By:  Gutierrez S.B. No. 1740

A BILL TO BE ENTITLED

AN ACT

Relating to gun safety; creating an offense; increasing a criminal penalty.

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

SECTION 1.  Chapter 46, Penal Code, is amended by adding new Sections 46.16, 46.17, and 46.18 to read as follows:

Sec. 46.16.  UNLAWFUL GUN STORAGE. (a) It is an offense for a person to store a firearm, whether loaded or unloaded, or firearm ammunition, in a motor vehicle or boat while the person is not in the motor vehicle or watercraft unless the firearm or firearm ammunition is kept from ordinary observation and locked within the trunk, utility or glove box, or a locked container securely affixed to the motor vehicle or boat.

(b)  As used in this subsection (a):

(1)  "watercraft" has the same meaning as defined in Section 46.02 (a-3); (

(2)  "trunk" means the fully enclosed and locked main storage compartment of a motor vehicle that is not accessible from the passenger compartment, but does not include any compartment that has a window, the bed of a pickup truck, or the rear area of a hatchback, station wagon-type motor vehicle, or sport utility motor vehicle.

(c)  A violation of this subsection (a) is a Class C misdemeanor punishable only by the completion of a court-approved firearm safety course.

Sec. 46.17.  REPORT OF GUN THEFT. (a) A person who owns a firearm shall report the loss or theft of the firearm to a law enforcement agency with jurisdiction over the location where the firearm was lost or stolen within twenty-four hours of the discovery of the loss or theft.

(b)  A violation of this section is a Class C misdemeanor punishable only by the completion of a court-approved firearm safety course.

Sec. 46.18.  REQUIRED SIGNAGE FOR GUN DEALERS. (a) A dealer of firearms shall post in a conspicuous position on the premises where the dealer conducts business a sign that contains the following warning in block letters not less than one inch in height:

"WARNING: Access to a weapon or firearm in the home significantly increases the risk of suicide, homicide, death during domestic disputes and unintentional deaths to children, household members, and others. If you or loved one is experiencing distress and/or depression, call the National Suicide Hotline at 988."

(b)  A dealer of firearms shall post in a conspicuous position on the premises where the dealer conducts business a sign that contains the following in block letters not less than one inch in height:

"The sale, storage, use of firearm safety equipment is tax free. This includes, a gun lock box, gun safe, barrel lock, trigger lock, firearm safety training manual or electronic publication, or other item designed to ensure safe handling or storage of a firearm."

SECTION 2.  Chapter 411, Government Code, is amended by adding new Subchapter L-3 to read as follows:

SUBCHAPTER L-3. TEXAS FIREARM SAFETY WARNINGS

Sec. 411.3801.  DEVELOPMENT AND IMPLEMENTATION OF WARNING SYSTEM. With the cooperation of the Texas Department of Transportation, the office of the governor, and other appropriate law enforcement agencies in this state, the department shall develop and implement a firearm safety system to be activated at regular intervals to publicize firearm safety and storage policies and advice.

SECTION 3.  Chapter 161, Health and Safety Code, is amended by adding new Section 161.045 to read as follows:

Sec. 161.045.  REQUIRED GUN SAFETY INFORMATION. A physician facility shall provide to every patient firearm safety and firearm storage information.

SECTION 4.  The change in law made by this Act applies only to an offense committed on or after the effective date of this Act.  An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose.  For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 5.  This Act takes effect September 1, 2023.