

BILL ANALYSIS

Senate Research Center

H.B. 2454
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Criminal Justice
5/4/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

While it is currently a felony for a person who is prohibited from possessing a firearm to knowingly make a material false statement on a form while intending to purchase, sell, or transfer a firearm, there is currently no law that prohibits an individual from acquiring a firearm for a person who is prohibited from possessing a firearm under state or federal law. Individuals who acquire a firearm on behalf of others prohibited from having one should be penalized at the same level as those attempting to acquire a firearm for themselves. H.B. 2454 seeks to create a state jail felony offense for a person who acquires a firearm with the intent to deliver the firearm to someone the actor knows is prohibited from possessing a firearm.

H.B. 2454 amends current law relating to the unlawful acquisition of certain weapons and creates a criminal offense.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Section 46.06, Penal Code, to read as follows:

Sec. 46.06. UNLAWFUL TRANSFER OR ACQUISITION OF CERTAIN WEAPONS.

SECTION 2. Amends Sections 46.06(a) and (d), Penal Code, as follows:

(a) Provides that a person commits an offense if the person:

(1)-(5) makes no changes to these subdivisions;

(6) makes a nonsubstantive change to this subdivision;

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

(A) makes no changes to this paragraph; and

(B) submitted to a firearms dealer licensed under 18 U.S.C. Section 923, rather than submitted to a licensed firearms dealer as defined by 18 U.S.C. Section 923; or

(8) acquires a firearm with intent to deliver the firearm to a person knowing that the person to whom the firearm is to be delivered is prohibited from possessing the firearm by state law.

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

(1) makes no changes to this subdivision; and

(2) an offense under Subsection (a)(7) or (8) is a state jail felony.

SECTION 3. Provides that this Act, to the extent of any conflict, prevails over another Act of the 88th Legislature, Regular Session, 2023, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2023.