

By: Plesa

H.B. No. 2435

A BILL TO BE ENTITLED

AN ACT

relating to the unlawful transfer or purchase of certain weapons;  
creating a criminal offense.

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

SECTION 1. The heading to Section 46.06, Penal Code, is  
amended to read as follows:

Sec. 46.06. UNLAWFUL TRANSFER OR PURCHASE OF CERTAIN  
WEAPONS.

SECTION 2. Sections 46.06(a) and (d), Penal Code, are  
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) sells, rents, leases, loans, or gives a firearm or  
ammunition for a firearm to any person knowing or having reasonable

1 cause to believe that the person is prohibited from possessing a  
2 firearm or ammunition for a firearm by state or federal law  
3 ~~[knowingly sells a firearm or ammunition for a firearm to any person~~  
4 ~~who has been convicted of a felony before the fifth anniversary of~~  
5 ~~the later of the following dates:~~

6 ~~[(A) the person's release from confinement~~  
7 ~~following conviction of the felony; or~~

8 ~~[(B) the person's release from supervision under~~  
9 ~~community supervision, parole, or mandatory supervision following~~  
10 ~~conviction of the felony];~~

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

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

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

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

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

24 (8) purchases or attempts to purchase a firearm with  
25 intent to deliver the firearm to a person knowing that the person to  
26 whom the firearm is to be delivered is prohibited from possessing  
27 the firearm by state or federal law.

(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)(4), (a)(7), or (a)(8) is a state jail felony.

SECTION 3. To the extent of any conflict, this Act prevails over another Act of the 88th Legislature, Regular Session, 2023, relating to nonsubstantive additions to and corrections in enacted codes.

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