

By: Geren

H.B. No. 347

A BILL TO BE ENTITLED

AN ACT

relating to a false or misleading statement made to illegally acquire a firearm; creating a criminal offense.

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

SECTION 1. Sections 46.06(a) and (d), Penal Code, are 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

1 community supervision, parole, or mandatory supervision following
2 conviction of the felony;

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

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

9 (7) knowingly makes a materially false or misleading
10 statement in providing information to a person for purposes of
11 complying with the national instant criminal background check
12 system in the manner required by 18 U.S.C. Section 922.

13 (d) An offense under this section is a Class A misdemeanor,
14 except that:

15 (1) an offense under Subsection (a)(2) is a state jail
16 felony if the weapon that is the subject of the offense is a
17 handgun; and

18 (2) an offense under Subsection (a)(7) is a state jail
19 felony.

20 SECTION 2. The change in law made by this Act applies only
21 to an offense committed on or after the effective date of this Act.
22 An offense committed before the effective date of this Act is
23 governed by the law in effect on the date the offense was committed,
24 and the former law is continued in effect for that purpose. For
25 purposes of this section, an offense was committed before the
26 effective date of this Act if any element of the offense occurred
27 before that date.

1 SECTION 3. This Act takes effect September 1, 2021.