

- SUBJECT:** Prohibiting the transfer of weapons to certain individuals
- COMMITTEE:** Criminal Jurisprudence — committee substitute recommended
- VOTE:** 7 ayes — Collier, K. Bell, J. González, Hunter, Moody, Murr, Pacheco  
2 nays — Zedler, P. King
- WITNESSES:** For — Elva Mendoza, Moms Demand Action for Gun Sense in America; Gyl Switzer, Texas Gun Sense; (*Registered, but did not testify:* Karen Kelley, League of Women Voters of Texas; Leesa Ross, Lock Arms for Life; Vicki Altounian, Melanie Greene, Julia Heilrayne, Nancy Leeper, Robert Leeper, Beth Martinez, Jennifer Price, and Alice Spencer, Moms Demand Action for Gun Sense in America; Julia Egler, NAMI Texas; Cheri Siegelin, Texas Correctional Employees-Huntsville; Troy Alexander, Texas Medical Association; Kerry Brosnihan; Ann Compton; Carol Edwards; Idona Griffith; Maria Person)
- Against — Michael Cargill, Central Texas Gun Works; Rachel Malone, Gun Owners of America; Rick Briscoe, Open Carry Texas; Bradley Hodges; Bonnie Thomas); (*Registered, but did not testify:* CJ Grisham, Open Carry Texas; Jason Vaughn, Texas Young Republicans; and 17 individuals)
- On — (*Registered, but did not testify:* Steve Moninger, Department of Public Safety; Jeff Buuck, Texas Department of Public Safety)
- BACKGROUND:** Penal Code sec. 46.06 governs the unlawful transfer of certain weapons. This offense is a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000), unless the actor intentionally or knowingly sells, rents, leases, or gives a handgun to a child younger than 18 or offers to do so, in which case the offense is a state-jail felony (180 days to two years in a state jail and an optional fine of up to \$10,000).
- DIGEST:** CSHB 545 would expand the offense of unlawful transfer of certain weapons to include an individual who knowingly sold, rented, leased,

loaned, or gave a firearm to a person whom the actor knew, or had reasonable cause to believe, was:

- receiving court-ordered inpatient mental health services;
- acquitted in a criminal case by reason of insanity or lack of mental responsibility, regardless of whether the person was ordered by a court to receive inpatient treatment or residential care;
- determined to have an intellectual disability and was committed by a court for long-term placement in a residential care facility; or
- determined to be incompetent to stand trial.

It would be a defense to prosecution that the transfer was to a person who was the subject of a judicial order or finding that entitled the person to relief from disabilities or to a person who had obtained notice of relief from disabilities under federal law. It also would be a defense to prosecution if the actor had reasonable cause to believe the person fit the criteria of the bill but was not such a person.

The bill would take effect September 1, 2019, and would apply only to offenses committed on or after that date.