

By: Hinojosa

H.B. No. 1779

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the attempted acquisition of a firearm by a person
3 prohibited from possessing a firearm.

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

5 SECTION 1. Section 46.06, Penal Code, is amended by adding
6 Subsection (e) to read as follows:

7 (e) A firearms dealer licensed under 18 U.S.C. Section 923
8 who declines to transfer a firearm to a prospective transferee in
9 this state because the National Instant Criminal Background Check
10 System indicates that the prospective transferee is prohibited from
11 possessing a firearm shall notify the Department of Public Safety.

12 SECTION 2. Subchapter D, Chapter 411, Government Code, is
13 amended by adding Section 411.0525 to read as follows:

14 Sec. 411.0525. INVESTIGATION OF LICENSED FIREARMS DEALER
15 NOTIFICATION. (a) If the department receives a notification under
16 Section 46.06(e), Penal Code, from a firearms dealer licensed under
17 18 U.S.C. Section 923, the department shall initiate an
18 investigation.

19 (b) If the department's investigation under this section
20 produces evidence that a person may have violated Section 46.06,
21 Penal Code, the department shall refer the case to the appropriate
22 local authorities for further investigation and possible
23 prosecution.

24 SECTION 3. As soon as practicable after the effective date

1 of this Act, the Department of Public Safety of the State of Texas
2 shall:

3 (1) obtain from the Bureau of Alcohol, Tobacco,
4 Firearms and Explosives a list of firearms dealers in this state
5 licensed under 18 U.S.C. Section 923; and

6 (2) notify each dealer of the reporting requirements
7 established by Section [46.06\(e\)](#), Penal Code, as added by this Act.

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