

By: Ellis

S.B. No. 256

A BILL TO BE ENTITLED

1 AN ACT
2 relating to creating an offense for the unlawful possession or
3 transfer of a large-capacity magazine.

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

5 SECTION 1. Chapter 46, Penal Code, is amended by adding
6 Section 46.056 to read as follows:

7 Sec. 46.056. UNLAWFUL POSSESSION OR TRANSFER OF
8 LARGE-CAPACITY MAGAZINE. (a) In this section, "large-capacity
9 magazine" means a detachable ammunition feeding device with the
10 capacity to accept more than 20 rounds. The term does not include:

- 11 (1) a .22 caliber tube ammunition feeding device;
12 (2) a tubular magazine that is contained in a
13 lever-action firearm; or
14 (3) an ammunition feeding device that has been
15 permanently disabled from accepting more than 20 rounds.

16 (b) A person commits an offense if the person:
17 (1) possesses a large-capacity magazine; or
18 (2) sells, rents, leases, loans, or gives a
19 large-capacity magazine to another.

20 (c) An offense under this section is a Class A misdemeanor.

21 (d) It is a defense to prosecution under this section that
22 the actor engaged in the conduct:

- 23 (1) while engaged in the actual discharge of official
24 duties, or directly en route to or from the person's place of

1 assignment, as:

2 (A) a peace officer;

3 (B) a member of the armed forces or state
4 military forces as defined by Section 431.001, Government Code; or

5 (C) a government officer or employee authorized
6 to possess a large-capacity magazine for public safety purposes;

7 (2) for the sole purpose of making the magazine
8 available to a person described by Subdivision (1);

9 (3) to conduct a forensic analysis or for another
10 legitimate law enforcement purpose;

11 (4) for the sole purpose of permanently disabling the
12 magazine from accepting more than 20 rounds;

13 (5) for the sole purpose of maintaining the magazine
14 as a museum piece or as a decorative prop for use in a motion
15 picture, television, or video production or other entertainment
16 event;

17 (6) while engaged in the interstate transportation of
18 firearms in accordance with federal law; or

19 (7) for the sole purpose of surrendering the magazine
20 to a state or federal law enforcement agency.

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

24 SECTION 2. This Act takes effect September 1, 2015.