

By: Hinojosa

H.B. No. 883

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the unlawful transfer of a firearm; creating criminal
3 offenses.

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;

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; or

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

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

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

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

25 (1) an offense under Subsection (a)(2) is a state jail
26 felony if the weapon that is the subject of the offense is a
27 handgun; and

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

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

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

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

13 SECTION 3. Subchapter D, Chapter 411, Government Code, is
14 amended by adding Section 411.0525 to read as follows:

15 Sec. 411.0525. INVESTIGATION OF LICENSED FIREARMS DEALER
16 REPORT. (a) If the department receives a report under Section
17 46.06(e), Penal Code, from a licensed firearms dealer under 18
18 U.S.C. Section 923, the department shall initiate an investigation.

19 (b) If the department's investigation under this section
20 produces evidence that a person may have violated Section 46.06,
21 Penal Code, the department shall refer the case to the appropriate
22 local authorities for further investigation and possible
23 prosecution.

24 SECTION 4. The change in law made by this Act applies only
25 to an offense committed on or after the effective date of this Act.
26 An offense committed before the effective date of this Act is
27 governed by the law in effect on the date the offense was committed,

1 and the former law is continued in effect for that purpose. For
2 purposes of this section, an offense was committed before the
3 effective date of this Act if any element of the offense occurred
4 before that date.

5 SECTION 5. This Act takes effect September 1, 2021.