

1-1 By: Guillen (Senate Sponsor - Huffman) H.B. No. 2454  
 1-2 (In the Senate - Received from the House April 24, 2023;  
 1-3 April 24, 2023, read first time and referred to Committee on State  
 1-4 Affairs; May 3, 2023, rereferred to Committee on Criminal Justice;  
 1-5 May 12, 2023, reported adversely, with favorable Committee  
 1-6 Substitute by the following vote: Yeas 6, Nays 0; May 12, 2023,  
 1-7 sent to printer.)  
 1-8

1-9 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-10				
1-11	X			
1-12	X			
1-13			X	
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 2454 By: Huffman

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to the unlawful acquisition of certain weapons; creating a  
 1-22 criminal offense.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. The heading to Section 46.06, Penal Code, is  
 1-25 amended to read as follows:

1-26 Sec. 46.06. UNLAWFUL TRANSFER OR ACQUISITION OF CERTAIN  
 1-27 WEAPONS.

1-28 SECTION 2. Sections 46.06(a) and (d), Penal Code, are  
 1-29 amended to read as follows:

1-30 (a) A person commits an offense if the person:

1-31 (1) sells, rents, leases, loans, or gives a handgun to  
 1-32 any person knowing that the person to whom the handgun is to be  
 1-33 delivered intends to use it unlawfully or in the commission of an  
 1-34 unlawful act;

1-35 (2) intentionally or knowingly sells, rents, leases,  
 1-36 or gives or offers to sell, rent, lease, or give to any child  
 1-37 younger than 18 years of age any firearm, club, or  
 1-38 location-restricted knife;

1-39 (3) intentionally, knowingly, or recklessly sells a  
 1-40 firearm or ammunition for a firearm to any person who is  
 1-41 intoxicated;

1-42 (4) knowingly sells a firearm or ammunition for a  
 1-43 firearm to any person who has been convicted of a felony before the  
 1-44 fifth anniversary of the later of the following dates:

1-45 (A) the person's release from confinement  
 1-46 following conviction of the felony; or

1-47 (B) the person's release from supervision under  
 1-48 community supervision, parole, or mandatory supervision following  
 1-49 conviction of the felony;

1-50 (5) sells, rents, leases, loans, or gives a handgun to  
 1-51 any person knowing that an active protective order is directed to  
 1-52 the person to whom the handgun is to be delivered;

1-53 (6) knowingly purchases, rents, leases, or receives as  
 1-54 a loan or gift from another a handgun while an active protective  
 1-55 order is directed to the actor; ~~or~~

1-56 (7) while prohibited from possessing a firearm under  
 1-57 state or federal law, knowingly makes a material false statement on  
 1-58 a form that is:

1-59 (A) required by state or federal law for the  
 1-60 purchase, sale, or other transfer of a firearm; and

2-1 (B) submitted to a [~~licensed~~] firearms dealer  
2-2 licensed under [~~as defined by~~] 18 U.S.C. Section 923; or  
2-3 (8) acquires a firearm with intent to deliver the  
2-4 firearm to a person knowing that the person to whom the firearm is  
2-5 to be delivered is prohibited from possessing the firearm by state  
2-6 or federal law.

2-7 (d) An offense under this section is a Class A misdemeanor,  
2-8 except that:

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

2-12 (2) an offense under Subsection (a)(7) or (8) is a  
2-13 state jail felony.

2-14 SECTION 3. To the extent of any conflict, this Act prevails  
2-15 over another Act of the 88th Legislature, Regular Session, 2023,  
2-16 relating to nonsubstantive additions to and corrections in enacted  
2-17 codes.

2-18 SECTION 4. The change in law made by this Act applies only  
2-19 to an offense committed on or after the effective date of this Act.  
2-20 An offense committed before the effective date of this Act is  
2-21 governed by the law in effect on the date the offense was committed,  
2-22 and the former law is continued in effect for that purpose. For  
2-23 purposes of this section, an offense was committed before the  
2-24 effective date of this Act if any element of the offense occurred  
2-25 before that date.

2-26 SECTION 5. This Act takes effect September 1, 2023.

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