

By: Hope

H.B. No. 2462

A BILL TO BE ENTITLED

AN ACT

relating to the unlawful possession of a firearm by certain convicted felons; providing criminal penalties.

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

SECTION 1. Section 46.04, Penal Code, is amended by amending Subsections (a) and (e) and adding Subsection (a-1) to read as follows:

(a) A person who has been convicted of a felony other than a felony described by Subsection (a-1)(1) or (2) commits an offense if the person [~~he~~] possesses a firearm:

(1) after conviction and before the fifth anniversary of the person's release from confinement following conviction of the felony or the person's release from supervision under community supervision, parole, or mandatory supervision, whichever date is later; or

(2) after the period described by Subdivision (1), at any location other than the premises at which the person lives.

(a-1) A person commits an offense if the person possesses a firearm after conviction of a felony:

(1) that is listed in Section 3g(a)(1), Article 42.12, Code of Criminal Procedure; or

(2) for which the judgment of conviction contains an affirmative finding under Section 3g(a)(2) of that article.

(e) An offense under Subsection (a) or (a-1) is a felony of

1 the third degree. An offense under Subsection (b) or (c) is a Class  
2 A misdemeanor.

3 SECTION 2. (a) This Act takes effect September 1, 2003.

4 (b) The change in law made by this Act applies only to an  
5 offense committed under Section 46.04(a), Penal Code, as amended by  
6 this Act, or an offense committed under Section 46.04(a-1), Penal  
7 Code, as added by this Act, on or after September 1, 2003. An  
8 offense committed before September 1, 2003, is covered by the law in  
9 effect when the offense was committed, and the former law is  
10 continued in effect for that purpose. For purposes of this  
11 subsection, an offense was committed before September 1, 2003, if  
12 any element of the offense was committed before that date.