

By: Frullo

H.B. No. 989

A BILL TO BE ENTITLED

1 AN ACT
2 relating to defenses and exceptions to the prosecution of the
3 criminal offense of the possession, manufacture, transport,
4 repair, or sale of certain prohibited explosive weapons, firearms,
5 and related items.

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

7 SECTION 1. Sections 46.05(a) and (e), Penal Code, are
8 amended to read as follows:

9 (a) A person commits an offense if the person intentionally
10 or knowingly possesses, manufactures, transports, repairs, or
11 sells:

12 (1) any of the following items, unless the item is
13 registered in the National Firearm Registration and Transfer Record
14 maintained by the Bureau of Alcohol, Tobacco, Firearms and
15 Explosives or classified as a curio or relic by the United States
16 Department of Justice:

- 17 (A) an explosive weapon;
- 18 (B) [~~(2)~~] a machine gun;
- 19 (C) [~~(3)~~] a short-barrel firearm; or
- 20 (D) [~~(4)~~] a firearm silencer;
- 21 (2) [~~(5)~~] knuckles;
- 22 (3) [~~(6)~~] armor-piercing ammunition;
- 23 (4) [~~(7)~~] a chemical dispensing device;
- 24 (5) [~~(8)~~] a zip gun; or

1 (6) [~~(9)~~] a tire deflation device.

2 (e) An offense under Subsection (a)(1), [~~(2)~~], (3), (4),
3 [~~(6)~~, ~~(7)~~], or (5) [~~(8)~~] is a felony of the third degree. An offense
4 under Subsection (a)(6) [~~(a)(9)~~] is a state jail felony. An
5 offense under Subsection (a)(2) [~~(a)(5)~~] is a Class A misdemeanor.

6 SECTION 2. Section [46.05\(c\)](#), Penal Code, is repealed.

7 SECTION 3. The change in law made by this Act applies only
8 to an offense committed on or after the effective date of this Act.
9 An offense committed before the effective date of this Act is
10 governed by the law in effect on the date the offense was committed,
11 and the former law is continued in effect for that purpose. For
12 purposes of this section, an offense was committed before the
13 effective date of this Act if any element of the offense occurred
14 before that date.

15 SECTION 4. This Act takes effect September 1, 2015.