

By: Goodwin

H.B. No. 565

A BILL TO BE ENTITLED

1 AN ACT
2 relating to prohibiting the transfer of certain semiautomatic
3 rifles to certain recipients; creating a criminal offense;
4 increasing a criminal penalty.

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

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

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

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

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

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

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

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

24 (4) knowingly sells a firearm or ammunition for a

1 firearm to any person who has been convicted of a felony before the
2 fifth anniversary of the later of the following dates:

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

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

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

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

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

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

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

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

27 (d) An offense under this section is a Class A misdemeanor,

1 except that:

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

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

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

15 SECTION 3. This Act takes effect September 1, 2023.