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17 MAY -7 PM 1:15 BY:
HOUSE OF REPRESENTATIVES

Dutton

FLOOR AMENDMENT NO. _____

1 Amend C.S.H.B. 1935 (house committee report) as follows:

2 (1) Strike page 1, line 4, through page 3, line 17.

3 (2) Strike "~~[, illegal knife,]~~" and substitute ", location-
4 restricted [~~illegal~~] knife," in each of the following places it
5 appears:

6 (A) page 4, lines 6 and 7; and

7 (B) page 4, line 19.

8 (3) On page 5, line 2, strike "Section 46.02(a), Penal
9 Code, is amended" and substitute "Section 46.02, Penal Code, is
10 amended by amending Subsections (a) and (b) and adding
11 Subsections (a-4) and (d)".

12 (4) On page 5, between lines 13 and 14, insert the
13 following:

14 (a-4) A person commits an offense if the person:

15 (1) intentionally, knowingly, or recklessly carries
16 on or about his or her person a location-restricted knife;

17 (2) is younger than 18 years of age at the time of
18 the offense; and

19 (3) is not:

20 (A) on the person's own premises or premises
21 under the person's control;

22 (B) inside of or directly en route to a motor
23 vehicle or watercraft that is owned by the person or under the
24 person's control; or

25 (C) under the direct supervision of a parent or
26 legal guardian of the person.

27 (b) Except as provided by Subsection (c) or (d), an
28 offense under this section is a Class A misdemeanor.

29 (d) An offense under Subsection (a-4) is a Class C

1 misdemeanor.

2 (5) On page 5, line 14, strike "Section 46.03(a), Penal
3 Code, is amended" and substitute "Section 46.03, Penal Code, is
4 amended by amending Subsections (a) and (g) and adding
5 Subsections (a-1) and (g-1)".

6 (6) On page 5, lines 17 and 18, strike "~~illegal knife,~~"
7 and substitute "location-restricted ~~illegal~~ knife,".

8 (7) On page 6, between lines 23 and 24, insert the
9 following:

10 (a-1) A person commits an offense if the person
11 intentionally, knowingly, or recklessly possesses or goes with a
12 location-restricted knife:

13 (1) on the premises of a business that has a permit
14 or license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic
15 Beverage Code, if the business derives 51 percent or more of its
16 income from the sale or service of alcoholic beverages for on-
17 premises consumption, as determined by the Texas Alcoholic
18 Beverage Commission under Section 104.06, Alcoholic Beverage
19 Code;

20 (2) on the premises where a high school, collegiate,
21 or professional sporting event or interscholastic event is
22 taking place, unless the person is a participant in the event
23 and a location-restricted knife is used in the event;

24 (3) on the premises of a correctional facility;

25 (4) on the premises of a hospital licensed under
26 Chapter 241, Health and Safety Code, or on the premises of a
27 nursing facility licensed under Chapter 242, Health and Safety
28 Code, unless the person has written authorization of the
29 hospital or nursing facility administration, as appropriate;

30 (5) on the premises of a mental hospital, as defined
31 by Section 571.003, Health and Safety Code, unless the person

1 has written authorization of the mental hospital administration;

2 (6) in an amusement park; or

3 (7) on the premises of a church, synagogue, or other

4 established place of religious worship.

5 (g) Except as provided by Subsection (g-1), an [An]

6 offense under this section is a felony of the third degree

7 [felony].

8 (g-1) If the weapon that is the subject of the offense is

9 a location-restricted knife, an offense under this section is a

10 Class C misdemeanor, except that the offense is a felony of the

11 third degree if the offense is committed under Subsection

12 (a)(1).

13 (8) On page 7, lines 6 and 7, strike "or[7] club[7] or

14 illegal knife]" and substitute ", club, or location-restricted

15 [illegal] knife".

16 (9) Strike SECTION 7 of the bill (page 7, lines 25 and 26).

17 (10) Add the following appropriately numbered SECTIONS to

18 the bill:

19 SECTION ____ . Section 46.01(6), Penal Code, is amended to

20 read as follows:

21 (6) "Location-restricted [~~Illegal~~] knife" means a[+]

22 [~~(A)~~] knife with a blade over five and one-half

23 inches[+]

24 [~~(B) hand instrument designed to cut or stab~~

25 ~~another by being thrown,~~

26 [~~(C) dagger, including but not limited to a~~

27 ~~dirk, stiletto, and poniard,~~

28 [~~(D) bowie knife,~~

29 [~~(E) sword, or~~

30 [~~(F) spear].~~

31 SECTION ____ . Section 46.03(c)(2), Penal Code, is amended to

1 read as follows:

2 (2) "Amusement park" and "premises" have [~~"Premises"~~
3 ~~has~~] the meanings [~~meaning~~] assigned by Section 46.035.

4 SECTION ____ . Section 46.15(e), Penal Code, is amended to
5 read as follows:

6 (e) [~~The provisions of~~] Section 46.02(a-4) does [~~46.02~~
7 ~~prohibiting the carrying of an illegal knife do~~] not apply to an
8 individual carrying a location-restricted knife [~~bowie knife or~~
9 ~~a sword~~] used in a historical demonstration or in a ceremony in
10 which the knife [~~or sword~~] is significant to the performance of
11 the ceremony.

12 (11) Renumber remaining SECTIONS of the bill accordingly.