

By: Ellis

S.B. No. 258

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the creation of certain offenses concerning firearm  
3 sales at gun shows.

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

5 SECTION 1. Section 46.01, Penal Code, is amended by adding  
6 Subdivisions (18) and (19) to read as follows:

7 (18) "Gun show" means a place other than a permanent  
8 retail store, including a driveway, sidewalk or walkway, parking  
9 lot, or other parking area, or an event at which:

10 (A) three or more individuals assemble to display  
11 firearms or firearm components to the public; and

12 (B) a fee is charged for the privilege of  
13 displaying the firearms or firearm components or a fee is charged  
14 for admission to the area where the firearms or components are  
15 displayed.

16 (19) "Gun show promoter" means a person who organizes,  
17 plans, promotes, or operates a gun show.

18 SECTION 2. Chapter 46, Penal Code, is amended by adding  
19 Sections 46.065 and 46.066 to read as follows:

20 Sec. 46.065. CERTAIN REQUIREMENTS RELATING TO SALES AT GUN  
21 SHOWS. (a) A person commits an offense if the person knowingly  
22 sells a firearm to another person in exchange for money or other  
23 consideration at a gun show without complying with the national  
24 instant criminal background check system in the manner required by

1 18 U.S.C. Section 922 before completing the sale. A person who  
2 conducts a criminal background check as required by this subsection  
3 may charge a fee of not more than \$10 to conduct the check.

4 (b) A person commits an offense if the person knowingly  
5 sells a firearm to another person in exchange for money or other  
6 consideration at a gun show and the person does not maintain a  
7 record of the sale.

8 (c) It is an exception to the application of Subsection (a)  
9 that the person to whom the firearm is sold:

10 (1) is licensed to carry a concealed handgun under  
11 Subchapter H, Chapter 411, Government Code; or

12 (2) is a peace officer.

13 (d) An offense under Subsection (a) or (b) is a Class A  
14 misdemeanor.

15 Sec. 46.066. CERTAIN REQUIREMENTS RELATING TO GUN SHOW  
16 PROMOTER. (a) A gun show promoter commits an offense if the  
17 promoter, with criminal negligence, permits the sale of a firearm  
18 to a person at a gun show organized, planned, promoted, or operated  
19 by the promoter without complying with the national instant  
20 criminal background check system in the manner required by 18  
21 U.S.C. Section 922 before completion of the sale.

22 (b) It is an exception to the application of Subsection (a)  
23 that the person to whom the firearm is sold:

24 (1) is licensed to carry a concealed handgun under  
25 Subchapter H, Chapter 411, Government Code; or

26 (2) is a peace officer.

27 (c) Not later than the 30th day before the date on which a

1 gun show is held, the gun show promoter shall provide written notice  
2 of the date, time, and place of the gun show to the local law  
3 enforcement agency of the county or, if applicable, the  
4 municipality in which the gun show will be held.

5 (d) A gun show promoter shall conduct, or arrange for a  
6 person who is a licensed firearms dealer under 18 U.S.C. Section 923  
7 to conduct, an instant criminal background check in the manner  
8 required by 18 U.S.C. Section 922 on any person who purchases a  
9 firearm at a gun show organized, planned, promoted, or operated by  
10 the promoter from another person who is not a licensed firearms  
11 dealer under 18 U.S.C. Section 923. A person who conducts a  
12 criminal background check as required by this subsection may charge  
13 a fee of not more than \$10 to conduct the check.

14 (e) A gun show promoter shall prominently post a notice in a  
15 form prescribed by the Department of Public Safety stating the  
16 requirements under this section and Section 46.065 relating to an  
17 instant criminal background check.

18 (f) A gun show promoter commits an offense if the promoter  
19 violates Subsection (c), (d), or (e).

20 (g) An offense under Subsection (a) or (f) is a Class A  
21 misdemeanor.

22 (h) If conduct constituting an offense under this section  
23 also constitutes an offense under Section 46.065, the actor may be  
24 prosecuted under either section or under both sections.

25 SECTION 3. The change in law made by Section 46.066(c),  
26 Penal Code, as added by this Act, applies only to a gun show held on  
27 or after October 1, 2015.

1 SECTION 4. This Act takes effect September 1, 2015.