

BILL ANALYSIS

Senate Research Center

H.B. 214
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Border Security
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Last session, the Texas Legislature passed S.B. 1518, which provided a robust framework to address the threat of terrorism by creating a new category for terroristic offenses. These terroristic offenses carry appropriate penalties against terrorists who knowingly act or provide material support to terrorist organizations. H.B. 214 seeks to expand this list to capture other certain acts of terrorism that were not previously included, such as aggravated kidnapping, telecommunications crimes, or firearm or ammunitions smuggling. Furthermore, U.S. Immigration and Customs Enforcement reports that the trafficking of weapons and ammunition contributes to violent crime and organized criminal activity, affecting public safety. H.B. 214 expands the firearm smuggling statute to include the smuggling of ammunition and adds firearm straw purchases to the existing unlawful transfer of weapons statute.

H.B. 214 amends current law relating to the prosecution of certain criminal offenses regarding the acquisition of firearms, firearm and ammunition smuggling, and terrorism.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Section 46.06, Penal Code, to read as follows:

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

SECTION 2. Amends Sections 46.06(a) and (d), Penal Code, as follows:

(a) Provides that a person commits an offense if the person:

(1)-(5) makes no changes to these subdivisions;

(6)-(7) makes nonsubstantive changes to these subdivisions; or

(8) acquires a firearm with intent to deliver the firearm to a person knowing that the person to whom the firearm is to be delivered is prohibited from possessing the firearm by state law.

(d) Provides that an offense under this section is a Class A misdemeanor, except that, an offense under certain provisions of Subsection (a), including Subsection (a)(8), is a state jail felony.

SECTION 3. Amends the heading to Section 46.14, Penal Code, to read as follows:

Sec. 46.14. FIREARM AND AMMUNITION SMUGGLING.

SECTION 4. Amends Section 46.14(a), Penal Code, as follows:

(a) Provides that a person commits an offense if the person knowingly engages in the business of transporting or transferring a firearm or ammunition for a firearm that the person knows was acquired in violation of the laws of any state or of the United States. Makes conforming changes.

SECTION 5. Amends Section 76.02(a), Penal Code, as follows:

(a) Provides that a person commits an offense if the person:

(1) commits or conspires to commit an offense under:

(A)-(C) makes no changes to these paragraphs;

(D) Section 20.04 (Aggravated Kidnapping);

(E) Section 20.06 (Continuous Smuggling of Persons);

(F)-(L) makes nonsubstantive changes to these paragraphs;

(M) Section 28.03 (Criminal Mischief), if the offense was committed using a firearm or explosive weapon, as those terms are defined by Section 46.01 (Definitions);

(N)-(O) makes nonsubstantive changes to these paragraphs;

(P) Section 32.43 (Commercial Bribery);

(Q) Section 32.51 (Fraudulent Use or Possession of Identifying Information), if punishable as a felony of the third degree or any higher category of offense;

(R) Section 33.02 (Breach of Computer Security);

(S) Chapter 33A (Telecommunications Crimes);

(T) Section 37.11(a) (relating to providing that a person commits an offense if the person impersonates a public servant, without legal authority), if the public servant the actor impersonates or conspires to impersonate is a peace officer;

(U) makes nonsubstantive changes to this paragraph;

(V) Section 46.05(a)(1)(A) (relating to providing that a person commits an offense if the person intentionally or knowingly possesses, manufactures, transports, repairs, or sells certain items, including an explosive weapon), (a)(1)(B) (relating to providing that a person commits an offense if the person intentionally or knowingly possesses, manufactures, transports, repairs, or sells certain items, including a machine gun), or (a)(6) (relating to providing that a person commits an offense if the person intentionally or knowingly possesses, manufactures, transports, repairs, or sells an improvised explosive device);

(W) makes no changes to this paragraph;

(X) Section 46.09 (Components of Explosives); or

(Y) Section 46.14; and

(2) makes no changes to this subdivision.

SECTION 6. Makes application of this Act prospective.

SECTION 7. Effective date: September 1, 2025.