

By: Martinez, Neave Criado, Anchía

H.B. No. 1138

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the prosecution of the criminal offense of reckless  
3 discharge of a firearm in certain municipalities and counties.

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

5 SECTION 1. The heading to Section 42.12, Penal Code, is  
6 amended to read as follows:

7 Sec. 42.12. RECKLESS DISCHARGE OF FIREARM IN CERTAIN  
8 MUNICIPALITIES AND COUNTIES.

9 SECTION 2. Sections 42.12(a) and (d), Penal Code, are  
10 amended to read as follows:

11 (a) A person commits an offense if the person recklessly  
12 discharges a firearm:

13 (1) inside the corporate limits of a municipality  
14 having a population of 100,000 or more; or

15 (2) in a county with a population of 500,000 or more.

16 (d) Subsection (a) does not affect the authority of a county  
17 or municipality under other law to enact an order or ordinance which  
18 prohibits the discharge of a firearm.

19 SECTION 3. The change in law made by this Act applies only  
20 to an offense committed on or after the effective date of this Act.  
21 An offense committed before the effective date of this Act is  
22 governed by the law in effect on the date the offense was committed,  
23 and the former law is continued in effect for that purpose. For  
24 purposes of this section, an offense was committed before the

H.B. No. 1138

1 effective date of this Act if any element of the offense occurred  
2 before that date.

3 SECTION 4. This Act takes effect September 1, 2023.