

By: Hinojosa

H.B. No. 4200

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the acquisition or attempted acquisition of a firearm  
3 by a person prohibited from possessing 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 any firearm, club, or illegal knife;

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

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

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

24 (B) the person's release from supervision under

1 community supervision, parole, or mandatory supervision following  
2 conviction of the felony;

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

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

9 (7) knowingly acquires or attempts to acquire a  
10 firearm, while the actor is prohibited from possessing a firearm by  
11 state or federal law.

12 (e) A licensed firearms dealer under the Brady Handgun  
13 Violence Prevention Act, 18 U.S.C. Section 922, who declines to  
14 transfer a firearm to a prospective transferee because the National  
15 Instant Criminal Background Check System indicates that the  
16 prospective transferee is prohibited from possessing a firearm  
17 shall notify the Department of Public Safety.

18 SECTION 2. Subchapter D, Chapter 411, Government Code, is  
19 amended by adding Section 411.0525 to read as follows:

20 Sec. 411.0525. INVESTIGATION OF LICENSED FIREARMS DEALER  
21 REPORT. (a) If the department receives a report under Section  
22 46.06(e), Penal Code, from a licensed firearms dealer under the  
23 Brady Handgun Violence Prevention Act, 18 U.S.C. Section 922, that  
24 a person prohibited from possessing a firearm has attempted to  
25 acquire a firearm, the department shall initiate an investigation.

26 (b) If the department's investigation under this section  
27 produces evidence that a person may have violated Section 46.06,

1 Penal Code, the department shall refer the case to the appropriate  
2 local authorities for further investigation and possible  
3 prosecution.

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, 2017.