

AN ACT

relating to defenses and exceptions to the prosecution of the criminal offense of the possession, manufacture, transport, repair, or sale of certain prohibited explosive weapons, firearms, and related items.

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

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

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

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

(A) an explosive weapon;

(B) [~~(2)~~] a machine gun;

(C) [~~(3)~~] a short-barrel firearm; or

(D) [~~(4)~~] a firearm silencer;

(2) [~~(5)~~] knuckles;

(3) [~~(6)~~] armor-piercing ammunition;

(4) [~~(7)~~] a chemical dispensing device;

(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 offense  
5 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 Section [46.05\(c\)](#), Penal Code, is repealed.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.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 473 passed the Senate on April 20, 2015, by the following vote: Yeas 30, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 473 passed the House on May 11, 2015, by the following vote: Yeas 124, Nays 0, one present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor