

By: Meza

H.B. No. 461

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of certain firearm transfers; creating criminal offenses.

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

SECTION 1. Title 6, Business & Commerce Code, is amended by adding Chapter 205 to read as follows:

CHAPTER 205. REGULATION OF FIREARM TRANSFERS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 205.001. DEFINITIONS. In this chapter:

(1) "Department" means the Department of Public Safety.

(2) "Firearm" has the meaning assigned by Section 46.01, Penal Code.

(3) "Licensed firearms dealer" means a person who is licensed as a firearms dealer under 18 U.S.C. Section 923.

SUBCHAPTER B. REGULATION OF PRIVATE FIREARM TRANSFERS

Sec. 205.051. DOCUMENTATION OF PRIVATE FIREARM TRANSFERS.

(a) The department by rule shall adopt a form to document the sale or other transfer of a firearm by a person who is not a licensed firearms dealer.

(b) The form adopted under Subsection (a) must include:

(1) the name, driver's license or personal identification certificate number, if any, and contact information of the person selling or transferring the firearm;

1 (2) the name, driver's license or personal
2 identification certificate number, if any, and contact information
3 of the person to whom the firearm is being sold or transferred;

4 (3) the type of firearm and serial number of the
5 firearm being sold or transferred; and

6 (4) any other information the department considers
7 necessary to document the sale or transfer.

8 Sec. 205.052. DOCUMENTATION REQUIREMENTS FOR PRIVATE
9 FIREARM TRANSFERS. (a) Except as provided by Subsection (b), a
10 person may not sell or otherwise transfer a firearm to another
11 person unless the person is a licensed firearms dealer.

12 (b) Subject to Section 205.053, a person who is not a
13 licensed firearms dealer may sell or otherwise transfer a firearm
14 to another person only if the transferor:

15 (1) documents the transfer on the form adopted by the
16 department under Section 205.051; and

17 (2) submits the form described by Subdivision (1) to
18 the department not later than the 30th day after the date of the
19 transfer.

20 (c) A person who violates this section commits an offense.
21 An offense under this section is a Class C misdemeanor.

22 Sec. 205.053. VOLUME LIMITATIONS ON PRIVATE FIREARM
23 TRANSFERS. (a) A person may not sell or otherwise transfer more
24 than five firearms to one or more persons each year unless the
25 transferor is a licensed firearms dealer.

26 (b) A person who violates this section commits an offense.
27 An offense under this section is a Class C misdemeanor.

1 verify that the person to whom the firearm is being transferred may
2 lawfully possess the firearm. The transfer may not occur until the
3 dealer completes the background check required by this subchapter.

4 (b) If a licensed firearms dealer determines that the
5 proposed transferee may not lawfully possess a firearm, the dealer
6 shall return the firearm to the person who delivered the firearm to
7 the dealer under Section 205.101(3).

8 (c) A licensed firearms dealer to whom a firearm is
9 delivered under Section 205.101(3) may collect a reasonable fee
10 from the person who delivered the firearm to the dealer.

11 Sec. 205.103. OFFENSE. A person who violates this
12 subchapter commits an offense. An offense under this section is a
13 Class A misdemeanor.

14 SECTION 2. This Act takes effect September 1, 2025.