

By: Blanco

H.B. No. 2034

A BILL TO BE ENTITLED

AN ACT

relating to requiring a national instant criminal background check in connection with certain firearm sales; creating an offense.

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

SECTION 1. Chapter 411, Government Code, is amended by adding Subchapter H-1 to read as follows:

SUBCHAPTER H-1. NATIONAL INSTANT CRIMINAL BACKGROUND CHECK FOR
INTRASTATE INTERNET FIREARM SALE

Sec. 411.221. DEFINITION. In this subchapter, "licensed firearms dealer" means a person who is licensed as a firearms dealer under 18 U.S.C. Section 923.

Sec. 411.222. REQUIREMENTS FOR INTRASTATE INTERNET FIREARM SALE. A person in this state may not sell a firearm to another person in this state by means of the Internet unless:

- (1) the person is a licensed firearms dealer;
- (2) the person sells the firearm to a licensed firearms dealer; or
- (3) before the firearm is delivered to the person to whom the firearm is being sold, the person selling the firearm delivers the firearm to a licensed firearms dealer to retain possession of the firearm until the dealer conducts a national instant criminal background check in a manner required by 18 U.S.C. Section 922 and verifies that the person to whom the firearm is being sold may lawfully possess a firearm.

1 Sec. 411.223. DUTIES OF LICENSED FIREARMS DEALER. (a) If a
2 licensed firearms dealer receives a firearm under Section
3 411.222(3), the dealer shall conduct a national instant criminal
4 background check in the manner required by 18 U.S.C. Section 922 to
5 verify that the person to whom the firearm is being sold may
6 lawfully possess a firearm before transferring the firearm to that
7 person.

8 (b) If a licensed firearms dealer determines that the person
9 to whom the firearm is being sold may not lawfully possess a
10 firearm, the dealer shall return the firearm to the person selling
11 the firearm.

12 (c) A licensed firearms dealer to whom a firearm is
13 delivered under Section 411.222(3) may collect a reasonable fee
14 from the person who is selling the firearm.

15 Sec. 411.224. OFFENSE. A person who violates this
16 subchapter commits an offense. An offense under this section is a
17 Class A misdemeanor.

18 SECTION 2. This Act takes effect September 1, 2017.