

By: Lalani

H.B. No. 3087

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting certain transfers, purchases, and possession of firearms; creating a criminal offense.

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

SECTION 1. Chapter 46, Penal Code, is amended by adding Section 46.055 to read as follows:

Sec. 46.055. UNLAWFUL PURCHASE OR POSSESSION OF FIREARM.

(a) A person who is younger than 21 years of age commits an offense if the person knowingly:

(1) purchases a firearm; or

(2) possesses a firearm.

(b) An offense under this section is a Class A misdemeanor.

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

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

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

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

(A) to a [any] child younger than 18 years of age a [any firearm] club[7] or location-restricted knife; or

(B) to a person younger than 21 years of age a

1 firearm;

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

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

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

10 (B) the person's release from supervision under  
11 community supervision, parole, or mandatory supervision following  
12 conviction of the felony;

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

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

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

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

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

26 (c) It is an affirmative defense to prosecution under  
27 Subsection (a)(2)(A) [~~(a)(2)~~] that the transfer was to a minor

1 whose parent or the person having legal custody of the minor had  
2 given written permission for the sale or, if the transfer was other  
3 than a sale, the parent or person having legal custody had given  
4 effective consent.

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

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

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

12 SECTION 3. The change in law made by this Act applies only  
13 to an offense committed on or after the effective date of this Act.  
14 An offense committed before the effective date of this Act is  
15 governed by the law in effect on the date the offense was committed,  
16 and the former law is continued in effect for that purpose. For  
17 purposes of this section, an offense was committed before the  
18 effective date of this Act if any element of the offense occurred  
19 before that date.

20 SECTION 4. This Act takes effect September 1, 2023.