

BILL ANALYSIS

Senate Research Center

S.B. 162
By: Blanco
State Affairs
5/25/2021
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under federal law, it is a felony offense for an individual to lie on a background check form. Due to limited federal investigatory resources, cases of noncompliance are rarely investigated and prosecuted. Without a law that ensures prospective buyers could not legally attempt to purchase a firearm by lying on a background check, Texas law enforcement cannot assist federal agents in the prosecution of the crime. For this reason, individuals in Texas often face no consequences for the illegal act of lying on a background check. The National Instant Criminal Background Check system was developed by the FBI and provides the timely and accurate determination of a person's eligibility to possess firearms in accordance with federal law. Over 100,000 Americans lie on a background check every year.

S.B. 162 creates an offense if a person knowingly makes a materially false or misleading statement when providing information for the purposes of complying with the National Instant Criminal Background Check system. This bill allows Texas to uphold federal law by utilizing the state's investigative agents and helps to ensure prohibited individuals face consequences for attempting to purchase a weapon illegally.

(Original Author's / Sponsor's Statement of Intent)

S.B. 162 amends current law relating to a false statement made to illegally acquire a firearm and creates a criminal offense.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 46.06(a) and (d), Penal Code, as follows:

(a) Provides that a person commits an offense relating to the unlawful transfer of certain weapons under certain circumstances, including if the person, while prohibited from possessing a firearm under state or federal law, knowingly makes a material false statement on a form that is required by state or federal law for the purchase, sale, or other transfer of a firearm, and that is submitted to a licensed firearms dealer, as defined by 18 U.S.C. Section 923. Makes nonsubstantive changes.

(d) Provides that an offense under Section 46.06 (Unlawful Transfer of Certain Weapons) is a Class A misdemeanor, except under certain circumstances, including that an offense under Subsection (a)(7) (relating to knowingly making a material false statement on a certain form) is a state jail felony. Makes nonsubstantive changes.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2021.