

By: Driver

H.B. No. 4456

Substitute the following for H.B. No. 4456:

By: Miklos

C.S.H.B. No. 4456

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the definition of a switchblade knife for purposes of  
3 the offense of prohibited weapons.

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

5 SECTION 1. Section 46.01(11), Penal Code, is amended to  
6 read as follows:

7 (11) "Switchblade knife" means any knife that has a  
8 blade that folds, closes, or retracts into the handle or sheath[~~7~~]  
9 and that[~~+~~

10 [~~(A)~~] opens automatically by pressure applied to  
11 a button or other device located on the handle[~~+~~] or

12 [~~(B)~~] opens or releases a blade from the handle  
13 or sheath by the force of gravity or by the application of  
14 centrifugal force. The term does not include a knife that has a  
15 spring, detent, or other mechanism designed to create a bias toward  
16 closure and that requires exertion applied to the blade or blade  
17 mechanism by hand, wrist, or arm to overcome the bias toward closure  
18 and open the knife.

19 SECTION 2. 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 covered by the law in effect when the offense was committed, and the  
23 former law is continued in effect for that purpose. For purposes of  
24 this section, an offense was committed before the effective date of

1 this Act if any element of the offense was committed before that  
2 date.

3 SECTION 3. This Act takes effect September 1, 2009.