

By: Guillen

H.B. No. 2454

A BILL TO BE ENTITLED

AN ACT

relating to procuring a firearm for person prohibited to possessing
a firearm; creating a criminal offense.

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

SECTION 1. 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) 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; ~~or~~

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 acquires a firearm for a person that is
17 prohibited from possessing a firearm under state or federal law.

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

20 (1) an offense under Subsection (a)(2) is a state jail
21 felony if the weapon that is the subject of the offense is a
22 handgun; and

23 (2) an offense under Subsection (a)(7) or (a) (8) is a
24 state jail felony.

25 SECTION 2. The change in law made by this Act applies only
26 to an offense committed on or after the effective date of this Act.
27 An offense committed before the effective date of this Act is

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

6 SECTION 3. This Act takes effect September 1, 2023.