

By: Martinez

H.B. No. 382

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting the reckless discharge of a firearm;
creating a criminal offense.

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

SECTION 1. Chapter 22, Penal Code, is amended by adding
Section 22.055 to read as follows:

Sec. 22.055. RECKLESS DISCHARGE OF FIREARM. (a) In this
section:

(1) "Blanks" means ammunition for a firearm that lacks
shot, a bullet, or other projectile.

(2) "Hunting" means to hunt, as defined by Section
1.101, Parks and Wildlife Code.

(3) "Wildlife" has the meaning assigned by Section
43.103, Parks and Wildlife Code.

(b) A person commits an offense if the person knowingly
discharges a firearm and is reckless in regard to lacking a
reasonable target at the time of discharge.

(c) An offense under Subsection (b) is a Class A
misdemeanor, except that the offense is a felony of the first degree
if it is shown on the trial of the offense that any person other than
the actor suffered serious bodily injury or death as a result of the
commission of the offense.

(d) It is a defense to prosecution under this section that
the person discharged the firearm:

1 (1) at a sport shooting range, as defined by Section
2 250.001, Local Government Code;

3 (2) while hunting wildlife as licensed, permitted, or
4 otherwise authorized by the Parks and Wildlife Department; or

5 (3) while the firearm was loaded with blanks.

6 (e) If conduct that constitutes an offense under this
7 section also constitutes an offense under another section of this
8 code, the actor may be prosecuted under this section or the other
9 section of this code.

10 SECTION 2. This Act takes effect December 1, 2017.