

By: Thompson of Harris

H.B. No. 2382

Substitute the following for H.B. No. 2382:

By: Capriglione

C.S.H.B. No. 2382

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the regulation of crafted precious metal.

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

4 SECTION 1. Section 1956.051(3), Occupations Code, is
5 amended to read as follows:

6 (3) "Crafted precious metal" means jewelry,
7 silverware, an art object, or another object, made wholly or partly
8 from precious metal and used primarily for personal, family, or
9 household purposes [~~purchases~~]. The term does not include:

10 (A) a coin;

11 (B) a bar;

12 (C) a commemorative medallion;

13 (D) [~~an item selling at 105 percent or more of the~~
14 ~~scrap value of the item,~~

15 [~~(E)~~] an item made wholly or partly from precious
16 metal and used for a dental, pharmaceutical, or medical
17 application; or

18 (E) [~~(F)~~] an item made wholly or partly from
19 precious metal extracted, recovered, or salvaged from an industrial
20 by-product or industrial waste product.

21 SECTION 2. Section 1956.062(d), Occupations Code, is
22 amended to read as follows:

23 (d) The dealer shall:

24 (1) provide to a peace officer, on demand, the list

1 required by Subsection (b); and

2 (2) submit [~~mail or deliver a complete copy of~~] the
3 list to the online database designated under [~~chief of police or the~~
4 ~~sheriff as provided by~~] Section 1956.063 not later than 48 hours
5 after the list is filed with the dealer.

6 SECTION 3. Section 1956.063, Occupations Code, is amended
7 by amending Subsections (b) and (c) and adding Subsections (b-1)
8 and (b-2) to read as follows:

9 (b) Except as provided by Subsection (b-2), a dealer shall
10 submit [~~If a transaction regulated by this subchapter occurs in a~~
11 ~~municipality that maintains a police department, the original and a~~
12 ~~copy of~~] the report required by this subchapter [~~shall be~~
13 ~~submitted~~] to an online database that is:

14 (1) used by law enforcement agencies to investigate
15 offenses related to crafted precious metal and other property; and

16 (2) designated by the commission under Subsection
17 (b-1) for purposes of this section [~~the municipality's chief of~~
18 ~~police. If the transaction does not occur in such a municipality,~~
19 ~~the original and a copy of the report shall be submitted to the~~
20 ~~sheriff of the county in which the transaction occurs~~].

21 (b-1) The commission by rule shall designate the database to
22 which a dealer is required to report under Subsection (b).

23 (b-2) If the commission determines that no appropriate
24 online database exists for submitting reports required by this
25 subchapter, the commission by rule shall establish an alternative
26 procedure under which dealers are required to submit those reports.

27 (c) For each transaction regulated by this subchapter, the

1 dealer shall submit a report on a [~~preprinted and prenumbered~~] form
2 prescribed by the commissioner or in the manner described by
3 Subsection (c-1). The form must include the following:

- 4 (1) the date of the transaction;
- 5 (2) a description of the crafted precious metal
6 purchased by the dealer;
- 7 (3) the name and physical address of the dealer; and
- 8 (4) the name, physical description, and physical
9 address of the seller or transferor.

10 SECTION 4. Section 1956.069(a), Occupations Code, is
11 amended to read as follows:

- 12 (a) A person commits an offense if the person:
 - 13 (1) fails to make or permit inspection of a report as
14 required by Section 1956.062 or 1956.063;
 - 15 (2) violates Section 1956.0612 or 1956.064;
 - 16 (3) fails to permit inspection of crafted precious
17 metal as required by Section 1956.065;
 - 18 (4) fails to obtain or retain a statement as required
19 by Section 1956.066;
 - 20 (5) [~~4~~] fails to file a registration statement as
21 required by Section 1956.067; or
 - 22 (6) [~~5~~] purchases an object in violation of Section
23 1956.068.

24 SECTION 5. Sections 1956.062 and 1956.063, Occupations
25 Code, as amended by this Act, apply only to a transaction that
26 occurs on or after January 1, 2024.

27 SECTION 6. Section 1956.069(a), Occupations Code, as

1 amended by this Act, applies only to an offense committed on or
2 after the effective date of this Act. An offense committed before
3 the effective date of this Act is governed by the law in effect on
4 the date the offense was committed, and the former law is continued
5 in effect for that purpose. For purposes of this section, an
6 offense was committed before the effective date of this Act if any
7 element of the offense occurred before that date.

8 SECTION 7. Not later than December 1, 2023, the Finance
9 Commission of Texas by rule shall designate the online database as
10 required by Section [1956.063](#), Occupations Code, as amended by this
11 Act.

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