

By: Goodwin

H.B. No. 2075

A BILL TO BE ENTITLED

1 AN ACT

2 relating to prohibiting the transfer of firearms other than
3 handguns to certain recipients; creating a criminal offense;
4 increasing a criminal penalty.

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

6 SECTION 1. Section 46.06, Penal Code, is amended by
7 amending Subsections (a), (c), and (d) and adding Subsections (c-1)
8 and (c-2) to read as follows:

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

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

14 (2) intentionally or knowingly sells, rents, leases,
15 or gives or offers to sell, rent, lease, or give:

16 (A) a [to any child younger than 18 years of age
17 any firearm,] club, [or] location-restricted knife, or handgun to a
18 child younger than 18 years of age; or

19 (B) a firearm other than a handgun to a person
20 younger than 21 years of age;

21 (3) intentionally, knowingly, or recklessly sells a
22 firearm or ammunition for a firearm to any person who is
23 intoxicated;

24 (4) knowingly sells a firearm or ammunition for a

1 firearm to any person who has been convicted of a felony before the
2 fifth anniversary of the later of the following dates:

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

5 (B) the person's release from supervision under
6 community supervision, parole, or mandatory supervision following
7 conviction of the felony;

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

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

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

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

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

21 (c) It is an affirmative defense to prosecution under
22 Subsection (a)(2)(A) [~~(a)(2)~~] that the transfer was to a minor
23 whose parent or the person having legal custody of the minor had
24 given written permission for the sale or, if the transfer was other
25 than a sale, the parent or person having legal custody had given
26 effective consent.

27 (c-1) It is a defense to prosecution under Subsection

1 (a)(2)(B) that the transfer of the firearm is necessary for the
2 actual discharge of the recipient's official duties as a member of
3 the armed forces or state military forces, as defined by Section
4 437.001, Government Code.

5 (c-2) It is an affirmative defense to prosecution under
6 Subsection (a)(2)(B) that the firearm is transferred to a recipient
7 who:

8 (1) is 18 years of age or older; and

9 (2) not more than one year before the date of the
10 transfer, successfully completed a hunter education course
11 described by Section 62.014, Parks and Wildlife Code, that includes
12 in-person instruction.

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

15 (1) an offense under Subsection (a)(2)(A) [~~(a)(2)~~] is
16 a state jail felony if the weapon that is the subject of the offense
17 is a handgun; and

18 (2) an offense under Subsection (a)(2)(B) or (a)(7) is
19 a state jail felony.

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

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