

By: Hinojosa

H.B. No. 880

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a false or misleading statement made to illegally
3 acquire a firearm; creating a criminal offense.

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

5 SECTION 1. Section 46.06, Penal Code, is amended by
6 amending Subsections (a) and (d) and adding Subsection (e) to read
7 as follows:

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

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

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

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

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

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

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

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

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

10 (7) knowingly makes a materially false or misleading
11 statement in providing information to a person for purposes of
12 complying with the National Instant Criminal Background Check
13 System in the manner required by 18 U.S.C. Section 922.

14 (d) An offense under Subsection (a) ~~[this section]~~ is a
15 Class A misdemeanor, except that:

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

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

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

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

1 Sec. 411.0525. INVESTIGATION OF LICENSED FIREARMS DEALER
2 REPORT. (a) If the department receives a report under Section
3 46.06(e), Penal Code, from a licensed firearms dealer under 18
4 U.S.C. Section 923, the department shall initiate an investigation.

5 (b) If the department's investigation under this section
6 produces evidence that a person may have violated Section 46.06,
7 Penal Code, the department shall refer the case to the appropriate
8 local authorities for further investigation and possible
9 prosecution.

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

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