

SENATE AMENDMENTS

2nd Printing

By: Springer, Dale, Canales, Moody,
Capriglione, et al.

H.B. No. 1819

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the criminal consequences of engaging in certain
3 conduct with respect to a firearm silencer.

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

5 SECTION 1. Sections 46.05(a) and (e), Penal Code, are
6 amended to read as follows:

7 (a) A person commits an offense if the person intentionally
8 or knowingly possesses, manufactures, transports, repairs, or
9 sells:

10 (1) any of the following items, unless the item is
11 registered in the National Firearms Registration and Transfer
12 Record maintained by the Bureau of Alcohol, Tobacco, Firearms and
13 Explosives or classified as a curio or relic by the United States
14 Department of Justice:

15 (A) an explosive weapon;

16 (B) a machine gun; or

17 (C) a short-barrel firearm; [~~or~~

18 [~~(D) a firearm silencer,~~]

19 (2) knuckles;

20 (3) armor-piercing ammunition;

21 (4) a chemical dispensing device;

22 (5) a zip gun; [~~or~~]

23 (6) a tire deflation device; or

24 (7) a firearm silencer, unless the firearm silencer is

1 classified as a curio or relic by the United States Department of
2 Justice or the actor otherwise possesses, manufactures,
3 transports, repairs, or sells the firearm silencer in compliance
4 with federal law.

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

9 SECTION 2. The change in law made by this Act applies only
10 to an offense committed on or after the effective date of this Act.
11 An offense committed before the effective date of this Act is
12 governed by the law in effect on the date the offense was committed,
13 and the former law is continued in effect for that purpose. For
14 purposes of this section, an offense was committed before the
15 effective date of this Act if any element of the offense occurred
16 before that date.

17 SECTION 3. This Act takes effect September 1, 2017.

ADOPTED

MAY 17 2017

Atay Spaw
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY:  _____

1 Amend H.B. No. 1819 (senate committee report) in SECTION 1 of
2 the bill, in amended Section 46.05(a)(1), Penal Code (page 1, line
3 30), between "or" and "classified", by inserting "otherwise not
4 subject to that registration requirement or unless the item is".

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 18, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1819 by Springer (Relating to the criminal consequences of engaging in certain conduct with respect to a firearm silencer.), **As Passed 2nd House**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Penal Code relating to the criminal consequences of engaging in certain conduct with respect to a firearm silencer. The bill would also modify the prohibited weapons statute as it relates to the possession, manufacture, transport, repair, or sale of an explosive weapon, a machine gun, or short-barrel firearm. Under the provisions of the bill, certain requirements, which allow for certain conduct would be modified.

The Department of Public Safety and the Texas Department of Criminal Justice indicate they do not anticipate a significant fiscal impact.

This analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant impact on the demands for state correctional resources. The bill would take effect on September 1, 2017 and apply only to an offense committed on or after the effective date of the Act.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety, 696 Department of Criminal Justice

LBB Staff: UP, AG, LM, ZB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 10, 2017

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1819 by Springer (Relating to the criminal consequences of engaging in certain conduct with respect to a firearm silencer.), **As Engrossed**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Penal Code relating to the criminal consequences of engaging in certain conduct with respect to a firearm silencer. Under the provisions of the bill, certain requirements, which allow for certain conduct would be modified.

The Department of Public Safety and the Texas Department of Criminal Justice indicate the provisions of the bill could be implemented within existing resources.

This analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant impact on the demands for state correctional resources. The bill would take effect on September 1, 2017 and apply only to offenses committed on or after the effective date of the Act.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety, 696 Department of Criminal Justice

LBB Staff: UP, AG, KJo, LM, ZB, FR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

March 31, 2017

TO: Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1819 by Springer (Relating to the criminal consequences of engaging in certain conduct with respect to a firearm silencer.), **Committee Report 1st House, Substituted**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Penal Code relating to the criminal consequences of engaging in certain conduct with respect to a firearm silencer. Under the provisions of the bill, certain requirements, which allow for certain conduct would be modified.

The Department of Public Safety and the Texas Department of Criminal Justice indicate the provisions of the bill could be implemented within existing resources.

This analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant impact on the demands for state correctional resources. The bill would take effect on September 1, 2017 and apply only to offenses committed on or after the effective date of the Act.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety, 696 Department of Criminal Justice

LBB Staff: UP, KJo, LM, ZB, FR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

March 18, 2017

TO: Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1819 by Springer (Relating to the criminal consequences of engaging in certain conduct with respect to a firearm silencer.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Penal Code relating to the criminal consequences of engaging in certain conduct with respect to a firearm silencer. Under the provisions of the bill, certain requirements, which allow for certain conduct would be modified.

