

By: Guillen

H.B. No. 214

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of certain criminal offenses regarding the acquisition of firearms, firearm and ammunition smuggling, and terrorism.

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

SECTION 1. The heading to Section 46.06, Penal Code, is amended to read as follows:

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

SECTION 2. 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 community supervision, parole, or mandatory supervision following conviction of the felony;

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

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

(7) while prohibited from possessing a firearm under state or federal law, knowingly makes a material false statement on a form that is:

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

(B) submitted to a firearms dealer licensed under 18 U.S.C. Section 923; 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) An offense under this section is a Class A misdemeanor, except that:

(1) an offense under Subsection (a)(2) is a state jail

1 felony if the weapon that is the subject of the offense is a  
2 handgun; and

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

5 SECTION 3. The heading to Section 46.14, Penal Code, is  
6 amended to read as follows:

7 Sec. 46.14. FIREARM AND AMMUNITION SMUGGLING.

8 SECTION 4. Section 46.14(a), Penal Code, is amended to read  
9 as follows:

10 (a) A person commits an offense if the person knowingly  
11 engages in the business of transporting or transferring a firearm  
12 or ammunition for a firearm that the person knows was acquired in  
13 violation of the laws of any state or of the United States. For  
14 purposes of this subsection, a person is considered to engage in the  
15 business of transporting or transferring a firearm or ammunition  
16 for a firearm if the person engages in that conduct:

17 (1) on more than one occasion; or

18 (2) for profit or any other form of remuneration.

19 SECTION 5. Section 76.02(a), Penal Code, is amended to read  
20 as follows:

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

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

23 (A) Chapter 19;

24 (B) Section 20.02;

25 (C) Section 20.03;

26 (D) Section 20.04;

27 (E) Section 20.06;

1                    (F) [~~(D)~~]    Section 20A.02;

2                    (G) [~~(E)~~]    Section 22.02;

3                    (H) [~~(F)~~]    Section 22.021;

4                    (I) [~~(C)~~]    Section 22.05, if punishable as a

5 felony;

6                    (J) [~~(H)~~]    Section 22.07, if punishable as a

7 felony;

8                    (K) [~~(I)~~]    Section 22.09;

9                    (L) [~~(J)~~]    Section 28.02;

10                   (M)    Section 28.03, if the offense was committed

11 using a firearm or explosive weapon, as those terms are defined by

12 Section 46.01;

13                   (N) [~~(K)~~]    Section 28.07, if punishable as a

14 felony;

15                   (O) [~~(L)~~]    Section 29.03;

16                   (P)    Section 32.43;

17                   (Q)    Section 32.51, if punishable as a felony of

18 the third degree or any higher category of offense;

19                   (R)    Section 33.02;

20                   (S)    Chapter 33A;

21                   (T)    Section 37.11(a), if the public servant the

22 actor impersonates or conspires to impersonate is a peace officer;

23                   (U) [~~(M)~~]    Section 38.152, if punishable as a

24 felony; ~~[or]~~

25                   (V)    Section 46.05(a)(1)(A), (a)(1)(B), or

26 (a)(6);

27                   (W) [~~(N)~~]    Section 46.08;

1                    (X) Section 46.09; or

2                    (Y) Section 46.14; and

3                    (2) commits or conspires to commit that offense with  
4 the intent to:

5                    (A) intimidate or coerce the public or a  
6 substantial group of the public; or

7                    (B) influence, by intimidation or coercion, the  
8 policy, conduct, or activities of this state, a political  
9 subdivision of this state, or the United States.

10                  SECTION 6. The change in law made by this Act applies only  
11 to an offense committed on or after the effective date of this Act.  
12 An offense committed before the effective date of this Act is  
13 governed by the law in effect on the date the offense was committed,  
14 and the former law is continued in effect for that purpose. For  
15 purposes of this section, an offense was committed before the  
16 effective date of this Act if any element of the offense occurred  
17 before that date.

18                  SECTION 7. This Act takes effect September 1, 2025.