) to verify the  
9 validity of the person's license before the transfer.

10       (f) The department and each other state agency, and each  
11 political subdivision of this state, are prohibited from collecting  
12 or maintaining a record of information submitted for the purpose of  
13 searching the database under Subsection (b), including information  
14 that may indicate how frequently a particular license number has  
15 been searched in the database.

16       (g) The director may adopt rules to implement this section.

17       SECTION 2. Section [411.186](#), Government Code, is amended by  
18 amending Subsection (b) and adding Subsection (b-1) to read as  
19 follows:

20       (b) If a peace officer believes a reason listed in  
21 Subsection (a) to revoke a license exists, the officer shall  
22 prepare an affidavit on a form provided by the department stating  
23 the reason for the revocation of the license and giving the  
24 department all of the information available to the officer at the  
25 time of the preparation of the form. The officer shall attach the  
26 officer's reports relating to the license holder to the form and  
27 send the form and attachments to the appropriate division of the

1 department at its Austin headquarters not later than the fifth  
2 working day after the date the form is prepared. The officer shall  
3 send a copy of the form and the attachments to the license holder.  
4 If the license holder has not surrendered the license or the license  
5 was not seized as evidence or otherwise in conjunction with a legal  
6 proceeding, the license holder shall surrender the license to the  
7 appropriate division of the department not later than the 10th day  
8 after the date the license holder receives the notice of revocation  
9 from the department, unless the license holder requests a hearing  
10 from the department. The license holder may request that the  
11 justice court in the justice court precinct in which the license  
12 holder resides review the revocation as provided by Section  
13 [411.180](#). If a request is made for the justice court to review the  
14 revocation and hold a hearing, the license holder shall surrender  
15 the license on the date an order of revocation is entered by the  
16 justice court.

17 (b-1) If an officer of the court seizes or accepts surrender  
18 of a license under Section 411.2065, the officer shall submit the  
19 license to the department at its Austin headquarters not later than  
20 the fifth working day after the date the license is seized or  
21 surrendered. The officer shall include a copy of any court order,  
22 judgment, or other documentation relevant to the reason for the  
23 seizure or surrender of the license.

24 SECTION 3. Section [411.187](#), Government Code, is amended by  
25 amending Subsection (b) and adding Subsection (b-1) to read as  
26 follows:

27 (b) If a peace officer believes a reason listed in

1 Subsection (a) to suspend a license exists, the officer shall  
2 prepare an affidavit on a form provided by the department stating  
3 the reason for the suspension of the license and giving the  
4 department all of the information available to the officer at the  
5 time of the preparation of the form. The officer shall attach the  
6 officer's reports relating to the license holder to the form and  
7 send the form and the attachments to the appropriate division of the  
8 department at its Austin headquarters not later than the fifth  
9 working day after the date the form is prepared. The officer shall  
10 send a copy of the form and the attachments to the license holder.  
11 If the license holder has not surrendered the license or the license  
12 was not seized as evidence or otherwise in conjunction with a legal  
13 proceeding, the license holder shall surrender the license to the  
14 appropriate division of the department not later than the 10th day  
15 after the date the license holder receives the notice of suspension  
16 from the department unless the license holder requests a hearing  
17 from the department. The license holder may request that the  
18 justice court in the justice court precinct in which the license  
19 holder resides review the suspension as provided by Section  
20 [411.180](#). If a request is made for the justice court to review the  
21 suspension and hold a hearing, the license holder shall surrender  
22 the license on the date an order of suspension is entered by the  
23 justice court.

24 (b-1) If an officer of the court seizes or accepts surrender  
25 of a license under Section 411.2065, the officer shall submit the  
26 license to the department at its Austin headquarters not later than  
27 the fifth working day after the date the license is seized or

1 surrendered. The officer shall include a copy of any court order,  
2 judgment, or other documentation relevant to the reason for the  
3 seizure or surrender of the license.

