

By: Nevárez

H.B. No. 2655

Substitute the following for H.B. No. 2655:

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C.S.H.B. No. 2655

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the offense of unlawful transfer of a firearm.

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

SECTION 1. Section 46.06, Penal Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

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

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

(2) intentionally or knowingly sells, rents, leases, or gives or offers to sell, rent, lease, or give to any child younger than 18 years any firearm, club, or illegal knife;

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

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

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

(B) the person's release from supervision under

community supervision, parole, or mandatory supervision following conviction of the felony;

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

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

(7) knowingly sells, rents, leases, loans, or gives a firearm to a person who the actor knows, or has reasonable cause to believe, is:

(A) a person receiving inpatient mental health services by order of a court under Chapter 574, Health and Safety Code;

(B) a person who has been acquitted in a criminal case by reason of insanity or lack of mental responsibility, regardless of whether the person was ordered by a court to receive inpatient treatment or residential care under Chapter 46C, Code of Criminal Procedure;

(C) a person who has been determined to have an intellectual disability and committed by a court for long-term placement in a residential care facility under Chapter 593, Health and Safety Code;

(D) an incapacitated adult for whom a court has appointed a guardian of the person under Title 3, Estates Code, based on a determination that the person lacks the mental capacity to manage the person's affairs; or

1 (E) a person determined to be incompetent to
2 stand trial under Chapter 46B, Code of Criminal Procedure.

3 (e) It is a defense to prosecution under Subsection (a)(7)
4 that the transfer is to a person who:

5 (1) is the subject of a judicial order or finding that
6 the person is no longer an incapacitated adult or is entitled to
7 relief from disabilities under Section 574.088, Health and Safety
8 Code; or

9 (2) has obtained notice of relief from disabilities
10 under 18 U.S.C. Section 925.

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, 2017.