

BILL ANALYSIS

Senate Research Center
81R1890 GCB-D

S.B. 1188
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current state law, a Texas resident may purchase firearms, ammunition, reloading components, or firearm accessories only in Texas and the contiguous states of New Mexico, Oklahoma, Arkansas, and Louisiana. This law was enacted at a time when the Federal Gun Control Act prohibited gun sales from noncontiguous states. Since then, the United States Code, specifically 18 U.S.C. Section 922(b)(3)(A), has been updated to allow for interstate firearm purchases, except those precluded by law.

The current state law has prevented the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco, Firearms, and Explosives from approving otherwise lawful sales of firearms to Texas residents in 45 other states.

As proposed, S.B. 1188 allows Texas residents, unless otherwise precluded by law, to purchase firearms, ammunition, reloading components, or firearm accessories in all 50 states.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 46.07, Penal Code, as follows:

Sec. 46.07. INTERSTATE PURCHASE. Authorizes a resident of this state, if not otherwise precluded by law, to purchase firearms, ammunition, reloading components, or firearm accessories in another state, rather than in contiguous states. Provides that this authorization is enacted in conformance with 18 U.S.C. Section 922(b)(3)(A) (relating to certain interstate firearm purchases), rather than Public Law 90-618, 90th Congress.

SECTION 2. Effective date: upon passage or September 1, 2009.