87R1407 JSC-D

By:  Meza H.B. No. 227

A BILL TO BE ENTITLED

AN ACT

relating to notifying state law enforcement of an attempted acquisition of a firearm by a person prohibited from possessing a firearm.

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

SECTION 1.  Section 46.06, Penal Code, is amended by adding Subsection (e) to read as follows:

(e)  A licensed firearms dealer under 18 U.S.C. Section 923 who declines to transfer a firearm to a prospective transferee because the National Instant Criminal Background Check System indicates that the prospective transferee is prohibited from possessing a firearm shall notify the Department of Public Safety.

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

Sec. 411.0525.  INVESTIGATION OF LICENSED FIREARMS DEALER REPORT. (a) On receipt of a report under Section 46.06(e), Penal Code, from a licensed firearms dealer under 18 U.S.C. Section 923, the department shall initiate an investigation.

(b)  If the department's investigation under this section produces evidence that a person may have violated Chapter 46, Penal Code, or other law relating to the possession or transfer of a firearm, the department shall refer the case to the appropriate local authorities for further investigation and possible prosecution.

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

SECTION 4.  This Act takes effect September 1, 2021.