

By: Lalani

H.B. No. 3088

A BILL TO BE ENTITLED

1 AN ACT
2 relating to prohibiting the transfer of firearms to certain
3 recipients.

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

5 SECTION 1. Sections 46.06(a), (c), and (d), Penal Code, are
6 amended to read as follows:

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

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

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

14 (A) to a a ~~any~~ child younger than 18 years of age
15 a ~~any firearm,~~ club~~,~~ or location-restricted knife; or

16 (B) to a person younger than 21 years of age a
17 firearm;

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

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

24 (A) the person's release from confinement

1 following conviction of the felony; or

2 (B) the person's release from supervision under
3 community supervision, parole, or mandatory supervision following
4 conviction of the felony;

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

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

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

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

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

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

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

26 (1) an offense under Subsection (a)(2)(B) [~~(a)(2)~~] is
27 a state jail felony if the firearm [~~weapon~~] that is the subject of

1 the offense is a handgun; and

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

4 SECTION 2. The change in law made by this Act applies only
5 to an offense committed on or after the effective date of this Act.
6 An offense committed before the effective date of this Act is
7 governed by the law in effect on the date the offense was committed,
8 and the former law is continued in effect for that purpose. For
9 purposes of this section, an offense was committed before the
10 effective date of this Act if any element of the offense occurred
11 before that date.

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