

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

H.B. No. 913

Substitute the following for H.B. No. 913:

By: Moody

C.S.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. It does not
12 include unassembled components that can be legally purchased and
13 possessed without a license, permit, or other governmental
14 approval.

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

17 (a) A person commits an offense if the person intentionally
18 or knowingly possesses, manufactures, transports, repairs, or
19 sells:

20 (1) any of the following items, unless the item is
21 registered in the National Firearms Registration and Transfer
22 Record maintained by the Bureau of Alcohol, Tobacco, Firearms and
23 Explosives or classified as a curio or relic by the United States
24 Department of Justice:

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

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

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

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