

1-1 By: Driver (Senate Sponsor - Deuell) H.B. No. 4456
1-2 (In the Senate - Received from the House May 13, 2009;
1-3 May 14, 2009, read first time and referred to Committee on Criminal
1-4 Justice; May 21, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 6, Nays 0;
1-6 May 21, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 4456 By: Whitmire

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the definition of a switchblade knife for purposes of
1-11 the offense of prohibited weapons.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 46.01(11), Penal Code, is amended to
1-14 read as follows:

1-15 (11) "Switchblade knife" means any knife that has a
1-16 blade that folds, closes, or retracts into the handle or sheath~~[7]~~
1-17 and that~~[+]~~

1-18 ~~[(A)]~~ opens automatically by pressure applied to
1-19 a button or other device located on the handle~~[+]~~ or

1-20 ~~[(B)]~~ opens or releases a blade from the handle
1-21 or sheath by the force of gravity or by the application of
1-22 centrifugal force. The term does not include a knife that has a
1-23 spring, detent, or other mechanism designed to create a bias toward
1-24 closure and that requires exertion applied to the blade by hand,
1-25 wrist, or arm to overcome the bias toward closure and open the
1-26 knife.

1-27 SECTION 2. The change in law made by this Act applies only
1-28 to an offense committed on or after the effective date of this Act.
1-29 An offense committed before the effective date of this Act is
1-30 covered by the law in effect when the offense was committed, and the
1-31 former law is continued in effect for that purpose. For purposes of
1-32 this section, an offense was committed before the effective date of
1-33 this Act if any element of the offense was committed before that
1-34 date.

1-35 SECTION 3. This Act takes effect September 1, 2009.

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