

BILL ANALYSIS

S.B. 1416
By: Hinojosa
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Recently, law enforcement officials in South Texas, when in pursuit of suspects, have had to deal with the suspects throwing "tire deflation devices" at law enforcement officials' vehicles and then evading arrest as a result.

These home-made tire spikes are a threat to law enforcement and the general public, but the possession of such devices is currently not against the law.

S.B. 1416 amends Section 46.01 (Definitions), Penal Code, adding Subdivision (17) to define a "tire deflation device."

S.B. 1416 also adds a "tire deflation device" as a prohibited weapon under Section 46.05 (Prohibited Weapons), Penal Code.

S.B. 1416 amends current law relating to the creation of the offense of possession, manufacture, transportation, repair, or sale of a tire deflation device and provides criminal penalties.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ANALYSIS

SECTION 1. Amends Section 46.01, Penal Code, by adding Subdivision (17) to define "tire deflation device."

SECTION 2. Amends Sections 46.05(a), (d), and (e), Penal Code, as follows:

(a) Provides that a person commits an offense if the person intentionally or knowingly possesses, manufactures, transports, repairs, or sells:

- (1) an explosive weapon;
- (2) a machine gun;
- (3) a short-barrel firearm;
- (4) a firearm silencer;
- (5) a switchblade knife;
- (6) knuckles;
- (7) armor-piercing ammunition;

(8) a chemical dispensing device;

(9) a zip gun; or

(10) a tire deflation device.

Makes a nonsubstantive change.

(d) Provides that it is an affirmative defense to prosecution under this section that the actor's conduct was incidental to dealing with a switchblade knife, springblade knife, short-barrel firearm, or tire deflation device solely as an antique or curio; was incidental to dealing with armor-piercing ammunition solely for the purpose of making the ammunition available to an organization, agency, or institution listed in Subsection (b) (relating to providing a defense to prosecution under this section if the conduct was incidental to the performance of official duty by the armed forces or national guard, a governmental law enforcement agency, or a correctional facility); or was incidental to dealing with a tire deflation device solely for the purpose of making the device available to an organization, agency, or institution listed in Subsection (b). Makes nonsubstantive changes.

(e) Provides that an offense under Subsections (a)(1)-(4) and (7)-(9) is a felony of the third degree, rather than provides that an offense under this section is a felony of the third degree unless it is committed under Subsection (a)(5) or (a)(6), in which event it is a Class A misdemeanor. Provides that an offense under Subsection (a)(10) is a state jail felony. Provides that an offense under Subsections (a)(5) and (6) is a Class A misdemeanor.

EFFECTIVE DATE

September 1, 2011.