

By: Gutierrez

S.B. No. 1712

A BILL TO BE ENTITLED

AN ACT

relating to gun storage; creating an offense.

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

SECTION 1. Section 46.13, Penal Code, is amended by to read as follows:

Sec. 46.13. MAKING A FIREARM ACCESSIBLE TO A ~~[CHILD]~~ YOUNG ADULT. (a) In this section:

(1) "[~~child~~] Young adult" means a person younger than ~~[17]~~ 21 years of age.

(2) "Readily dischargeable firearm" means a firearm that is loaded with ammunition, whether or not a round is in the chamber.

(3) "Secure" means to take steps that a reasonable person would take to prevent the access to a readily dischargeable firearm by a ~~[child]~~ young adult, including but not limited to placing a firearm in a locked container or temporarily rendering the firearm inoperable by a trigger lock or other means.

(b) A person commits an offense if a ~~[child]~~ young adult gains access to a readily dischargeable firearm and the person with criminal negligence:

(1) failed to secure the firearm; or

(2) left the firearm in a place to which the person knew or should have known the ~~[child]~~ young adult would gain access.

(c) It is an affirmative defense to prosecution under this

section that the ~~[child's]~~ young adult's access to the firearm:

(1) was supervised by a person older than ~~[18]~~21 years of age and was for hunting, sporting, or other lawful purposes;

(2) consisted of lawful defense by the ~~[child]~~ young adult of people or property;

(3) was gained by entering property in violation of this code; or

(4) occurred during a time when the actor was engaged in an agricultural enterprise.

(d) Except as provided by Subsection (e), an offense under this section is a Class C misdemeanor.

(e) An offense under this section is a Class A misdemeanor if the ~~[child]~~ young adult discharges the firearm and causes death or serious bodily injury to himself or another person.

(f) A peace officer or other person may not arrest the actor before the seventh day after the date on which the offense is committed if:

(1) the actor is a member of the family, as defined by Section 71.003, Family Code, of the ~~[child]~~ young adult who discharged the firearm; and

(2) the ~~[child]~~ young adult in discharging the firearm caused the death of or serious injury to the ~~[child]~~ young adult.

(g) A dealer of firearms shall post in a conspicuous position on the premises where the dealer conducts business a sign that contains the following warning in block letters not less than one inch in height:

"IT IS UNLAWFUL TO STORE, TRANSPORT, OR ABANDON AN UNSECURED

1 FIREARM IN A PLACE WHERE [~~CHILDREN~~] YOUNG ADULTS ARE LIKELY TO BE  
2 AND CAN OBTAIN ACCESS TO THE FIREARM."

3 SECTION 2. Section 46.13, Penal Code, as amended by this  
4 Act, applies only to an offense committed on or after the effective  
5 date of this Act. An offense committed before the effective date of  
6 this Act is governed by the law in effect on the date the offense was  
7 committed, and the former law is continued in effect for that  
8 purpose. For purposes of this section, an offense was  
9 committed before the effective date of this Act if any element of the  
10 offense occurred before that date.