

## **BILL ANALYSIS**

C.S.H.B. 2744  
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Community Safety, Select  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

On May 24, 2022, an 18-year-old entered Robb Elementary School in Uvalde, Texas, and killed 19 students and 2 teachers with a semiautomatic rifle. Just days prior to the incident, the shooter, who had just recently turned 18, was able to legally purchase the semiautomatic rifle used in the shooting.

If the legal age to purchase these weapons was higher, shootings such as the one in Uvalde could potentially be avoided as there would be more time to notice suspicious behavior, to address any mental health problems, and for potential shooters to mature and become less ill-disposed. C.S.H.B. 2744 seeks to prevent people under 21 years of age from being able to legally purchase a semiautomatic rifle in Texas, with certain exceptions.

### **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. 2744 amends the Penal Code to do the following with respect to the transfer of a semiautomatic rifle that is capable of accepting a detachable magazine and has a caliber greater than .22:

- exclude such a transfer from the conduct constituting the Class A misdemeanor offense involving a person intentionally or knowingly selling, renting, leasing, or giving, or offering to sell, rent, lease, or give a firearm to any child younger than 18 years of age; and
- create instead a separate state jail felony offense for a person who intentionally or knowingly sells, rents, leases, or gives, or offers to sell, rent, lease, or give, such a semiautomatic rifle to a person younger than 21 years of age.

The bill makes inapplicable to this state jail felony offense the affirmative defense to prosecution otherwise available for the transfer of a firearm to a child younger than 18 years of age in which the transfer was to a minor whose parent or the person having legal custody of the minor had given written permission for the sale or, if the transfer was other than a sale, that the parent or person having legal custody had given effective consent.

C.S.H.B. 2744 creates the following exceptions to the application of the state jail felony offense:

- the semiautomatic rifle is transferred to a recipient who is a peace officer or who is currently serving in or has been honorably discharged from the U.S. armed forces; or
- the transfer of the semiautomatic rifle is a temporary loan to a person who is to carry or use the semiautomatic rifle only, as applicable:
  - while in the presence of the transferor;
  - while on property owned or leased by the transferor;
  - solely for the purpose of shooting targets on the premises of a sport shooting range, defined by reference as a business establishment, private club, or association that operates an area for the discharge or other use of firearms for silhouette, skeet, trap, black powder, target, self-defense, or similar recreational shooting;
  - for the purpose of lawful hunting or sporting or for lawful recreational activity; or
  - at a lawful competition involving the use of a firearm.

C.S.H.B. 2744 applies only to an offense committed on or after the bill's effective date and the bill provides for the continuation of the law in effect before the bill's effective date for purposes of an offense, or any element thereof, that occurred before that date.

### **EFFECTIVE DATE**

September 1, 2023.

### **COMPARISON OF INTRODUCED AND SUBSTITUTE**

While C.S.H.B. 2744 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes language not in the introduced creating an exception to the application of the offense that the transfer of the semiautomatic rifle is a temporary loan to a person who is to carry or use the semiautomatic rifle only, as applicable:

- while in the presence of the transferor;
- while on property owned or leased by the transferor;
- solely for the purpose of shooting targets on the premises of a sport shooting range, defined by reference as a business establishment, private club, or association that operates an area for the discharge or other use of firearms for silhouette, skeet, trap, black powder, target, self-defense, or similar recreational shooting;
- for the purpose of lawful hunting or sporting or for lawful recreational activity; or
- at a lawful competition involving the use of a firearm.