

BILL ANALYSIS

C.S.H.B. 2583
By: Martinez, "Mando"
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that celebratory gunfire, a random yet preventable occurrence, leads to the injury or death of innocent individuals each year. C.S.H.B. 2583 seeks to address this issue by creating an offense for the reckless discharge of a firearm.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2583 amends the Penal Code to create the Class A misdemeanor offense of reckless discharge of a firearm for a person who knowingly discharges a firearm and is reckless in regard to lacking a reasonable target at the time of discharge. The bill enhances the penalty for the offense to a first degree felony if it is shown on the trial of the offense that serious bodily injury or death was suffered by any person by reason of the commission of the offense. The bill establishes as a defense to prosecution for the offense that the person discharged the firearm at a sport shooting range, while the firearm was loaded with blanks, or while hunting wildlife as licensed, permitted, and otherwise authorized by the Parks and Wildlife Department. The bill authorizes the prosecution of an actor for conduct that constitutes the offense of reckless discharge of a firearm and that also constitutes another Penal Code offense under statutory provisions relating to either offense.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2583 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

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 or a bullet.

(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 bodily injury or death was suffered by any person by reason of the commission of the offense.

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

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

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

(3) while the firearm was loaded with blanks.

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

SECTION 2. This Act takes effect September 1, 2017.

HOUSE COMMITTEE SUBSTITUTE

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) Same as introduced version.

(b) Same as introduced version.

(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 serious bodily injury or death was suffered by any person by reason of the commission of the offense.

(d) Same as introduced version.

(e) Same as introduced version.

SECTION 2. Same as introduced version.