

By: Tinderholt

H.B. No. 5041

A BILL TO BE ENTITLED

AN ACT

relating to the unlawful possession of a firearm by a person not lawfully present in the United States; creating a criminal offense.

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

SECTION 1. Section 46.04, Penal Code, is amended by adding Subsection (a-2) and amending Subsection (e) to read as follows:

(a-2) A person commits an offense if the person is not lawfully present in the United States and possesses a firearm.

(e) An offense under Subsection (a) is a felony of the third degree. An offense under Subsection (a-2) is a state jail felony.

An offense under Subsection (a-1), (b), or (c) is a Class A misdemeanor.

SECTION 2. This Act takes effect September 1, 2025.