

BILL ANALYSIS

Senate Research Center
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S.B. 1416
By: Deuell
Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, Section 9.31(b)(5), Penal Code, states that a defendant who shoots someone cannot later claim self-defense if the defendant was illegally carrying a handgun, machine gun, or sawed-off shotgun.

If the defendant was carrying a firearm which does not fit under the definition of "handgun, machine gun, or short-barreled rifle," then the defendant can claim self-defense. This is the case even if the defendant is a convicted felon who should not be in possession of a firearm according to Section 46.04 (Unlawful Possession of Firearm), Penal Code.

S.B. 1416 negates the ability to claim self-defense if the defendant is a convicted felon who is illegally in possession of a firearm.

As proposed, S.B. 1416 amends current law relating to the determination of whether a use of force against another is justified.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 9.31(b), Penal Code, to provide that the use of force against another is not justified if the actor sought an explanation from or discussion with the other person concerning the actor's differences with the other person while the actor was possessing a firearm in violation of Section 46.04 (Unlawful Possession of a Firearm) and to make nonsubstantive changes.

SECTION 2. Provides that the change in law made by this Act applies only to an offense committed on or after the effective date of this Act. Provides that an offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. Provides that or the purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. Effective date: September 1, 2013.