

Amend **HB 1927** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

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

CHAPTER 205. REGULATION OF PRIVATE FIREARM TRANSFERS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 205.001. DEFINITIONS. In this chapter:

(1) "Firearm" has the meaning assigned by Section 46.01, Penal Code.

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

SUBCHAPTER B. NATIONAL INSTANT CRIMINAL BACKGROUND CHECK FOR PRIVATE FIREARM TRANSFERS

Sec. 205.051. NATIONAL INSTANT CRIMINAL BACKGROUND CHECK REQUIRED FOR PRIVATE TRANSFER OF FIREARM. A person may not sell or otherwise transfer a firearm to another person unless:

(1) the person is a licensed firearms dealer;

(2) the person sells or transfers the firearm to a licensed firearms dealer; or

(3) before the firearm is delivered to the person to whom the firearm is being sold or transferred, the person selling or transferring the firearm delivers the firearm to a licensed firearms dealer to retain possession of the firearm until the dealer conducts a national instant criminal background check in the manner required by 18 U.S.C. Section 922 and verifies that the person to whom the firearm is being sold or transferred may lawfully possess a firearm.

Sec. 205.052. DUTIES OF LICENSED FIREARMS DEALER. (a) If a licensed firearms dealer receives a firearm under Section 205.051(3), the dealer shall conduct a national instant criminal background check in the manner required by 18 U.S.C. Section 922 to verify that the person to whom the firearm is being sold or transferred may lawfully possess a firearm.

(b) If a licensed firearms dealer determines that the person to whom the firearm is being sold or transferred may not lawfully possess a firearm, the dealer shall return the firearm to the person

selling or transferring the firearm.

(c) If a licensed firearms dealer determines that the person to whom the firearm is being sold or transferred may lawfully possess a firearm, the dealer shall transfer the firearm as directed by the person selling or transferring the firearm.

(d) A licensed firearms dealer to whom a firearm is delivered under Section 205.051(3) may collect a reasonable fee from the person who is selling or transferring the firearm.

Sec. 205.053. EXCEPTION. This subchapter does not apply to:

(1) a transfer of a firearm by a person who is not a licensed firearms dealer to a person who is known by the transferor before the date of the transfer; or

(2) a sale or other transfer of a firearm by the owner of the firearm if the transferor and the transferee are related within the third degree by consanguinity or within the second degree by affinity as determined under Chapter 573, Government Code.

Sec. 205.054. OFFENSE. A person who violates this subchapter commits an offense. An offense under this section is a Class A misdemeanor.