

Amend **HB 3266** on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 46.06, Penal Code, is amended by amending Subsections (a), (c), and (d) and adding Subsection (c-1) 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 described by Paragraph (B); or

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

(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:

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

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

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

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

(7) while prohibited from possessing a firearm under

state or federal law, knowingly makes a material false statement on a form that is:

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

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

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

(c-1) It is an exception to the application of Subsection (a)(2)(B) that:

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

(A) is a peace officer; or

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

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

(A) while in the presence of the transferor;

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

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

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

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

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

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

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

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