

By: Hinojosa

H.B. No. 4496

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the criminal offense of acquisition or attempted
3 acquisition of a firearm by a person prohibited from possessing a
4 firearm; creating a criminal offense.

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

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

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

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

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

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

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

24 (A) the person's release from confinement

1 following conviction of the felony; or

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

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

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

11 (7) knowingly acquires or attempts to acquire a
12 firearm, while the actor is prohibited from possessing a firearm by
13 a state law or a federal law other than 18 U.S.C. Section 922(g)(4).

14 (e) A licensed firearms dealer under the Brady Handgun
15 Violence Prevention Act, 18 U.S.C. Section 922, who declines to
16 transfer a firearm to a prospective transferee because the National
17 Instant Criminal Background Check System indicates that the
18 prospective transferee is prohibited from possessing a firearm
19 shall notify the Department of Public Safety.

20 SECTION 2. Subchapter D, Chapter 411, Government Code, is
21 amended by adding Section 411.0525 to read as follows:

22 Sec. 411.0525. INVESTIGATION OF LICENSED FIREARMS DEALER
23 REPORT. (a) If the department receives a report under Section
24 46.06(e), Penal Code, from a licensed firearms dealer under the
25 Brady Handgun Violence Prevention Act, 18 U.S.C. Section 922, that
26 a person prohibited from possessing a firearm has attempted to
27 acquire a firearm, the department shall initiate an investigation.

1 (b) If the department's investigation under this section
2 produces evidence that a person may have violated Section 46.06,
3 Penal Code, the department shall refer the case to the appropriate
4 local authorities for further investigation and possible
5 prosecution.

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

14 SECTION 4. This Act takes effect September 1, 2019.