

By: Burnam

H.B. No. 2807

A BILL TO BE ENTITLED

AN ACT

relating to creating an offense for the unlawful possession or transfer of a semiautomatic assault weapon.

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

SECTION 1. Chapter 46, Penal Code, is amended by adding Section 46.055 to read as follows:

Sec. 46.055. UNLAWFUL POSSESSION OR TRANSFER OF SEMIAUTOMATIC ASSAULT WEAPON. (a) In this section, "semiautomatic assault weapon" means a firearm that:

(1) requires a separate pull of the trigger to fire each cartridge or shell but is able to use a portion of the energy of a firing cartridge or shell to extract the fired cartridge case or spent shell and to chamber the next round;

(2) is able to accept a detachable magazine; and

(3) is either:

(A) a rifle with at least two of the following characteristics or a rifle that is a semiautomatic version of an automatic firearm with at least one of the following characteristics:

(i) a folding or telescoping stock;

(ii) a pistol grip that protrudes conspicuously beneath the action of the firearm;

(iii) a bayonet mount;

(iv) a flash suppressor or threaded barrel

1 designed to accommodate a flash suppressor; or

2 (v) a grenade launcher; or

3 (B) a pistol with at least two of the following  
4 characteristics or a pistol that is a semiautomatic version of an  
5 automatic firearm with at least one of the following  
6 characteristics:

7 (i) an ammunition magazine that attaches to  
8 the pistol outside of the pistol grip;

9 (ii) a threaded barrel that is able to  
10 accept a barrel extender, flash suppressor, forward handgrip, or  
11 silencer;

12 (iii) a shroud that is attached to or  
13 partially or completely encircles the barrel and that permits the  
14 shooter to hold the firearm with the non-trigger hand without being  
15 burned; or

16 (iv) a manufactured weight of 50 ounces or  
17 more when the firearm is unloaded.

18 (b) A person younger than 21 years of age commits an offense  
19 if the person possesses a semiautomatic assault weapon.

20 (c) A person commits an offense if the person sells, rents,  
21 leases, loans, or gives a semiautomatic assault weapon to any  
22 person knowing that the person to whom the weapon is to be delivered  
23 is younger than 21 years of age.

24 (d) An offense under this section is a Class A misdemeanor.

25 (e) If conduct that constitutes an offense under this  
26 section also constitutes an offense under any other law, the actor  
27 may be prosecuted under this section, the other law, or both.

1 SECTION 2. This Act takes effect September 1, 2011.