

By: Nevárez, Calanni

H.B. No. 545

Substitute the following for H.B. No. 545:

By: Moody

C.S.H.B. No. 545

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the prosecution of the offense of unlawful transfer of a
3 firearm.

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

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

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

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

13 (2) intentionally or knowingly sells, rents, leases,
14 or gives or offers to sell, rent, lease, or give to any child
15 younger than 18 years of age any firearm, club, or
16 location-restricted knife;

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

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

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

1 (B) the person's release from supervision under
2 community supervision, parole, or mandatory supervision following
3 conviction of the felony;

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

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

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

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

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

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

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

27 (e) It is a defense to prosecution under Subsection (a)(7)

1 that the transfer is to a person who:

2 (1) is the subject of a judicial order or finding that
3 the person is entitled to relief from disabilities under Section
4 574.088, Health and Safety Code;

5 (2) has obtained notice of relief from disabilities
6 under 18 U.S.C. Section 925; or

7 (3) the actor had reasonable cause to believe is a
8 person described by Subsection (a)(7), if that person is not a
9 person described by that subdivision.

10 SECTION 2. The change in law made by this Act applies only
11 to an offense committed on or after the effective date of this Act.
12 An offense committed before the effective date of this Act is
13 governed by the law in effect on the date the offense was committed,
14 and the former law is continued in effect for that purpose. For
15 purposes of this section, an offense was committed before the
16 effective date of this Act if any element of the offense occurred
17 before that date.

18 SECTION 3. This Act takes effect September 1, 2019.