

By: Ramos

H.B. No. 1072

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the prosecution of the offenses of unlawful carrying of
3 certain weapons and unlawful transfer of certain weapons.

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

5 SECTION 1. Section 46.02(a-4), Penal Code, is amended to
6 read as follows:

7 (a-4) A person commits an offense if the person:

8 (1) intentionally, knowingly, or recklessly carries
9 on or about his or her person a location-restricted knife;

10 (2) is younger than 21 [~~18~~] years of age at the time of
11 the offense; and

12 (3) is not:

13 (A) on the person's own premises or premises
14 under the person's control;

15 (B) inside of or directly en route to a motor
16 vehicle or watercraft that is owned by the person or under the
17 person's control; or

18 (C) under the direct supervision of a parent or
19 legal guardian of the person.

20 SECTION 2. Sections 46.06(a) and (d), Penal Code, are
21 amended to read as follows:

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

23 (1) sells, rents, leases, loans, or gives a handgun to
24 any person knowing that the person to whom the handgun is to be

1 delivered intends to use it unlawfully or in the commission of an
2 unlawful act;

3 (2) intentionally or knowingly sells, rents, leases,
4 or gives or offers to sell, rent, lease, or give to any person
5 [~~child~~] younger than 21 [~~18~~] years of age any:

6 (A) firearm, including an assault-style weapon;

7 (B) club; [~~7~~] or

8 (C) location-restricted knife;

9 (3) intentionally, knowingly, or recklessly sells a
10 firearm or ammunition for a firearm to any person who is
11 intoxicated;

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

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

17 (B) the person's release from supervision under
18 community supervision, parole, or mandatory supervision following
19 conviction of the felony;

20 (5) sells, rents, leases, loans, or gives a handgun to
21 any person knowing that an active protective order is directed to
22 the person to whom the handgun is to be delivered;

23 (6) knowingly purchases, rents, leases, or receives as
24 a loan or gift from another a handgun while an active protective
25 order is directed to the actor; or

26 (7) while prohibited from possessing a firearm under
27 state or federal law, knowingly makes a material false statement on

1 a form that is:

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

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

6 (d) An offense under this section is a Class A misdemeanor,
7 except that:

8 (1) an offense under Subsection (a)(2) is a state jail
9 felony if the weapon that is the subject of the offense is a firearm
10 [~~handgun~~]; and

11 (2) an offense under Subsection (a)(7) is a state jail
12 felony.

13 SECTION 3. Section 46.06(c), Penal Code, is repealed.

14 SECTION 4. The change in law made by this Act applies only
15 to an offense committed on or after the effective date of this Act.
16 An offense committed before the effective date of this Act is
17 governed by the law in effect on the date the offense was committed,
18 and the former law is continued in effect for that purpose. For
19 purposes of this section, an offense was committed before the
20 effective date of this Act if any element of the offense occurred
21 before that date.

22 SECTION 5. This Act takes effect September 1, 2023.