

By: King of Uvalde

H.B. No. 2744

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to prohibiting the transfer of certain semiautomatic  
3 rifles to certain recipients; creating a criminal offense;  
4 increasing a criminal penalty.

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

6 SECTION 1. Sections 46.06(a), (c), and (d), Penal Code, are  
7 amended to read as 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:

15 (A) to a child younger than 18 years of age  
16 a ~~any firearm,~~ club, ~~or~~ location-restricted knife, or firearm  
17 other than a semiautomatic rifle described by Paragraph (B); or

18 (B) to a person younger than 21 years of age a  
19 semiautomatic rifle that is capable of accepting a detachable  
20 magazine and that has a caliber greater than .22;

21 (3) intentionally, knowingly, or recklessly sells a  
22 firearm or ammunition for a firearm to any person who is  
23 intoxicated;

24 (4) knowingly sells a firearm or ammunition for a

1 firearm to any person who has been convicted of a felony before the  
2 fifth anniversary of the later of the following dates:

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

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

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

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

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

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

19 (B) submitted to a [~~licensed~~] firearms dealer  
20 licensed under [~~as defined by~~] 18 U.S.C. Section 923.

21 (c) It is an affirmative defense to prosecution under  
22 Subsection (a)(2)(A) [~~(a)(2)~~] that the transfer was to a minor  
23 whose parent or the person having legal custody of the minor had  
24 given written permission for the sale or, if the transfer was other  
25 than a sale, the parent or person having legal custody had given  
26 effective consent.

27 (c-1) It is an exception to the application of Subsection

1 (a)(2)(B) that the recipient of a transfer of a firearm is:

2 (A) a peace officer; or

3 (B) a member of the United States armed forces;

4 or

5 (C) has been honorably discharged from the United  
6 States Armed forces.

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

9 (1) an offense under Subsection (a)(2)(A) [~~(a)(2)~~] is  
10 a state jail felony if the weapon that is the subject of the offense  
11 is a handgun; and

12 (2) an offense under Subsection (a)(2)(B) or (a)(7) is  
13 a state jail felony.

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

22 SECTION 3. To the extent of any conflict, this Act prevails  
23 over another Act of the 88th Legislature, Regular Session, 2023,  
24 relating to nonsubstantive additions to and corrections in enacted  
25 codes.

26 SECTION 4. This Act takes effect September 1, 2023.