

## **BILL ANALYSIS**

H.B. 989  
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Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties have reported that there is confusion regarding whether current state law prohibits an individual from owning certain weapons that are legal under federal law and in several other states. These parties further report that an individual carrying such an item may be subject to legal action as current law requires the individual to prove the individual's innocence. H.B. 989 seeks to address these issues.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 989 amends the Penal Code to exclude an item registered in the National Firearm Registration and Transfer Record maintained by the Bureau of Alcohol, Tobacco, Firearms and Explosives or classified as a curio or relic by the U.S. Department of Justice from the items of which the intentional or knowing possession, manufacture, transport, repair, or sale constitutes a prohibited weapons offense. The bill repeals a provision establishing a defense to prosecution for a prohibited weapons offense that the actor's possession of the weapon was pursuant to registration under the federal National Firearms Act.

H.B. 989 repeals Section 46.05(c), Penal Code.

### **EFFECTIVE DATE**

September 1, 2015.