

By: Huffman

S.B. No. 1385

A BILL TO BE ENTITLED

AN ACT

relating to the unlawful acquisition of certain weapons; creating a criminal offense.

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

1 fifth anniversary of the later of the following dates:

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

4 (B) the person's release from supervision under  
5 community supervision, parole, or mandatory supervision following  
6 conviction of the felony;

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

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

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

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

18 (B) submitted to a firearms dealer licensed under  
19 18 U.S.C. Section 923; or

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

24 (d) An offense under this section is a Class A misdemeanor,  
25 except that:

26 (1) an offense under Subsection (a)(2) is a state jail  
27 felony if the weapon that is the subject of the offense is a

1 handgun; and

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

4           SECTION 3. The change in law made by this Act applies only  
5 to an offense committed on or after the effective date of this Act.  
6 An offense committed before the effective date of this Act is  
7 governed by the law in effect on the date the offense was committed,  
8 and the former law is continued in effect for that purpose. For  
9 purposes of this section, an offense was committed before the  
10 effective date of this Act if any element of the offense occurred  
11 before that date.

12           SECTION 4. This Act takes effect September 1, 2025.