



FLOOR AMENDMENT NO. _____

BY: Moody

1 Amend H.B. No. 3266 on third reading by adding the following
2 appropriately numbered SECTIONS to the bill and renumbering
3 subsequent SECTIONS of the bill accordingly:

4 SECTION __. Section 46.06, Penal Code, is amended by
5 amending Subsections (a), (c), and (d) and adding Subsection (c-
6 1) 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, or
13 gives or offers to sell, rent, lease, or give:

14 (A) to a [any] child younger than 18 years of age
15 a [~~any firearm,~~] club, [~~or~~] location-restricted knife, or firearm
16 other than a semiautomatic rifle described by Paragraph (B); or

17 (B) to a person younger than 21 years of age a
18 semiautomatic rifle that is capable of accepting a detachable
19 magazine and that has a caliber greater than .22;

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

23 (4) knowingly sells a firearm or ammunition for a
24 firearm to any person who has been convicted of a felony before
25 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
14 on 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 (c-1) It is an exception to the application of Subsection
26 (a)(2)(B) that:

27 (1) the semiautomatic rifle is transferred to a
28 recipient who:

29 (A) is a peace officer; or

30 (B) is currently serving in or has been honorably
31 discharged from the United States armed forces; or

1 (2) the transfer of the semiautomatic rifle is a
2 temporary loan to a person who is to carry or use the semiautomatic
3 rifle only:

4 (A) while in the presence of the transferor;

5 (B) while on property owned or leased by the
6 transferor;

7 (C) on the premises of a sport shooting range, as
8 defined by Section 250.001, Local Government Code, and solely for
9 the purpose of shooting targets at the range;

10 (D) for the purpose of lawful hunting or sporting,
11 or for lawful recreational activity; or

12 (E) at a lawful competition involving the use of
13 a firearm.

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

16 (1) an offense under Subsection (a) (2) (A) [~~(a) (2)~~] is
17 a state jail felony if the weapon that is the subject of the
18 offense is a handgun; and

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

21 SECTION __. To the extent of any conflict, this Act prevails
22 over another Act of the 88th Legislature, Regular Session, 2023,
23 relating to nonsubstantive additions to and corrections in enacted
24 codes.