

By: Blanco, et al.

S.B. No. 162

A BILL TO BE ENTITLED

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

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

5 SECTION 1. Sections 46.06(a) and (d), Penal Code, are
6 amended to read as follows:

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

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

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

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

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

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

24 (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) while prohibited from possessing a firearm under
10 state or federal law, knowingly makes a material false statement on
11 a form that is:

12 (A) required by state or federal law for the
13 purchase, sale, or other transfer of a firearm; and

14 (B) submitted to a licensed firearms dealer, as
15 defined by 18 U.S.C. Section 923.

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

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

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

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

1 purposes of this section, an offense was committed before the
2 effective date of this Act if any element of the offense occurred
3 before that date.

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