

By: Frazier

H.B. No. 45

A BILL TO BE ENTITLED

AN ACT

relating to the definition of firearm for purposes of certain criminal offenses.

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

SECTION 1. Section 46.01(3), Penal Code, is amended to read as follows:

(3) "Firearm" means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use. Firearm does not include:

(A) a firearm that may have, as an integral part, a folding knife blade or other characteristics of weapons made illegal by this chapter and that is:

(i) ~~(A)~~ an antique or curio firearm manufactured before 1899; or

(ii) ~~(B)~~ a replica of an antique or curio firearm manufactured before 1899, but only if the replica does not use rim fire or center fire ammunition; or

(B) a less-lethal projectile device.

SECTION 2. Section 46.01, Penal Code, is amended by adding Subdivision (21) to read as follows:

(21) "Less-lethal projectile device" means any weapon, device, or munition that is designed, made, or adapted to expel a projectile or multiple projectiles against a target to

1 temporarily incapacitate the target while minimizing the risk of  
2 serious bodily injury or death.

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

11           SECTION 4. This Act takes effect on the 91st day after the  
12 last day of the legislative session.