By: Moody H.B. No. 659

A BILL TO BE ENTITLED

AN ACT

relating to requiring a licensed firearms dealer to report certain sales or transfers of multiple firearms or firearm magazines to law enforcement; creating a criminal offense.

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

SECTION 1. Title 6, Business & Commerce Code, is amended by adding Chapter 205 to read as follows:

CHAPTER 205. REPORTS OF CERTAIN MULTIPLE TRANSFERS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 205.001. DEFINITIONS. In this chapter:

(1) "Department" means the Department of Public Safety of the State of Texas.

(2) "Firearm" has the meaning assigned by Section 46.01, Penal Code.

(3) "Licensed firearms dealer" means a person who is licensed as a firearms dealer under 18 U.S.C. Section 923.

SUBCHAPTER B. REQUIRED REPORTING OF CERTAIN MULTIPLE TRANSFERS

Sec. 205.051. REPORT BY LICENSED FIREARMS DEALER TO DEPARTMENT. (a) This section applies only to a sale or transfer that:

(1) is made to the same transferee, other than a licensed firearms dealer, on a single occasion or on more than one occasion during a period of five consecutive business days; and

(2) consists of:

(A) two or more firearms; or

(B) four or more detachable firearm magazines, other than detachable firearm magazines that are originally packaged with a firearm by the manufacturer and sold or otherwise transferred in the original packaging.

(b) A licensed firearms dealer shall report to the department, in the form and manner prescribed by the department under Section 205.101, the multiple sales or transfers described by Subsection (a).

(c) Before completing a sale or transfer of any firearm or any detachable firearm magazine described by Subsection (a)(2)(B), the licensed firearms dealer making the sale or transfer shall:

(1) review the items in the current sale or transfer and any recent previous sales and transfers by the dealer to that transferee to determine whether the reporting duties of this subchapter apply to the dealer as a result of that sale or transfer; and

(2) submit a report, if required, under Subsection (b).

(d) Information in a report submitted by a licensed firearms dealer to the department under this section:

(1) is confidential and not subject to disclosure under Chapter 552, Government Code; and

(2) may not be transmitted, used, or preserved for the purpose of a registry or other database of information relating to firearm owners, firearms, or firearm magazines.

(e) Subsection (d)(2) does not apply to the transmission,

use, or preservation of report information for inclusion in the following databases:

(1) the National Instant Criminal Background Check System; and

(2) a database maintained by the Texas Crime Information Center or the National Crime Information Center.

Sec. 205.052. REPORT BY DEPARTMENT TO SHERIFF. (a) Not later than 24 hours after receiving a report from a licensed firearms dealer under Section 205.051(b), the department shall transmit the report to:

(1) the sheriff of each county in which the applicable sales or transfers occurred; and

(2) the sheriff of the county in which the transferee resides.

(b) Information in a report submitted by the department to a county sheriff under Subsection (a):

(1) is confidential and not subject to disclosure under Chapter 552, Government Code; and

(2) may not be transmitted, used, or preserved for the purpose of a registry or other database of information relating to firearm owners, firearms, or firearm magazines.

(c) Subsection (b)(2) does not apply to the transmission, use, or preservation of report information for inclusion in the following databases:

(1) the National Instant Criminal Background Check System; and

(2) a database maintained by the Texas Crime

Information Center or the National Crime Information Center.

Sec. 205.053. OFFENSE. (a) A licensed firearms dealer who, with criminal negligence, violates Section 205.051 commits an offense.

(b) An offense under this section is a Class B misdemeanor.

SUBCHAPTER C. FORMS

Sec. 205.101. FORM FOR SUBMISSION OF FIREARMS DEALER REPORT. (a) For purposes of the report required by Section 205.051(b), the department shall require licensed firearms dealers to use a form prescribed by the department.

(b) The form prescribed under Subsection (a) must:

(1) include:

(A) the dates and locations of the applicable sales or transfers;

(B) the type and number of firearms or detachable firearm magazines sold or transferred;

(C) the identity and location of the licensed firearms dealer, including the locations where each applicable sale or transfer occurred; and

(D) the identity of the transferee; and

(2) require the licensed firearms dealer to submit a copy of the identification provided by the transferee for purposes of the sale or transfer.

(c) The department shall post on the department's publicly accessible Internet website:

(1) the form required by this section;

(2) an e-mail address or electronic portal that may be

used to submit the form and related documentation; and

(3) instructions for submitting the form and documentation.

SECTION 2. Not later than September 1, 2027, the Department of Public Safety shall develop and make available the form for reporting multiple firearm or firearm magazine sales or transfers, as required by Section 205.101, Business & Commerce Code, as added by this Act.

SECTION 3. The change in law made by this Act applies only to the sale or transfer of a firearm or firearm magazine that occurs on or after the effective date of this Act. A sale or transfer of a firearm or firearm magazine that occurs before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2027.