

By: Reynolds

H.B. No. 71

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting the transfer of semiautomatic rifles to certain recipients; increasing a criminal penalty.

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

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

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

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

(2) intentionally or knowingly sells, rents, leases, or gives or offers to sell, rent, lease, or give:

(A) to a ~~any~~ child younger than 18 years of age a ~~any firearm,~~ club, ~~or~~ location-restricted knife, or firearm other than a semiautomatic rifle; or

(B) to a person younger than 21 years of age a semiautomatic rifle;

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

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

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

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

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

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

12 (7) while prohibited from possessing a firearm under  
13 state or federal law, knowingly makes a material false statement on  
14 a form that is:

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

17 (B) submitted to a [~~licensed~~] firearms dealer  
18 licensed under [~~, as defined by~~] 18 U.S.C. Section 923.

19 (c) It is an affirmative defense to prosecution under  
20 Subsection (a)(2)(A) [~~(a)(2)~~] that the transfer was to a minor  
21 whose parent or the person having legal custody of the minor had  
22 given written permission for the sale or, if the transfer was other  
23 than a sale, the parent or person having legal custody had given  
24 effective consent.

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

27 (1) an offense under Subsection (a)(2)(A) [~~(a)(2)~~] is

1 a state jail felony if the weapon that is the subject of the offense  
2 is a handgun; and

3 (2) an offense under Subsection (a)(2)(B) or (a)(7) is  
4 a state jail felony.

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

13 SECTION 3. This Act takes effect on the 91st day after the  
14 last day of the legislative session.