By: Moody H.B. No. 618

A BILL TO BE ENTITLED

AN ACT

relating to the transfer of firearm magazines to recipients who are prohibited from possessing the type of firearm for which the magazine is designed or made; creating a criminal offense.

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

SECTION 1. Section 46.06, Penal Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a) A person commits an offense if the person:

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

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

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

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

(A) the person's release from confinement

following conviction of the felony; or

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

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

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

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

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

(B) submitted to a firearms dealer licensed under 18 U.S.C. Section 923; or

(8) knowingly purchases a magazine or knowingly receives a magazine as a loan or gift from another while the actor is prohibited from possessing under state or federal law the type of firearm for which the magazine is designed or made.

(e) Any information collected by a seller incidental to a sale described by Subsection (a)(8) may not be transmitted, used, or preserved for the purpose of a registry or other database of information relating to firearm owners, firearms, or magazines. This subsection does not apply to the transmission, use, or preservation of report information for inclusion in the following

databases:

(1) the National Instant Criminal Background Check System; and

(2) a database maintained by the Texas Crime Information Center or the National Crime Information Center.

SECTION 2. Section 46.06(b), Penal Code, is amended by adding Subdivision (3) to read as follows:

(3) "Magazine" means a detachable ammunition feeding device.

SECTION 3. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 4. This Act takes effect September 1, 2027.