

(The House considered SB 1188 by Estes, the Senate companion bill, in lieu of HB 267, the House version of the bill, which had been set on the daily calendar and was analyzed by the House Research Organization. The bill subsequently was enacted as SB 1188.)

HOUSE

RESEARCH

ORGANIZATION bill analysis

5/8/2009

HB 267

Bonnen, et al.

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SUBJECT:           Allowing Texans to purchase firearms in non-contiguous states

COMMITTEE:       Public Safety — favorable, without amendment

VOTE:             8 ayes — Merritt, Burnam, Driver, P. King, Lewis, Mallory Caraway,  
Rodriguez, Vo

                      0 nays

                      1 absent — Frost

WITNESSES:       For — Mike Cox; Alice Tripp, Texas State Rifle Association; (*Registered, but did not testify*: Norman Garza, Texas Farm Bureau)

                      Against — None

BACKGROUND:     Penal Code, sec. 46.07, that restricts Texans' out-of-state purchases of firearms, ammunition, reloading components, or firearm accessories to the states contiguous to Texas — Louisiana, Arkansas, Oklahoma, and New Mexico.

                      Penal Code, sec. 46.07 conforms with what is now 18 U.S.C., sec. 922 (b) (3) (A), which makes it illegal to transfer firearms between persons of two states, unless the transaction is permitted by the laws of both states.

DIGEST:           HB 267 would amend Penal Code, sec. 46.07 to allow Texans, unless otherwise precluded by law, to purchase firearms, ammunition, reloading components or firearm accessories in all other states.

                      The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009.

SUPPORTERS  
SAY:               HB 267 would end an antiquated requirement of a statute based in the 1960s era gun control laws. Federal law has since been updated, but the

stricter state statute remains in place. Law-abiding Texans have been denied the right to purchase rifles and shotguns when the National Insta-

Check System (NICS) flags those transactions because of the contiguous-state limitation.

OPPONENTS  
SAY:

No apparent opposition

NOTES:

The companion bill, SB 1188 by Estes, passed the Senate by 29-0 on April 23 and was reported favorably, without amendment, by the House Public Safety Committee on May 6.