

By: Nevárez

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(a), Penal Code, is amended 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) 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

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

1 SECTION 2. The change in law made by this Act applies only
2 to an offense committed on or after the effective date of this Act.
3 An offense committed before the effective date of this Act is
4 governed by the law in effect on the date the offense was committed,
5 and the former law is continued in effect for that purpose. For
6 purposes of this section, an offense was committed before the
7 effective date of this Act if any element of the offense occurred
8 before that date.

9 SECTION 3. This Act takes effect September 1, 2017.