

1-1 By: Blanco S.B. No. 162
 1-2 (In the Senate - Filed November 10, 2020; March 3, 2021,
 1-3 read first time and referred to Committee on State Affairs;
 1-4 April 22, 2021, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 7, Nays 2; April 22, 2021,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12		X		
1-13	X			
1-14	X			
1-15	X			
1-16		X		
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 162 By: Powell

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to a false statement made to illegally acquire a firearm;
 1-22 creating a criminal offense.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Sections 46.06(a) and (d), Penal Code, are
 1-25 amended to read as follows:

1-26 (a) A person commits an offense if the person:

1-27 (1) sells, rents, leases, loans, or gives a handgun to
 1-28 any person knowing that the person to whom the handgun is to be
 1-29 delivered intends to use it unlawfully or in the commission of an
 1-30 unlawful act;

1-31 (2) intentionally or knowingly sells, rents, leases,
 1-32 or gives or offers to sell, rent, lease, or give to any child
 1-33 younger than 18 years of age any firearm, club, or
 1-34 location-restricted knife;

1-35 (3) intentionally, knowingly, or recklessly sells a
 1-36 firearm or ammunition for a firearm to any person who is
 1-37 intoxicated;

1-38 (4) knowingly sells a firearm or ammunition for a
 1-39 firearm to any person who has been convicted of a felony before the
 1-40 fifth anniversary of the later of the following dates:

1-41 (A) the person's release from confinement
 1-42 following conviction of the felony; or

1-43 (B) the person's release from supervision under
 1-44 community supervision, parole, or mandatory supervision following
 1-45 conviction of the felony;

1-46 (5) sells, rents, leases, loans, or gives a handgun to
 1-47 any person knowing that an active protective order is directed to
 1-48 the person to whom the handgun is to be delivered; ~~or~~

1-49 (6) knowingly purchases, rents, leases, or receives as
 1-50 a loan or gift from another a handgun while an active protective
 1-51 order is directed to the actor; or

1-52 (7) while prohibited from possessing a firearm under
 1-53 state or federal law, knowingly makes a material false statement on
 1-54 a form that is:

1-55 (A) required by state or federal law for the
 1-56 purchase, sale, or other transfer of a firearm; and

1-57 (B) submitted to a licensed firearms dealer, as
 1-58 defined by 18 U.S.C. Section 923.

1-59 (d) An offense under this section is a Class A misdemeanor,
 1-60 except that:

2-1 (1) an offense under Subsection (a)(2) is a state jail
2-2 felony if the weapon that is the subject of the offense is a
2-3 handgun; and
2-4 (2) an offense under Subsection (a)(7) is a state jail
2-5 felony.

2-6 SECTION 2. The change in law made by this Act applies only
2-7 to an offense committed on or after the effective date of this Act.
2-8 An offense committed before the effective date of this Act is
2-9 governed by the law in effect on the date the offense was committed,
2-10 and the former law is continued in effect for that purpose. For
2-11 purposes of this section, an offense was committed before the
2-12 effective date of this Act if any element of the offense occurred
2-13 before that date.

2-14 SECTION 3. This Act takes effect September 1, 2021.

2-15

* * * * *