

By: Meza

H.B. No. 1376

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of certain firearm transfers; creating
criminal offenses.

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

SECTION 1. Title 6, Business & Commerce Code, is amended by
adding Chapter 205 to read as follows:

CHAPTER 205. REGULATION OF FIREARM TRANSFERS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 205.001. DEFINITIONS. In this chapter:

(1) "Department" means the Department of Public
Safety.

(2) "Licensed firearms dealer" means a person who is
licensed as a firearms dealer under 18 U.S.C. Section 923.

SUBCHAPTER B. REGULATION OF PRIVATE FIREARM TRANSFERS

Sec. 205.051. DOCUMENTATION OF PRIVATE FIREARM TRANSFERS.

(a) The department by rule shall adopt a form to document the sale
or other transfer of a firearm by a person who is not a licensed
firearms dealer.

(b) The form adopted under Subsection (a) must include:

(1) the name, driver's license or personal
identification certificate number, if any, and contact information
of the person selling or transferring the firearm;

(2) the name, driver's license or personal
identification certificate number, if any, and contact information

1 of the person to whom the firearm is being sold or transferred;

2 (3) the type of firearm and serial number of the
3 firearm being sold or transferred; and

4 (4) any other information the department considers
5 necessary to document the sale or transfer.

6 Sec. 205.052. REQUIREMENTS FOR PRIVATE FIREARM TRANSFER.

7 (a) Subject to Section 205.053, a person may not sell or otherwise
8 transfer a firearm to another person unless:

9 (1) the person is a licensed firearms dealer; or

10 (2) the person is not a licensed firearms dealer and:

11 (A) documents the sale or transfer on the form
12 adopted by the department under Section 205.051; and

13 (B) submits the form described by Paragraph (A)
14 to the department not later than the 30th day after the date of the
15 sale or transfer.

16 (b) A person who violates this section commits an offense.

17 An offense under this section is a Class C misdemeanor.

18 Sec. 205.053. REQUIREMENTS FOR PERSON SELLING OR

19 TRANSFERRING FIREARMS. (a) A person may not sell or otherwise
20 transfer more than five firearms to one or more persons each year
21 unless the person is a licensed firearms dealer.

22 (b) A person who violates this section commits an offense.

23 An offense under this section is a Class C misdemeanor.

24 (c) This section does not apply to:

25 (1) a transfer of a firearm to a person by inheritance
26 or bequest on the death of the owner of the firearm; or

27 (2) a sale or other transfer of a firearm by the owner

1 of the firearm if the transferor and the transferee are related
2 within the third degree by consanguinity or within the second
3 degree by affinity as determined under Chapter 573, Government
4 Code.

5 SECTION 2. This Act takes effect September 1, 2019.