

By: Rosenthal

H.B. No. 4817

A BILL TO BE ENTITLED

AN ACT

relating to a handgun safety course required for the transfer of a handgun.

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

SECTION 1. Chapter 411, Government Code, is amended by adding Subchapter H-1 to read as follows:

SUBCHAPTER H-1. HANDGUN SAFETY

Sec. 411.221. DEFINITIONS. In this subchapter:

(1) "Handgun" has the meaning assigned by Section 46.01, Penal Code.

(2) "Qualified handgun instructor" has the meaning assigned by Section 411.171.

Sec. 411.222. HANDGUN SAFETY COURSE. (a) The director by rule shall establish minimum standards for a handgun safety course that a person may complete to receive a certificate of completion from the department under this section. The course must be administered by a qualified handgun instructor.

(b) The department shall issue a certificate of completion to a person who completes the handgun safety course under Subsection (a).

(c) A person is responsible for paying to the course provider the costs of a handgun safety course under this section.

SECTION 2. Section 46.06(a), Penal Code, is amended to read as follows:

1 (a) A person commits an offense if the person:

2 (1) sells, rents, leases, loans, or gives a handgun to
3 any person knowing that the person to whom the handgun is to be
4 delivered intends to use it unlawfully or in the commission of an
5 unlawful act;

6 (2) intentionally or knowingly sells, rents, leases,
7 or gives or offers to sell, rent, lease, or give to any child
8 younger than 18 years of age any firearm, club, or
9 location-restricted knife;

10 (3) intentionally, knowingly, or recklessly sells a
11 firearm or ammunition for a firearm to any person who is
12 intoxicated;

13 (4) knowingly sells a firearm or ammunition for a
14 firearm to any person who has been convicted of a felony before the
15 fifth anniversary of the later of the following dates:

16 (A) the person's release from confinement
17 following conviction of the felony; or

18 (B) the person's release from supervision under
19 community supervision, parole, or mandatory supervision following
20 conviction of the felony;

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

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

27 (7) while prohibited from possessing a firearm under

1 state or federal law, knowingly makes a material false statement on
2 a form that is:

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

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

7 (8) sells, rents, leases, loans, or gives a handgun to
8 any person without first verifying that the person possesses a
9 certificate of completion issued by the Department of Public Safety
10 under Section 411.222, Government Code.

11 SECTION 3. The public safety director of the Department of
12 Public Safety shall adopt the rules necessary to implement Section
13 411.222, Government Code, as added by this Act, not later than
14 December 1, 2023.

15 SECTION 4. Section 46.06(a), Penal Code, as amended by this
16 Act, applies only to an offense committed on or after January 1,
17 2024. An offense committed before January 1, 2024, is governed by
18 the law in effect on the date the offense was committed, and the
19 former law is continued in effect for that purpose. For purposes of
20 this section, an offense was committed before January 1, 2024, if
21 any element of the offense occurred before that date.

22 SECTION 5. To the extent of any conflict, this Act prevails
23 over another Act of the 88th Legislature, Regular Session, 2023,
24 relating to nonsubstantive additions to and corrections in enacted
25 codes.

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