

By: Moody, Stickland, Oliverson, Frullo,
et al.

H.B. No. 446

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the criminal consequences of engaging in certain
3 conduct with respect to certain instruments designed, made, or
4 adapted for use in striking a person.

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

6 SECTION 1. Section 46.02(a), Penal Code, is amended to read
7 as follows:

8 (a) A person commits an offense if the person:

9 (1) intentionally, knowingly, or recklessly carries
10 on or about his or her person a handgun [~~or club~~]; and

11 (2) is not:

12 (A) on the person's own premises or premises
13 under the person's control; or

14 (B) inside of or directly en route to a motor
15 vehicle or watercraft that is owned by the person or under the
16 person's control.

17 SECTION 2. Sections 46.05(a) and (e), Penal Code, as
18 amended by Chapters 155 (H.B. 1819) and 814 (H.B. 913), Acts of the
19 85th Legislature, Regular Session, 2017, are reenacted and amended
20 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 otherwise not subject to that registration
4 requirement or unless the item is classified as a curio or relic by
5 the United States Department of Justice:

6 (A) an explosive weapon;

7 (B) a machine gun; or

8 (C) a short-barrel firearm;

9 (2) ~~[knuckles,~~

10 ~~[(3)]~~ armor-piercing ammunition;

11 (3) ~~[(4)]~~ a chemical dispensing device;

12 (4) ~~[(5)]~~ a zip gun;

13 (5) ~~[(6)]~~ a tire deflation device; ~~[or]~~

14 (6) ~~[(7)]~~ a firearm silencer, unless the firearm
15 silencer is classified as a curio or relic by the United States
16 Department of Justice or the actor otherwise possesses,
17 manufactures, transports, repairs, or sells the firearm silencer in
18 compliance with federal law; or

19 (7) an improvised explosive device.

20 (e) Except as otherwise provided by this subsection, an ~~[An]~~
21 offense under this section ~~[Subsection (a)(1), (3), (4), (5), or~~
22 ~~(7)]~~ is a felony of the third degree. An offense under Subsection
23 (a)(5) ~~[(a)(6)]~~ is a state jail felony. ~~[An offense under~~
24 ~~Subsection (a)(2) is a Class A misdemeanor.]~~

25 SECTION 3. Sections 46.15(d) and (g), Penal Code, are
26 amended to read as follows:

27 (d) The provisions of Section 46.02 prohibiting the

1 carrying of a firearm [~~or carrying of a club~~] do not apply to a
2 public security officer employed by the adjutant general under
3 Section 437.053, Government Code, in performance of official duties
4 or while traveling to or from a place of duty.

5 (g) The provisions of Section [~~Sections 46.02 and~~] 46.03
6 prohibiting the possession or carrying of a club do not apply to an
7 animal control officer who holds a certificate issued under Section
8 829.006, Health and Safety Code, and who possesses or carries an
9 instrument used specifically for deterring the bite of an animal
10 while the officer is in the performance of official duties under the
11 Health and Safety Code or is traveling to or from a place of duty.

12 SECTION 4. Sections 46.01(8) and 46.15(c), Penal Code, are
13 repealed.

14 SECTION 5. The changes in law made by this Act apply only to
15 an offense committed on or after the effective date of this Act. An
16 offense committed before the effective date of this Act is governed
17 by the law in effect when the offense was committed, and the former
18 law is continued in effect for that purpose. For purposes of this
19 section, an offense was committed before the effective date of this
20 Act if any element of the offense occurred before that date.

21 SECTION 6. To the extent of any conflict, this Act prevails
22 over another Act of the 86th Legislature, Regular Session, 2019,
23 relating to nonsubstantive additions to and corrections in enacted
24 codes.

25 SECTION 7. This Act takes effect September 1, 2019.