

BILL ANALYSIS

C.S.H.B. 347
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In the interest of public safety, state law contains various provisions which limit the ability of certain individuals to obtain a firearm. While many of these provisions enforce to whom the seller of a firearm may legally provide a firearm, it has been suggested that stronger criminal penalties are needed to deter unfit individuals from seeking to acquire a firearm in the first place. C.S.H.B. 347 seeks to address this issue by creating a state jail felony offense for a person prohibited from possessing a firearm who makes false statements on certain forms relating to firearms.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 347 amends the Penal Code to create a state jail felony offense for a person prohibited from possessing a firearm under state or federal law who knowingly makes a material false statement on a form that is:

- required by state or federal law for the purchase, sale, or other transfer of a firearm; and
- submitted to a licensed firearms dealer, as defined by federal law.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 347 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the conduct constituting the offense under the bill's provisions. The original created an offense for a person who knowingly makes a materially false or misleading statement in providing information for purposes of complying with the national instant criminal background check system in the manner required by federal law when attempting to acquire a firearm. The substitute instead creates an offense for a person prohibited from possessing a

firearm under state or federal law who knowingly makes a material false statement on a form that is required by state or federal law for the purchase, sale, or other transfer of a firearm and submitted to a licensed firearm dealers, as defined by federal law.