By: Moody H.B. No. 658

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution and punishment of the offense of making a firearm accessible to a child; increasing a criminal penalty.

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

SECTION 1. Section 46.13(a)(1), Penal Code, is amended to read as follows:

(1) "Child" means a person younger than 18 [~~17~~] years of age.

SECTION 2. Section 46.13, Penal Code, is amended by amending Subsections (c), (d), and (e) and adding Subsections (c-1) and (e-1) to read as follows:

(c) It is an affirmative defense to prosecution under this section that the child's access to the firearm:

(1) [~~was supervised by a person older than 18 years of age and was for hunting, sporting, or other lawful purposes;~~

[~~(2)~~] consisted of lawful defense by the child of people or property;

(2) [~~(3)~~] was gained by entering property in violation of this code; or

(3) [~~(4)~~] occurred during a time when the actor was engaged in an agricultural enterprise.

(c-1) It is an exception to the application of this section that the child's access to the firearm was:

(1) authorized by the child's parent or guardian; and

(2) for hunting, sporting, or other lawful purposes.

(d) Except as provided by Subsections [~~Subsection~~] (e) and (e-1), an offense under this section is a Class C misdemeanor.

(e) An offense under this section is a Class A misdemeanor if the child discharges the firearm and causes death or serious bodily injury to the child [~~himself~~] or another person who resides with the child.

(e-1) An offense under this section is a felony of the third degree if the child discharges the firearm and causes death or serious bodily injury to another person who does not reside with the child.

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.