

By: Goodwin

H.B. No. 1692

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the prosecution of the criminal offense of unlawful
3 transfer of a firearm.

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

5 SECTION 1. Section 46.06, Penal Code, is amended by
6 amending Subsection (a) and adding Subsection (e) to read as
7 follows:

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

9 (1) sells, rents, leases, loans, or gives a handgun to
10 any person knowing that the person to whom the handgun is to be
11 delivered intends to use it unlawfully or in the commission of an
12 unlawful act;

13 (2) intentionally or knowingly sells, rents, leases,
14 or gives or offers to sell, rent, lease, or give to any child
15 younger than 18 years of age any firearm, club, or
16 location-restricted knife;

17 (3) intentionally, knowingly, or recklessly sells a
18 firearm or ammunition for a firearm to any person who is
19 intoxicated;

20 (4) knowingly sells a firearm or ammunition for a
21 firearm to any person who has been convicted of a felony before the
22 fifth anniversary of the later of the following dates:

23 (A) the person's release from confinement
24 following conviction of the felony; or

1 (B) the person's release from supervision under
2 community supervision, parole, or mandatory supervision following
3 conviction of the felony;

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

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

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

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

15 (B) submitted to a firearms dealer licensed under
16 18 U.S.C. Section 923; or

17 (8) knowingly sells, rents, leases, loans, or gives a
18 firearm to a person who the actor knows, or has reasonable cause to
19 believe, is:

20 (A) a person receiving inpatient mental health
21 services by order of a court under Chapter 574, Health and Safety
22 Code;

23 (B) a person who has been acquitted in a criminal
24 case by reason of insanity or lack of mental responsibility,
25 regardless of whether the person was ordered by a court to receive
26 inpatient treatment or residential care under Chapter 46C, Code of
27 Criminal Procedure;

1 (C) a person who has been determined to have an
2 intellectual disability and committed by a court for long-term
3 placement in a residential care facility under Chapter 593, Health
4 and Safety Code;

5 (D) an incapacitated adult for whom a court has
6 appointed a guardian of the person under Title 3, Estates Code,
7 based on a determination that the person lacks the mental capacity
8 to manage the person's affairs; or

9 (E) a person determined to be incompetent to
10 stand trial under Chapter 46B, Code of Criminal Procedure.

11 (e) It is a defense to prosecution under Subsection (a)(8)
12 that the transfer is to a person who:

13 (1) is the subject of a judicial order or finding that
14 the person is no longer an incapacitated adult or is entitled to
15 relief from disabilities under Section 574.088, Health and Safety
16 Code; or

17 (2) has obtained notice of relief from disabilities
18 under 18 U.S.C. Section 925.

19 SECTION 2. The change in law made by this Act applies only
20 to an offense committed on or after the effective date of this Act.
21 An offense committed before the effective date of this Act is
22 governed by the law in effect on the date the offense was committed,
23 and the former law is continued in effect for that purpose. For
24 purposes of this section, an offense was committed before the
25 effective date of this Act if any element of the offense occurred
26 before that date.

27 SECTION 3. This Act takes effect September 1, 2025.