

By: Ellis

S.B. No. 1677

A BILL TO BE ENTITLED

AN ACT

relating to the reporting of a lost or stolen firearm; providing criminal penalties.

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

SECTION 1. Subchapter D, Chapter 411, Government Code, is amended by adding Section 411.0511 to read as follows:

Sec. 411.0511. REPORT TO DEPARTMENT REGARDING LOST OR STOLEN FIREARM. (a) A law enforcement agency that receives a report of a lost or stolen firearm shall provide a copy of the report to the department in the form and manner and at regular intervals as prescribed by rules adopted by the department. The rules must require submission of any original or supplemental investigative report related to the firearm and must require the law enforcement agency to submit for each firearm reported lost or stolen:

(1) the county and, if applicable, municipality in which the firearm was lost or stolen; and

(2) a description of the firearm, including the serial number of the firearm if known.

(b) The department shall analyze information received under this section and shall make the analysis required by this section available to any local law enforcement agency, political subdivision, or state agency to the extent the analysis is reasonably necessary or useful to the agency or subdivision in

1 carrying out duties imposed by law on the agency or subdivision.
2 This subsection may not be construed to enable direct access by a
3 person to information analyzed by the department under this section
4 if the person does not otherwise have direct access to that
5 information. Dissemination of the analysis required by this
6 section is subject to all confidentiality requirements imposed by
7 other law.

8 SECTION 2. Chapter 46, Penal Code, is amended by adding
9 Section 46.16 to read as follows:

10 Sec. 46.16. FAILURE TO REPORT LOST OR STOLEN FIREARM. (a)
11 A person commits an offense if the person:

12 (1) owns a firearm that is subsequently lost by or
13 stolen from the person; and

14 (2) fails to report the loss or theft to a peace
15 officer or law enforcement agency on or before the 48th hour after
16 the time the person knew or reasonably should have known the firearm
17 was lost or stolen.

18 (b) A person commits an offense if the person knowingly
19 makes a false report of a lost or stolen firearm to a peace officer
20 or law enforcement agency.

21 (c) A person commits an offense if the person:

22 (1) reports the loss or theft of a firearm to a peace
23 officer or law enforcement agency;

24 (2) subsequently recovers the firearm; and

25 (3) fails to report the recovery to the officer or
26 agency before the 31st day after the date the person recovers the
27 firearm.

1 (d) An offense under Subsection (a) is a Class C
2 misdemeanor, except that the offense is a Class B misdemeanor if it
3 is shown on the trial of the offense that the person has been
4 previously convicted of an offense under that subsection.

5 (e) An offense under Subsection (b) or (c) is a Class C
6 misdemeanor with a maximum fine of \$250.

7 (f) If conduct constituting an offense under this section
8 also constitutes an offense under another section of this code, the
9 actor may be prosecuted under either section or under both
10 sections.

11 SECTION 3. Section 46.16(a), Penal Code, as added by this
12 Act, applies only to a firearm that is lost or stolen on or after the
13 effective date of this Act. A firearm that was lost or stolen
14 before the effective date of this Act is governed by the law in
15 effect on the date the firearm was lost or stolen, and the former
16 law is continued in effect for that purpose.

17 SECTION 4. This Act takes effect September 1, 2013.