

BILL ANALYSIS

H.B. 865
By: Moody
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

When firearm owners encounter a need to have their firearm safely held from them by a third-party institution, such as a federal firearms licensee, they often do so under a hold agreement for an established amount of time. The bill author has informed the committee of concerns about the liability of such institutions upon the return of the firearm to the owner because currently, there is the possibility that such institutions could get into legal trouble for the actions the owner takes after the firearm is returned to them, and the institutions should not be held responsible for any of the owner's actions with the firearm that result in personal injury or death. H.B. 865 seeks to address this issue by shielding a federal firearms licensee operating lawfully in Texas from civil liability for an act or omission arising from a firearm hold agreement that results in personal injury or death, other than for the unlawful conduct or gross negligence of the licensee.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 865 amends the Civil Practice and Remedies Code to establish that a person does not have a cause of action against a federal firearms licensee operating lawfully in Texas for any act or omission arising from a firearm hold agreement that results in personal injury or death, including the return of a firearm to the owner by the licensee at the termination of the agreement. This immunity from civil liability does not apply to a cause of action arising from the unlawful conduct or gross negligence of the licensee.

H.B. 865 defines the following terms for purposes of the bill's provisions:

- "federal firearms licensee" as any person licensed under the federal Gun Control Act of 1968;
- "firearm" as any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use; and
- "firearm hold agreement" as a private transaction between a federal firearms licensee and an individual firearm owner in which the licensee takes physical possession of the owner's lawfully possessed firearm at the owner's request, holds the firearm for an agreed period of time, and returns the firearm to the owner according to the terms of the agreement.

H.B. 865 does not apply to a cause of action that accrued before the bill's effective date.

EFFECTIVE DATE

September 1, 2025.