

By: Davis of Dallas

H.B. No. 595

A BILL TO BE ENTITLED

AN ACT

relating to requiring a waiting period for the purchase or sale of a handgun; creating an offense.

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

SECTION 1. Chapter 46, Penal Code, is amended by adding Section 46.061 to read as follows:

Sec. 46.061. WAITING PERIOD FOR PURCHASE OR SALE OF HANDGUN. (a) A person commits an offense if the person:

(1) purchases more than one handgun, or sells more than one handgun to the same person, within a 30-day period;

(2) purchases a handgun without first completing and delivering to the seller a handgun purchase form as prescribed by the Department of Public Safety; or

(3) sells a handgun to any person without first:

(A) submitting to the Department of Public Safety a handgun purchase form completed and delivered to the seller by the purchaser; and

(B) receiving notice from the Department of Public Safety that the purchaser did not purchase another handgun within the 30-day period preceding the date of the form.

(b) For purposes of this section:

(1) a handgun purchase form is complete if:

(A) the form is signed and dated; and

(B) the other information requested by the form

1 is substantially complete; and

2 (2) a purchase or sale may be made in exchange for
3 cash, goods, services, or other remuneration.

4 (c) An offense under this section is a state jail felony.

5 (d) It is an exception to the application of this section
6 that the transaction was a purchase by or sale to:

7 (1) a person licensed as a firearms importer,
8 collector, manufacturer, or dealer under 18 U.S.C. Section 921 et
9 seq.;

10 (2) a peace officer under Article 2.12, Code of
11 Criminal Procedure, or a special investigator under Article 2.122,
12 Code of Criminal Procedure;

13 (3) a parole officer;

14 (4) a community supervision and corrections
15 department officer appointed or employed under Section 76.004,
16 Government Code;

17 (5) a judge or justice of a federal court, the supreme
18 court, the court of criminal appeals, a court of appeals, a district
19 court, a criminal district court, a constitutional county court, a
20 statutory county court, a justice court, or a municipal court who is
21 licensed to carry a concealed handgun under Subchapter H, Chapter
22 411, Government Code;

23 (6) an honorably retired peace officer or federal
24 criminal investigator who holds a certificate of proficiency issued
25 under Section 1701.357, Occupations Code, and is carrying a photo
26 identification that:

27 (A) verifies that the officer honorably retired

1 after not less than 15 years of service as a commissioned officer;
2 and

3 (B) is issued by a state or local law enforcement
4 agency; or

5 (7) a district attorney, criminal district attorney,
6 or county attorney who is licensed to carry a concealed handgun
7 under Subchapter H, Chapter 411, Government Code.

8 SECTION 2. Subchapter D, Chapter 411, Government Code, is
9 amended by adding Section 411.0471 to read as follows:

10 Sec. 411.0471. ENFORCEMENT OF WAITING PERIOD FOR PURCHASE
11 OR SALE OF HANDGUN. (a) The department shall prescribe a handgun
12 purchase form for the purpose of enforcing Section 46.061, Penal
13 Code.

14 (b) On receipt of a completed handgun purchase form from a
15 person who intends to sell a handgun, the department shall:

16 (1) determine whether the purchaser purchased another
17 handgun within the 30-day period preceding the date of the form; and

18 (2) inform the seller of its determination.

19 (c) A person who completes the sale of a handgun shall:

20 (1) inform the department of the date the sale was
21 complete; and

22 (2) provide to the department any other information
23 requested by the department.

24 (d) The department shall maintain any information collected
25 under this section or under Section 46.061, Penal Code, as
26 necessary to:

27 (1) ensure compliance with this section; and

1 (2) enforce Section 46.061, Penal Code.

2 SECTION 3. This Act takes effect September 1, 2007.