

By: Burnam

H.B. No. 131

A BILL TO BE ENTITLED

AN ACT

relating to creating the offense of unlawful possession of certain firearms by a minor.

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

SECTION 1. Chapter 46, Penal Code, is amended by adding Section 46.021 to read as follows:

Sec. 46.021. UNLAWFUL POSSESSION OF CERTAIN FIREARMS BY MINOR. (a) In this section, "minor" means an individual who:

(1) is younger than 17 years of age;

(2) is not married; and

(3) has not had the disabilities of minority removed.

(b) A minor commits an offense if the minor possesses a firearm other than a handgun.

(c) It is an exception to the application of this section that, at the time of the commission of the offense, the actor:

(1) was at the actor's residence;

(2) was on privately owned real property, including farmland or ranchland as defined by Section 252.001, Agriculture Code, with the effective consent of the owner of the real property;

(3) was engaging in lawful hunting or other sporting activity on the immediate premises where the activity was conducted, if a firearm is commonly used in the activity and if the activity was conducted between the hours of 5 a.m. and 10 p.m.;

(4) was traveling between the actor's residence and

1 the immediate premises where a lawful hunting or other sporting  
2 activity was being conducted if:

3 (A) a firearm is commonly used in the activity;  
4 and

5 (B) the firearm in the actor's possession was  
6 unloaded; or

7 (5) was accompanied by:

8 (A) a parent or legal guardian of the actor; or

9 (B) another person who is 17 years of age or  
10 older, if that accompaniment occurs with the effective consent of a  
11 parent or legal guardian of the actor.

12 (d) An offense under this section is a Class C misdemeanor.

13 (e) A peace officer may not arrest a minor for a violation of  
14 this section. A peace officer issuing a citation to a minor for a  
15 violation of this section shall seize the firearm possessed by the  
16 minor in the same manner as if the officer were arresting the minor.

17 (f) The court shall dismiss the charge if a parent or legal  
18 guardian of the minor accompanies the minor to court at the time of  
19 the hearing. Notwithstanding Article 18.19, Code of Criminal  
20 Procedure, the court may transfer the firearm to the parent or  
21 guardian at that time.

22 SECTION 2. This Act takes effect September 1, 2003.