

By: Goodwin

H.B. No. 269

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the prosecution of the offense of unlawful transfer of a  
3 firearm.

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

5 SECTION 1. Section 46.06(a), Penal Code, is amended to read  
6 as follows:

7 (a) A person commits an offense if the person:

8 (1) sells, rents, leases, loans, or gives a firearm  
9 [~~handgun~~] to any person knowing that the person to whom the firearm  
10 [~~handgun~~] is to be delivered intends to use it unlawfully or in the  
11 commission of an unlawful act;

12 (2) intentionally or knowingly sells, rents, leases,  
13 or gives or offers to sell, rent, lease, or give to any child  
14 younger than 18 years of age any firearm, club, or  
15 location-restricted knife;

16 (3) intentionally, knowingly, or recklessly sells a  
17 firearm or ammunition for a firearm to any person who is  
18 intoxicated;

19 (4) knowingly sells a firearm or ammunition for a  
20 firearm to any person who has been convicted of a felony before the  
21 fifth anniversary of the later of the following dates:

22 (A) the person's release from confinement  
23 following conviction of the felony; or

24 (B) the person's release from supervision under

1 community supervision, parole, or mandatory supervision following  
2 conviction of the felony;

3 (5) sells, rents, leases, loans, or gives a firearm  
4 [~~handgun~~] to any person knowing that an active protective order is  
5 directed to the person to whom the firearm [~~handgun~~] is to be  
6 delivered;

7 (6) knowingly purchases, rents, leases, or receives as  
8 a loan or gift from another a firearm [~~handgun~~] while an active  
9 protective order is directed to the actor; or

10 (7) while prohibited from possessing a firearm under  
11 state or federal law, knowingly makes a material false statement on  
12 a form that is:

13 (A) required by state or federal law for the  
14 purchase, sale, or other transfer of a firearm; and

15 (B) submitted to a [~~licensed~~] firearms dealer  
16 licensed under [~~, as defined by~~] 18 U.S.C. Section 923.

17 SECTION 2. The change in law made by this Act applies only  
18 to an offense committed on or after the effective date of this Act.  
19 An offense committed before the effective date of this Act is  
20 governed by the law in effect on the date the offense was committed,  
21 and the former law is continued in effect for that purpose. For  
22 purposes of this section, an offense was committed before the  
23 effective date of this Act if any element of the offense occurred  
24 before that date.

25 SECTION 3. This Act takes effect September 1, 2023.