87R2381 AJZ-D

By:  Hinojosa H.B. No. 882

A BILL TO BE ENTITLED

AN ACT

relating to the unlawful transfer of a firearm; creating a criminal offense.

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

SECTION 1.  Section 46.06(a), Penal Code, is amended to read as follows:

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

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

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

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

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

(A)  the person's release from confinement following conviction of the felony; or

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

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

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

(7)  knowingly purchases, rents, leases, or receives as a loan or gift from another a firearm while the actor is a fugitive from justice for:

(A)  a Class B misdemeanor or any higher category of offense; or

(B)  an offense under the laws of another state, federal law, or the Uniform Code of Military Justice, containing elements that are the same as or similar to the elements of an offense described by Paragraph (A).

SECTION 2.  Section 46.06(b), Penal Code, is amended by adding Subdivision (3) to read as follows:

(3)  "Fugitive from justice" means a person who is currently the subject of an outstanding arrest warrant in any state or federal jurisdiction.

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.