

By: Gutierrez

S.B. No. 1740

A BILL TO BE ENTITLED

AN ACT

Relating to gun safety; creating an offense; increasing a criminal penalty.

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

SECTION 1. Chapter 46, Penal Code, is amended by adding new Sections 46.16, 46.17, and 46.18 to read as follows:

Sec. 46.16. UNLAWFUL GUN STORAGE. (a) It is an offense for a person to store a firearm, whether loaded or unloaded, or firearm ammunition, in a motor vehicle or boat while the person is not in the motor vehicle or watercraft unless the firearm or firearm ammunition is kept from ordinary observation and locked within the trunk, utility or glove box, or a locked container securely affixed to the motor vehicle or boat.

(b) As used in this subsection (a):

(1) "watercraft" has the same meaning as defined in Section 46.02 (a-3); (

(2) "trunk" means the fully enclosed and locked main storage compartment of a motor vehicle that is not accessible from the passenger compartment, but does not include any compartment that has a window, the bed of a pickup truck, or the rear area of a hatchback, station wagon-type motor vehicle, or sport utility motor vehicle.

(c) A violation of this subsection (a) is a Class C misdemeanor punishable only by the completion of a court-approved

1 firearm safety course.

2 Sec. 46.17. REPORT OF GUN THEFT. (a) A person who owns a  
3 firearm shall report the loss or theft of the firearm to a law  
4 enforcement agency with jurisdiction over the location where the  
5 firearm was lost or stolen within twenty-four hours of the  
6 discovery of the loss or theft.

7 (b) A violation of this section is a Class C misdemeanor  
8 punishable only by the completion of a court-approved firearm  
9 safety course.

10 Sec. 46.18. REQUIRED SIGNAGE FOR GUN DEALERS. (a) A dealer  
11 of firearms shall post in a conspicuous position on the premises  
12 where the dealer conducts business a sign that contains the  
13 following warning in block letters not less than one inch in height:

14 "WARNING: Access to a weapon or firearm in the home  
15 significantly increases the risk of suicide, homicide, death during  
16 domestic disputes and unintentional deaths to children, household  
17 members, and others. If you or loved one is experiencing distress  
18 and/or depression, call the National Suicide Hotline at 988."

19 (b) A dealer of firearms shall post in a conspicuous  
20 position on the premises where the dealer conducts business a sign  
21 that contains the following in block letters not less than one inch  
22 in height:

23 "The sale, storage, use of firearm safety equipment is tax  
24 free. This includes, a gun lock box, gun safe, barrel lock, trigger  
25 lock, firearm safety training manual or electronic publication, or  
26 other item designed to ensure safe handling or storage of a  
27 firearm."

1           SECTION 2. Chapter 411, Government Code, is amended by  
2 adding new Subchapter L-3 to read as follows:

3                   SUBCHAPTER L-3. TEXAS FIREARM SAFETY WARNINGS

4           Sec. 411.3801. DEVELOPMENT AND IMPLEMENTATION OF WARNING  
5 SYSTEM. With the cooperation of the Texas Department of  
6 Transportation, the office of the governor, and other appropriate  
7 law enforcement agencies in this state, the department shall  
8 develop and implement a firearm safety system to be activated at  
9 regular intervals to publicize firearm safety and storage policies  
10 and advice.

11          SECTION 3. Chapter 161, Health and Safety Code, is amended  
12 by adding new Section 161.045 to read as follows:

13          Sec. 161.045. REQUIRED GUN SAFETY INFORMATION. A physician  
14 facility shall provide to every patient firearm safety and firearm  
15 storage information.

16          SECTION 4. The change in law made by this Act applies only  
17 to an offense committed on or after the effective date of this  
18 Act. An offense committed before the effective date of this Act is  
19 governed by the law in effect on the date the offense was committed,  
20 and the former law is continued in effect for that purpose. For  
21 purposes of this section, an offense was committed before the  
22 effective date of this Act if any element of the offense occurred  
23 before that date.

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