

By: Peña

H.B. No. 47

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation of the offense of possession, manufacture,
3 transportation, repair, or sale of a tire deflation device;
4 providing criminal penalties.

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

6 SECTION 1. Section 46.01, Penal Code, is amended by adding
7 Subdivision (17) to read as follows:

8 (17) "Tire deflation device" means a device, including
9 a caltrop or spike strip, that, when driven over, impedes or stops
10 the movement of a wheeled vehicle by puncturing one or more of the
11 vehicle's tires.

12 SECTION 2. Section 46.05, Penal Code, is amended by
13 amending Subsections (a) and (e) and adding Subsection (b-1) to
14 read as follows:

15 (a) A person commits an offense if the person ~~[he]~~
16 intentionally or knowingly possesses, manufactures, transports,
17 repairs, or sells:

- 18 (1) an explosive weapon;
19 (2) a machine gun;
20 (3) a short-barrel firearm;
21 (4) a firearm silencer;
22 (5) a switchblade knife;
23 (6) knuckles;
24 (7) armor-piercing ammunition;

1 (8) a chemical dispensing device; ~~[or]~~

2 (9) a zip gun; or

3 (10) a tire deflation device.

4 (b-1) It is a defense to prosecution under this section that
5 the actor's conduct was incidental to dealing with a tire deflation
6 device solely for the purpose of making the device available to an
7 organization, agency, or institution listed in Subsection (b).

8 (e) An offense under Subsections (a)(1)-(4) and (7)-(9)
9 ~~[this section]~~ is a felony of the third degree ~~[unless it is~~
10 ~~committed under Subsection (a)(5) or (a)(6), in which event, it is a~~
11 ~~Class A misdemeanor]~~. An offense under Subsection (a)(10) is a
12 state jail felony. An offense under Subsections (a)(5) and (6) is a
13 Class A misdemeanor.

14 SECTION 3. This Act takes effect September 1, 2011.