

By: Howard

H.B. No. 1948

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the duties of the Department of Public Safety and
3 licensed firearms dealers with respect to the possession or use of a
4 suspended or revoked license to carry a handgun.

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

6 SECTION 1. Subchapter H, Chapter 411, Government Code, is
7 amended by adding Section 411.1805 to read as follows:

8 Sec. 411.1805. LIST OF SUSPENDED AND REVOKED LICENSES. (a)

9 The department shall maintain a current list of license numbers
10 with respect to each unexpired license to carry a handgun that is
11 suspended or revoked under this subchapter.

12 (b) The department shall post the list of license numbers on
13 the department's Internet website. The department may not include
14 any information that would otherwise identify the person to whom
15 the license was issued.

16 (c) The department shall establish and operate a dedicated
17 telephone line that enables licensed firearms dealers to call to
18 verify whether an unexpired license to carry a handgun has been
19 suspended or revoked, as indicated on the list established by the
20 department under this section. The telephone line must be
21 continuously monitored by the department during its regular
22 business hours.

23 (d) The department shall remove the number of a suspended
24 license from the list under this section not later than the fifth

1 working day after the applicable period of suspension ends.

2 (e) If a revoked license is reinstated, the department shall
3 remove the number of that license from the list under this section
4 not later than the fifth working day after the reinstatement
5 occurs.

6 (f) The department shall remove a number of a suspended or
7 revoked license from the list under this section not later than the
8 fifth working day after the license's expiration date.

9 (g) The director may adopt rules to implement this section.

10 SECTION 2. Chapter 411, Government Code, is amended by
11 adding Subchapter H-1 to read as follows:

12 SUBCHAPTER H-1. REQUIREMENTS FOR CERTAIN FIREARM TRANSFERS

13 Sec. 411.221. DEFINITIONS. In this subchapter:

14 (1) "License" means a license to carry a handgun
15 issued under Subchapter H.

16 (2) "Licensed firearms dealer" means a person who is
17 licensed as a firearms dealer under 18 U.S.C. Section 923.

18 Sec. 411.222. REQUIREMENTS FOR CERTAIN FIREARM TRANSFERS.

19 (a) A licensed firearms dealer may not sell or otherwise transfer a
20 firearm to a person who presents an apparently valid unexpired
21 license as evidence that the person is not prohibited by state or
22 federal law from possessing a firearm unless the dealer first
23 verifies that the license is not currently suspended or revoked.

24 (b) The licensed firearms dealer may verify the status of
25 the person's license under Subsection (a) either by direct
26 communication with the department or by referencing the list of
27 suspended or revoked licenses that is maintained on the

1 department's Internet website under Section 411.1805.

2 (c) If the licensed firearms dealer determines under
3 Subsection (a) that the license is suspended or revoked, the
4 dealer:

5 (1) may not consider the fact that the person
6 previously held a valid license and the fact that the person no
7 longer holds a valid license in determining whether transferring a
8 firearm to that person is prohibited by state or federal law; and

9 (2) not later than the fifth working day after the date
10 of the determination, shall notify the department that:

11 (A) during the applicable transaction, the
12 person presented a license to the dealer in lieu of submitting to
13 the national instant criminal background check in accordance with
14 18 U.S.C. Section 922; and

15 (B) the license was suspended or revoked.

16 Sec. 411.223. CIVIL LIABILITY. A licensed firearms dealer
17 who sells or otherwise transfers a firearm in violation of Section
18 411.222 is liable for damages arising from bodily injury or death
19 proximately caused by the discharge of the firearm by the person to
20 whom the firearm was sold or transferred.

21 SECTION 3. The Department of Public Safety shall establish
22 the list required under Section 411.1805, Government Code, as added
23 by this Act, and publish the list on the department's Internet
24 website not later than January 1, 2022.

25 SECTION 4. Subchapter H-1, Chapter 411, Government Code, as
26 added by this Act, applies only to a firearm transfer that occurs on
27 or after January 1, 2022.

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