

1-1 By: Hinojosa S.B. No. 1416
1-2 (In the Senate - Filed March 10, 2011; March 22, 2011, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 6, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 6, 2011,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1416 By: Carona

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

1-10 relating to the creation of the offense of possession, manufacture,
1-11 transportation, repair, or sale of a tire deflation device;
1-12 providing criminal penalties.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 46.01, Penal Code, is amended by adding
1-15 Subdivision (17) to read as follows:

1-16 (17) "Tire deflation device" means a device, including
1-17 a caltrop or spike strip, that, when driven over, impedes or stops
1-18 the movement of a wheeled vehicle by puncturing one or more of the
1-19 vehicle's tires. The term does not include a traffic control device
1-20 that:

1-21 (A) is designed to puncture one or more of a
1-22 vehicle's tires when driven over in a specific direction; and

1-23 (B) has a clearly visible sign posted in close
1-24 proximity to the traffic control device that prohibits entry or
1-25 warns motor vehicle operators of the traffic control device.

1-26 SECTION 2. Subsections (a), (d), and (e), Section 46.05,
1-27 Penal Code, are amended to read as follows:

1-28 (a) A person commits an offense if the person ~~he~~
1-29 intentionally or knowingly possesses, manufactures, transports,
1-30 repairs, or sells:

- 1-31 (1) an explosive weapon;
- 1-32 (2) a machine gun;
- 1-33 (3) a short-barrel firearm;
- 1-34 (4) a firearm silencer;
- 1-35 (5) a switchblade knife;
- 1-36 (6) knuckles;
- 1-37 (7) armor-piercing ammunition;
- 1-38 (8) a chemical dispensing device; ~~or~~
- 1-39 (9) a zip gun; or
- 1-40 (10) a tire deflation device.

1-41 (d) It is an affirmative defense to prosecution under this
1-42 section that the actor's conduct:

1-43 (1) was incidental to dealing with a switchblade
1-44 knife, springblade knife, ~~or~~ short-barrel firearm, or tire
1-45 deflation device solely as an antique or curio; ~~or~~

1-46 (2) was incidental to dealing with armor-piercing
1-47 ammunition solely for the purpose of making the ammunition
1-48 available to an organization, agency, or institution listed in
1-49 Subsection (b); or

1-50 (3) was incidental to dealing with a tire deflation
1-51 device solely for the purpose of making the device available to an
1-52 organization, agency, or institution listed in Subsection (b).

1-53 (e) An offense under Subsection (a)(1), (2), (3), (4), (7),
1-54 (8), or (9) ~~this section~~ is a felony of the third degree ~~unless~~
1-55 it is committed under Subsection (a)(5) or (a)(6), in which event,
1-56 it is a Class A misdemeanor]. An offense under Subsection (a)(10)
1-57 is a state jail felony. An offense under Subsection (a)(5) or (6)
1-58 is a Class A misdemeanor.

1-59 SECTION 3. This Act takes effect September 1, 2011.

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