

1-1 By: Dutton (Senate Sponsor - Hinojosa) H.B. No. 1862
1-2 (In the Senate - Received from the House May 8, 2013;
1-3 May 9, 2013, read first time and referred to Committee on Criminal
1-4 Justice; May 17, 2013, reported favorably by the following vote:
1-5 Yeas 7, Nays 0; May 17, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Whitmire	X		
1-9	Huffman	X		
1-10	Carona	X		
1-11	Hinojosa	X		
1-12	Patrick	X		
1-13	Rodriguez	X		
1-14	Schwertner	X		

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the criminal consequences of engaging in certain
1-18 conduct with respect to a switchblade knife.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Sections 46.05(a), (d), and (e), Penal Code, are
1-21 amended to read as follows:

1-22 (a) A person commits an offense if the person intentionally
1-23 or knowingly possesses, manufactures, transports, repairs, or
1-24 sells:

- 1-25 (1) an explosive weapon;
- 1-26 (2) a machine gun;
- 1-27 (3) a short-barrel firearm;
- 1-28 (4) a firearm silencer;
- 1-29 (5) ~~a switchblade knife;~~
- 1-30 ~~[(6)]~~ knuckles;
- 1-31 (6) ~~[(7)]~~ armor-piercing ammunition;
- 1-32 (7) ~~[(8)]~~ a chemical dispensing device;
- 1-33 (8) ~~[(9)]~~ a zip gun; or
- 1-34 (9) ~~[(10)]~~ a tire deflation device.

1-35 (d) It is an affirmative defense to prosecution under this
1-36 section that the actor's conduct:

1-37 (1) was incidental to dealing with a ~~[switchblade~~
1-38 ~~knife, springblade knife,~~ short-barrel firearm~~]~~ or tire
1-39 deflation device solely as an antique or curio;

1-40 (2) was incidental to dealing with armor-piercing
1-41 ammunition solely for the purpose of making the ammunition
1-42 available to an organization, agency, or institution listed in
1-43 Subsection (b); or

1-44 (3) was incidental to dealing with a tire deflation
1-45 device solely for the purpose of making the device available to an
1-46 organization, agency, or institution listed in Subsection (b).

1-47 (e) An offense under Subsection (a)(1), (2), (3), (4), (6),
1-48 (7), or (8) ~~[, or (9)]~~ is a felony of the third degree. An offense
1-49 under Subsection (a)(9) ~~[(a)(10)]~~ is a state jail felony. An
1-50 offense under Subsection (a)(5) ~~[or (6)]~~ is a Class A misdemeanor.

1-51 SECTION 2. The change in law made by this Act applies only
1-52 to an offense committed on or after the effective date of this Act.
1-53 An offense committed before the effective date of this Act is
1-54 governed by the law in effect on the date the offense was committed,
1-55 and the former law is continued in effect for that purpose. For
1-56 purposes of this section, an offense was committed before the
1-57 effective date of this Act if any element of the offense occurred
1-58 before that date.

1-59 SECTION 3. This Act takes effect September 1, 2013.

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