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S.B. No. 1416

A BILL TO BE ENTITLED

AN ACT

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

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

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

(17) "Tire deflation device" means a device, including
a caltrop or spike strip, that, when driven over, impedes or stops
the movement of a wheeled vehicle by puncturing one or more of the
vehicle's tires. The term does not include a traffic control device
that:

(A) is designed to puncture one or more of a
vehicle's tires when driven over in a specific direction; and

(B) has a clearly visible sign posted in close
proximity to the traffic control device that prohibits entry or
warns motor vehicle operators of the traffic control device.

SECTION 2. Subsections (a), (d), and (e), Section 46.05,
Penal Code, are amended to read as follows:

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

(1) an explosive weapon;

- 1 (2) a machine gun;
- 2 (3) a short-barrel firearm;
- 3 (4) a firearm silencer;
- 4 (5) a switchblade knife;
- 5 (6) knuckles;
- 6 (7) armor-piercing ammunition;
- 7 (8) a chemical dispensing device; ~~[or]~~
- 8 (9) a zip gun; or
- 9 (10) a tire deflation device.

10 (d) It is an affirmative defense to prosecution under this
11 section that the actor's conduct:

12 (1) was incidental to dealing with a switchblade
13 knife, springblade knife, ~~[or]~~ short-barrel firearm, or tire
14 deflation device solely as an antique or curio; ~~[or]~~

15 (2) was incidental to dealing with armor-piercing
16 ammunition solely for the purpose of making the ammunition
17 available to an organization, agency, or institution listed in
18 Subsection (b); or

19 (3) was incidental to dealing with a tire deflation
20 device solely for the purpose of making the device available to an
21 organization, agency, or institution listed in Subsection (b).

22 (e) An offense under Subsection (a)(1), (2), (3), (4), (7),
23 (8), or (9) [this section] is a felony of the third degree ~~[unless~~
24 ~~it is committed under Subsection (a)(5) or (a)(6), in which event,~~
25 ~~it is a Class A misdemeanor]~~. An offense under Subsection (a)(10)
26 is a state jail felony. An offense under Subsection (a)(5) or (6)
27 is a Class A misdemeanor.

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