

By: Menéndez, Gutierrez

S.B. No. 910

A BILL TO BE ENTITLED

1 AN ACT
2 relating to requiring a thirty day waiting period before a person
3 less than 21 years of age may purchase a firearm; creating a
4 criminal offense.

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

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

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, or
15 gives or offers to sell, rent, lease, or give:

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

18 (B) a firearm to any person younger than 21 years
19 of age before a 30-day waiting period has elapsed from the date of
20 transfer.

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 was to a person who provided evidence to
2 the actor that the person is:

3 (1) a peace officer; or

4 (2) a member of the armed forces or state military
5 forces as defined by Section 431.001, Government Code.

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

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

11 (2) an offense under Subsection (a)(2)(B) is a state jail
12 felony; and

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

15 SECTION 2. Chapter 46, Penal Code, is amended Section 46.16
16 to read as follows:

17 Sec. 46.16. WAITING PERIOD FOR FIREARMS TRANSFER. (a) No
18 licensed firearms dealer shall sell or transfer a firearm to a
19 purchaser younger than 21 years of age unless a 30-day waiting
20 period has elapsed from the date of the transfer.

21 (b) The 30-day waiting period under this section shall not
22 apply to any sale or transfer of a firearm:

23 (i) Made to a law enforcement officer, a member of the
24 armed forces, or a firearms instructor; or

25 (ii) Made as part of a lawful bequest or intestate
26 succession.

27 (c) Any person who violates the provisions of this statute

1 shall be guilty of a Class A misdemeanor.

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