

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

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

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

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

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

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

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

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

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

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

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

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

27 "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.