By: Lalani H.B. No. 613

A BILL TO BE ENTITLED

AN ACT

relating to requiring a national instant criminal background check in connection with private firearm transfers; creating a criminal offense.

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

SECTION 1. Title 6, Business & Commerce Code, is amended by adding Chapter 205 to read as follows:

CHAPTER 205. REGULATION OF PRIVATE FIREARM TRANSFERS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 205.001. DEFINITIONS. In this chapter:

(1) "Firearm" has the meaning assigned by Section 46.01, Penal Code.

(2) "Licensed firearms dealer" means a person who is licensed as a firearms dealer under 18 U.S.C. Section 923.

SUBCHAPTER B. REGULATION OF PRIVATE FIREARM TRANSFERS

Sec. 205.051. REQUIREMENTS FOR PRIVATE FIREARM TRANSFER; OFFENSE. (a) A person may not sell or otherwise transfer a firearm to another person unless:

(1) the person is a licensed firearms dealer; or

(2) the person is not a licensed firearms dealer, and:

(A) the person sells or transfers the firearm to a licensed firearms dealer; or

(B) before delivering the firearm to the person to whom the firearm is being sold or transferred, the person selling

or transferring the firearm:

(i) requests that a licensed firearms dealer conduct, in the manner required by 18 U.S.C. Section 922, a national instant criminal background check; and

(ii) verifies that the person to whom the firearm is being sold or transferred may lawfully possess a firearm.

(b) A person who violates this section commits an offense. An offense under this section is a Class A misdemeanor.

Sec. 205.052. DUTIES OF LICENSED FIREARMS DEALER. (a) If a licensed firearms dealer receives a request to conduct a national instant criminal background check under Section 205.051(a)(2)(B), the dealer shall:

(1) in the manner required by 18 U.S.C. Section 922, conduct the criminal background check to verify that the person to whom the firearm is being sold or transferred may lawfully possess a firearm; and

(2) notify the person who is selling or transferring the firearm of the results of the criminal background check.

(b) A licensed firearms dealer who performs a national instant criminal background check under this section may collect a reasonable fee from the person who requests the criminal background check.

SECTION 2. This Act takes effect September 1, 2027.