

By: Menéndez

S.B. No. 195

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a required waiting period for certain firearm
3 transfers; creating a criminal offense.

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

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

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

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

13 (2) intentionally or knowingly sells, rents, leases,
14 or gives or offers to sell, rent, lease, or give to any child
15 younger than 18 years of age any firearm, club, or
16 location-restricted knife;

17 (2-a) intentionally or knowingly sells, rents, or
18 leases a firearm to a person 18 years of age or older but younger
19 than 21 years of age and delivers the firearm to the person to whom
20 the firearm is being sold, rented, or leased before the 30th day
21 after the date on which:

22 (A) the firearm was sold to the person; or

23 (B) the lease or rental agreement for the firearm
24 was entered into by the person;

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

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

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

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

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

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

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

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

23 (B) submitted to a firearms dealer licensed under
24 18 U.S.C. Section 923.

25 (c-1) It is a defense to prosecution under Subsection
26 (a)(2-a) that the transfer was to a person who provided evidence to
27 the actor that the person is:

- 1 (1) a peace officer; or
2 (2) a member of the armed forces or state military
3 forces as defined by Section 431.001, Government Code.

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

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

9 (2) an offense under Subsection (a)(2-a) or (7)
10 [~~(a)(7)~~] is a state jail felony.

11 SECTION 2. The change in law made by this Act applies only
12 to an offense committed on or after the effective date of this Act.
13 An offense committed before the effective date of this Act is
14 governed by the law in effect on the date the offense was committed,
15 and the former law is continued in effect for that purpose. For
16 purposes of this section, an offense was committed before the
17 effective date of this Act if any element of the offense occurred
18 before that date.

19 SECTION 3. This Act takes effect September 1, 2025.