

By: Moody

H.B. No. 902

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting the transfer of certain firearm magazines to certain recipients; creating a criminal offense.

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

SECTION 1. Section 46.06(a), Penal Code, is amended 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 to any child younger than 18 years of age any firearm, club, or location-restricted knife;

(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

1 community supervision, parole, or mandatory supervision following  
2 conviction of the felony;

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

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

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

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

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

16 (8) knowingly purchases a magazine or knowingly  
17 receives a magazine as a loan or gift from another while the actor  
18 is prohibited from possessing under state or federal law the type of  
19 firearm for which the magazine is designed or made.

20 SECTION 2. Section 46.06(b), Penal Code, is amended by  
21 adding Subdivision (3) to read as follows:

22 (3) "Magazine" means a detachable ammunition feeding  
23 device.

24 SECTION 3. The change in law made by this Act applies only  
25 to an offense committed on or after the effective date of this Act.  
26 An offense committed before the effective date of this Act is  
27 governed by the law in effect on the date the offense was committed,

1 and the former law is continued in effect for that purpose. For  
2 purposes of this section, an offense was committed before the  
3 effective date of this Act if any element of the offense occurred  
4 before that date.

5 SECTION 4. This Act takes effect September 1, 2023.