

BILL ANALYSIS

Senate Research Center
87R2379 JSC-D

S.B. 162
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State Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under federal law, it is a felony offense for an individual to lie on a background check form. Due to limited federal investigatory resources, cases of noncompliance are rarely investigated and prosecuted. Without a law that ensures prospective buyers could not legally attempt to purchase a firearm by lying on a background check, Texas law enforcement cannot assist federal agents in the prosecution of the crime. For this reason, individuals in Texas often face no consequences for the illegal act of lying on a background check. The National Instant Criminal Background Check system was developed by the FBI and provides the timely and accurate determination of a person's eligibility to possess firearms in accordance with federal law. Over 100,000 Americans lie on a background check every year.

S.B. 162 creates an offense if a person knowingly makes a materially false or misleading statement when providing information for the purposes of complying with the National Instant Criminal Background Check system. This bill allows Texas to uphold federal law by utilizing the state's investigative agents and helps to ensure prohibited individuals face consequences for attempting to purchase a weapon illegally.

As proposed, S.B. 162 amends current law relating to a false or misleading statement made to illegally acquire a firearm and creates a criminal offense.

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 46.06(a), Penal Code, to provide that a person commits an offense relating to the unlawful transfer of certain weapons under certain circumstances, including if the person knowingly makes a materially false or misleading statement in providing information to a person for purposes of complying with the National Instant Criminal Background Check system in the manner required by 18 U.S.C. Section 922. Makes nonsubstantive changes.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2021.