

By: Alvarado, King of Parker, Koop, Moody,
Phelan

H.B. No. 913

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the prosecution of the criminal offense of the
3 possession, manufacture, transport, repair, or sale of certain
4 prohibited explosive weapons.

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

6 SECTION 1. Section 46.01, Penal Code, is amended by adding
7 Subdivision (18) to read as follows:

8 (18) "Improvised explosive device" means a completed
9 and operational bomb designed to cause serious bodily injury,
10 death, or substantial property damage that is fabricated in an
11 improvised manner using nonmilitary components. The term does not
12 include:

13 (A) unassembled components that can be legally
14 purchased and possessed without a license, permit, or other
15 governmental approval; or

16 (B) an exploding target that is used for firearms
17 practice, sold in kit form, and contains the components of a binary
18 explosive.

19 SECTION 2. Sections 46.05(a) and (e), Penal Code, are
20 amended to read as follows:

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

24 (1) any of the following items, unless the item is

1 registered in the National Firearms Registration and Transfer
2 Record maintained by the Bureau of Alcohol, Tobacco, Firearms and
3 Explosives or classified as a curio or relic by the United States
4 Department of Justice:

- 5 (A) an explosive weapon;
- 6 (B) a machine gun;
- 7 (C) a short-barrel firearm; or
- 8 (D) a firearm silencer;
- 9 (2) knuckles;
- 10 (3) armor-piercing ammunition;
- 11 (4) a chemical dispensing device;
- 12 (5) a zip gun; ~~[or]~~
- 13 (6) a tire deflation device; or
- 14 (7) an improvised explosive device.

15 (e) An offense under Subsection (a)(1), (3), (4), ~~[or]~~ (5),
16 or (7) is a felony of the third degree. An offense under Subsection
17 (a)(6) is a state jail felony. An offense under Subsection (a)(2)
18 is a Class A misdemeanor.

19 SECTION 3. The change in law made by this Act applies only
20 to an offense committed on or after the effective date of this Act.
21 An offense committed before the effective date of this Act is
22 governed by the law in effect on the date the offense was committed,
23 and the former law is continued in effect for that purpose. For
24 purposes of this section, an offense was committed before the
25 effective date of this Act if any element of the offense occurred
26 before that date.

27 SECTION 4. This Act takes effect September 1, 2017.