4 SECTION 4. The heading to Section 411.206, Government Code,  
5 is amended to read as follows:

6 Sec. 411.206. SEIZURE OF HANDGUN AND LICENSE BY PEACE  
7 OFFICER.

8 SECTION 5. Section 411.206, Government Code, is amended by  
9 adding Subsection (a-1) to read as follows:

10 (a-1) A peace officer may seize a license holder's suspended  
11 or revoked license. A peace officer who seizes a license under this  
12 subsection shall, not later than the fifth working day after the  
13 date of the seizure, return the license to the department or, if the  
14 officer seizes the license as evidence of an offense, notify the  
15 department that the license was seized.

16 SECTION 6. Subchapter H, Chapter 411, Government Code, is  
17 amended by adding Section 411.2065 to read as follows:

18 Sec. 411.2065. SEIZURE OF LICENSE BY AND SURRENDER OF  
19 LICENSE TO COURT OFFICER. (a) If a license holder is convicted of  
20 or charged with an offense or becomes the subject of a protective  
21 order and that conviction, charge, or order disqualifies the person  
22 from possessing a firearm or continuing to hold a license under this  
23 subchapter, an officer of the court shall accept voluntary  
24 surrender of the license or otherwise seize the license, as  
25 appropriate.

26 (b) An officer who seizes or accepts surrender of a license  
27 under this section shall, not later than the fifth working day after

1 the date of the seizure or acceptance, submit to the department the  
2 license and copies of the relevant court documentation as provided  
3 by Section 411.186(b-1) or 411.187(b-1), as applicable.

4 SECTION 7. Chapter 411, Government Code, is amended by  
5 adding Subchapter H-1 to read as follows:

6 SUBCHAPTER H-1. REQUIREMENTS FOR CERTAIN FIREARM TRANSFERS

7 Sec. 411.221. DEFINITIONS. In this subchapter:

8 (1) "License" means a license to carry a handgun  
9 issued under Subchapter H.

10 (2) "Licensed firearms dealer" means a person who is  
11 licensed as a firearms dealer under 18 U.S.C. Section 923.

12 Sec. 411.222. REQUIREMENTS FOR CERTAIN FIREARM TRANSFERS.

13 (a) Before a licensed firearms dealer transfers a firearm to a  
14 person who presents an apparently valid unexpired license as a  
15 permit described by 18 U.S.C. Section 922(t), the dealer shall  
16 verify that the license is not currently suspended or revoked,  
17 either by:

18 (1) direct communication with the department; or

19 (2) referencing the database of license numbers that  
20 is maintained on the department's Internet website under Section  
21 411.1805.

22 (b) Each time a licensed firearms dealer requests  
23 information from the department to verify the validity of a  
24 person's license under Subsection (a)(1) or (2), the department  
25 shall provide the dealer with a unique identification number to  
26 confirm that the request was made.

27 (c) If the licensed firearms dealer determines under

1 Subsection (a) that a person's license is suspended or revoked, the  
2 dealer may transfer a firearm to the person after conducting a  
3 national instant criminal background check in the manner required  
4 by 18 U.S.C. Section 922 and verifying that the person may lawfully  
5 possess a firearm.

6 (d) If the department is unable to immediately verify the  
7 validity of a person's license under Subsection (a), the licensed  
8 firearms dealer may proceed with the transfer and may treat the  
9 license as a permit described by 18 U.S.C. Section 922(t).

10 SECTION 8. Not later than January 1, 2024, the Department of  
11 Public Safety shall:

12 (1) establish the database required under Section  
13 411.1805, Government Code, as added by this Act, and make the  
14 database available on the department's Internet website; and

15 (2) notify each person in this state who is a licensed  
16 firearms dealer under 18 U.S.C. Section 923, by e-mail or mail, of  
17 the database established under Section 411.1805, Government Code,  
18 as added by this Act, and include a link to the Internet website  
19 where the database is posted.

20 SECTION 9. Subchapter H-1, Chapter 411, Government Code, as  
21 added by this Act, applies only to a firearm transfer that occurs on  
22 or after January 1, 2024.

23 SECTION 10. This Act takes effect September 1, 2023.