The Department of Public Safety and the Texas Department of Criminal Justice indicate the provisions of the bill could be implemented within existing resources.

The bill would take effect on September 1, 2017 and apply only to offenses committed on or after the effective date of the Act.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety, 696 Department of Criminal Justice

LBB Staff: UP, KJo, LM, ZB

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

85TH LEGISLATIVE REGULAR SESSION

May 10, 2017

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1819 by Springer (Relating to the criminal consequences of engaging in certain conduct with respect to a firearm silencer.), **As Engrossed**

The provisions of the bill addressing felony sanctions are the subject of this analysis. The bill would amend the Penal Code relating to the criminal consequences of engaging in certain conduct with respect to a firearm silencer. Under the provisions of the bill, engaging in certain conduct with a firearm silencer unless it is classified as a curio or relic by the United States Department of Justice or is otherwise possessed, manufactured, transported, repaired, or sold in compliance with federal law would be punishable as a third degree felony.

A third degree felony is punishable by confinement in prison for a term from 2 to 10 years and, in addition to confinement, an optional fine not to exceed \$10,000.

Modifying the list of compliance requirements is expected to result in a decrease in the demands upon the correctional resources of counties or of the State due to a potential decrease in the number of individuals placed under supervision in the community or sentenced to a term of confinement within state correctional institutions. In fiscal year 2016, 356 individuals were arrested, 29 were placed under felony community supervision, and 30 were admitted into state correctional institutions for the offense of prohibited weapons punishable as a third degree felony. Data collected at the statewide level for prohibited weapons do not contain the detail necessary to isolate those individuals who possessed a firearm silencer from all other individuals arrested or convicted of a third degree felony prohibited weapons offense. However, this analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant impact on the demand for state correctional resources.

Source Agencies:

LBB Staff: UP, LM, ZB

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

85TH LEGISLATIVE REGULAR SESSION

March 31, 2017

TO: Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1819 by Springer (Relating to the criminal consequences of engaging in certain conduct with respect to a firearm silencer.), **Committee Report 1st House, Substituted**

The provisions of the bill addressing felony sanctions are the subject of this analysis. The bill would amend the Penal Code relating to the criminal consequences of engaging in certain conduct with respect to a firearm silencer. Under the provisions of the bill, engaging in certain conduct with a firearm silencer unless it is classified as a curio or relic by the United States Department of Justice or is otherwise possessed, manufactured, transported, repaired, or sold in compliance with federal law would be punishable as a third degree felony.

A third degree felony is punishable by confinement in prison for a term from 2 to 10 years and, in addition to confinement, an optional fine not to exceed \$10,000.

Modifying the list of compliance requirements is expected to result in a decrease in the demands upon the correctional resources of counties or of the State due to a potential decrease in the number of individuals placed under supervision in the community or sentenced to a term of confinement within state correctional institutions. In fiscal year 2016, 356 individuals were arrested, 29 were placed under felony community supervision, and 30 were admitted into state correctional institutions for the offense of prohibited weapons punishable as a third degree felony. The data collected at the statewide level for prohibited weapons does not contain the level of detail necessary to isolate those individuals who possessed a firearm silencer from all other individuals arrested and/or convicted of a third degree felony prohibited weapons offense. This analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant impact on the demand for state correctional resources.

Source Agencies:

LBB Staff: UP, ZB, LM

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

85TH LEGISLATIVE REGULAR SESSION

March 18, 2017

TO: Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1819 by Springer (Relating to the criminal consequences of engaging in certain conduct with respect to a firearm silencer.), **As Introduced**

The provisions of the bill addressing felony sanctions are the subject of this analysis. The bill would amend the Penal Code relating to the criminal consequences of engaging in certain conduct with respect to a firearm silencer.

Under existing statute engaging in certain conduct with a firearm silencer not registered in the National Firearms Registration and Transfer Record maintained by the Bureau of Alcohol, Tobacco, Firearms and Explosives or classified as a curio or relic by the United States Department of Justice is punishable as a third degree felony.

Under the provisions of the bill, engaging in certain conduct with a firearm silencer unless it is classified as a curio or relic by the United States Department of Justice or is otherwise possessed, manufactured, transported, repaired, or sold in compliance with federal law is a criminal offense. The provisions of the bill do not associate a criminal penalty with the amended section.

Source Agencies:

LBB Staff: UP, LM, ZB