

By: West

S.B. No. 682

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the prosecution of the criminal offense of the
3 possession, manufacture, transport, repair, or sale of certain
4 devices intended to modify firearms.

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

6 SECTION 1. Section 46.05, Penal Code, is amended by
7 amending Subsections (a) and (e) and adding Subsections (e-1) and
8 (e-2) 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 Firearms Registration and Transfer
14 Record maintained by the Bureau of Alcohol, Tobacco, Firearms and
15 Explosives or otherwise not subject to that registration
16 requirement or unless the item is classified as a curio or relic by
17 the United States Department of Justice:

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

1 (6) an improvised explosive device; or

2 (7) a device that is designed and intended to:

3 (A) make a handgun capable of automatically
4 shooting more than one shot, without manual reloading, by a single
5 function of the trigger; or

6 (B) increase the rate of fire of a semiautomatic
7 rifle but that does not convert the semiautomatic rifle into a
8 machine gun.

9 (e) Except as [~~otherwise~~] provided by Subsections (e-1) and
10 (e-2) [~~this subsection~~], an offense under this section is a felony
11 of the third degree.

12 (e-1) An offense under Subsection (a)(5) is a state jail
13 felony.

14 (e-2) An offense under Subsection (a)(7) is a state jail
15 felony, except that the offense is a felony of the third degree if
16 it is shown on the trial of the offense that the defendant has been
17 previously convicted of an offense under that subdivision.

18 SECTION 2. The change in law made by this Act applies only
19 to an offense committed on or after the effective date of this Act.
20 An offense committed before the effective date of this Act is
21 governed by the law in effect on the date the offense was committed,
22 and the former law is continued in effect for that purpose. For
23 purposes of this section, an offense was committed before the
24 effective date of this Act if any element of the offense occurred
25 before that date.

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