

By: Meza

H.B. No. 218

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the regulation of certain firearm transfers; creating
3 criminal offenses.

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

5 SECTION 1. Title 6, Business & Commerce Code, is amended by
6 adding Chapter 205 to read as follows:

7 CHAPTER 205. REGULATION OF FIREARM TRANSFERS

8 SUBCHAPTER A. GENERAL PROVISIONS

9 Sec. 205.001. DEFINITIONS. In this chapter:

10 (1) "Department" means the Department of Public
11 Safety.

12 (2) "Firearm" has the meaning assigned by Section
13 46.01, Penal Code.

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

16 SUBCHAPTER B. REGULATION OF PRIVATE FIREARM TRANSFERS

17 Sec. 205.051. DOCUMENTATION OF PRIVATE FIREARM TRANSFERS.

18 (a) The department by rule shall adopt a form to document the sale
19 or other transfer of a firearm by a person who is not a licensed
20 firearms dealer.

21 (b) The form adopted under Subsection (a) must include:

22 (1) the name, driver's license or personal
23 identification certificate number, if any, and contact information
24 of the person selling or transferring the firearm;

1 (2) the name, driver's license or personal
2 identification certificate number, if any, and contact information
3 of the person to whom the firearm is being sold or transferred;

4 (3) the type of firearm and serial number of the
5 firearm being sold or transferred; and

6 (4) any other information the department considers
7 necessary to document the sale or transfer.

8 Sec. 205.052. DOCUMENTATION REQUIREMENTS FOR PRIVATE
9 FIREARM TRANSFERS. (a) Subject to Subsection (b), a person may not
10 sell or otherwise transfer a firearm to another person unless the
11 person is a licensed firearms dealer.

12 (b) Subject to Section 205.053, a person who is not a
13 licensed firearms dealer may sell or otherwise transfer a firearm
14 to another person only if the transferor:

15 (1) documents the transfer on the form adopted by the
16 department under Section 205.051; and

17 (2) submits the form described by Subdivision (1) to
18 the department not later than the 30th day after the date of the
19 transfer.

20 (c) A person who violates this section commits an offense.
21 An offense under this section is a Class C misdemeanor.

22 Sec. 205.053. VOLUME LIMITATIONS ON PRIVATE FIREARM
23 TRANSFERS. (a) A person may not sell or otherwise transfer more
24 than five firearms to one or more persons each year unless the
25 transferor is a licensed firearms dealer.

26 (b) A person who violates this section commits an offense.
27 An offense under this section is a Class C misdemeanor.

1 verify that the person to whom the firearm is being transferred may
2 lawfully possess the firearm. The transfer may not occur until the
3 dealer completes the background check required by this subchapter.

4 (b) If a licensed firearms dealer determines that the
5 proposed transferee may not lawfully possess a firearm, the dealer
6 shall return the firearm to the person who delivered the firearm to
7 the dealer under Section 205.101(3).

8 (c) A licensed firearms dealer to whom a firearm is
9 delivered under Section 205.101(3) may collect a reasonable fee
10 from the person who delivered the firearm to the dealer.

11 Sec. 205.103. OFFENSE. A person who violates this
12 subchapter commits an offense. An offense under this section is a
13 Class A misdemeanor.

14 SECTION 2. This Act takes effect September 1, 2021.