

By: Martinez

H.B. No. 86

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting the reckless discharge of a firearm;
creating a criminal offense.

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

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 at the time of discharge:

(1) is reckless as to whether the firearm was aimed at
the person's intended target; or

(2) did not have an intended target.

(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.

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

3 (1) at a sport shooting range, as defined by Section
4 250.001, Local Government Code;

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

7 (3) while the firearm was loaded with blanks.

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

12 SECTION 2. This Act takes effect September 1, 2019.