By: Anchía H.B. No. 2275

A BILL TO BE ENTITLED

AN ACT

relating to the unlawful carrying, acquisition, purchase, and transfer of certain weapons; creating a criminal offense; increasing a criminal penalty.

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

SECTION 1. Section 46.02(a-4), Penal Code, is amended to read as follows:

(a-4) A person commits an offense if the person:

(1) intentionally, knowingly, or recklessly carries on or about his or her person a location-restricted knife;

(2) is younger than 21 [~~18~~] years of age at the time of the offense; and

(3) is not:

(A) on the person's own premises or premises under the person's control;

(B) inside of or directly en route to a motor vehicle or watercraft that is owned by the person or under the person's control; or

(C) under the direct supervision of a parent or legal guardian of the person.

SECTION 2. Chapter 46, Penal Code, is amended by adding Section 46.055 to read as follows:

Sec. 46.055. UNLAWFUL POSSESSION OR ACQUISITION OF ASSAULT WEAPON. (a) In this section, "assault weapon" means:

(1) a semiautomatic centerfire rifle that has the capacity to accept a detachable magazine and has:

(A) a pistol grip that protrudes conspicuously beneath the action of the firearm;

(B) a folding or telescoping stock;

(C) a thumbhole stock;

(D) a second handgrip or a protruding grip that can be held by the non-trigger hand;

(E) a flash suppressor; or

(F) a grenade launcher or flare launcher;

(2) a semiautomatic centerfire rifle that has a fixed magazine that holds more than 10 rounds of ammunition;

(3) a semiautomatic centerfire rifle that has an overall length of less than 30 inches;

(4) a semiautomatic shotgun that has the capacity to accept a detachable magazine;

(5) a semiautomatic shotgun that has a folding or telescoping stock and has:

(A) a thumbhole stock; or

(B) a second handgrip or a protruding grip that can be held by the non-trigger hand;

(6) a semiautomatic pistol that has the capacity to accept a detachable magazine and has:

(A) a second handgrip or a protruding grip that can be held by the non-trigger hand;

(B) an ammunition magazine that attaches to the pistol outside of the pistol grip;

(C) a threaded barrel capable of accepting a flash suppressor, forward handgrip, or silencer; or

(D) a shroud that is attached to or partially or completely encircles the barrel and that permits the shooter to hold the firearm with the non-trigger hand without being burned;

(7) a semiautomatic pistol that has a fixed magazine that holds more than 10 rounds of ammunition;

(8) a revolving cylinder shotgun; or

(9) a conversion kit, part, or combination of parts from which an assault weapon can be assembled or with which a firearm may be converted into a weapon described by Subdivision (1), (2), (3), (4), (5), (6), (7), or (8).

(b) A person who is younger than 21 years of age commits an offense if the person knowingly:

(1) possesses an assault weapon; or

(2) purchases or otherwise acquires an assault weapon.

(c) It is an exception to the application of this section that the assault weapon is necessary for the actual discharge of the person's official duties as:

(1) a member of the armed forces or state military forces, as defined by Section 437.001, Government Code; or

(2) a law enforcement officer.

(d) It is a defense to prosecution under Subsection (b)(1) that the actor lawfully possessed the assault weapon on August 31, 2023.

(e) An offense under this section is a felony of the third degree.

SECTION 3. Section 46.06, Penal Code, is amended by amending Subsections (a) and (d) and adding Subsection (c-1) 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 person [~~child~~] younger than 21 [~~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 community supervision, parole, or mandatory supervision following conviction of the felony;

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

(6) knowingly purchases, rents, leases, or receives as

a loan or gift from another a handgun while an active protective order is directed to the actor; or

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

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

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

(c-1) It is an exception to the application of Subsection (a)(2) that the weapon is necessary for the actual discharge of the recipient's official duties as:

(1) a member of the armed forces or state military forces, as defined by Section 437.001, Government Code; or

(2) a law enforcement officer.

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

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

(2) an offense under Subsection (a)(2) is a felony of the third degree if the weapon that is the subject of the offense is an assault weapon; and

(3) an offense under Subsection (a)(7) is a state jail felony.

SECTION 4. Section 46.06(b), Penal Code, is amended by adding Subdivision (3) to read as follows:

(3) "Assault weapon" has the meaning assigned by Section 46.055.

SECTION 5. Section 46.06(c), Penal Code, is repealed.

SECTION 6. 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 7. This Act takes effect September 1, 2023.