

By: Moody

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 with a fist.

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

6 SECTION 1. Sections 46.05(a) and (e), Penal Code, as
7 amended by Chapters 155 (H.B. 1819) and 814 (H.B. 913), Acts of the
8 85th Legislature, Regular Session, 2017, are reenacted and amended
9 to read as follows:

10 (a) A person commits an offense if the person intentionally
11 or knowingly possesses, manufactures, transports, repairs, or
12 sells:

13 (1) any of the following items, unless the item is
14 registered in the National Firearms Registration and Transfer
15 Record maintained by the Bureau of Alcohol, Tobacco, Firearms and
16 Explosives or otherwise not subject to that registration
17 requirement or unless the item is classified as a curio or relic by
18 the United States Department of Justice:

19 (A) an explosive weapon;

20 (B) a machine gun; or

21 (C) a short-barrel firearm;

22 (2) ~~[knuckles,~~

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

24 (3) ~~[(4)]~~ a chemical dispensing device;

- 1 (4) [~~(5)~~] a zip gun;
- 2 (5) [~~(6)~~] a tire deflation device; ~~or~~
- 3 (6) [~~(7)~~] a firearm silencer, unless the firearm
4 silencer is classified as a curio or relic by the United States
5 Department of Justice or the actor otherwise possesses,
6 manufactures, transports, repairs, or sells the firearm silencer in
7 compliance with federal law; or
- 8 (7) an improvised explosive device.

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

14 SECTION 2. Section 46.01(8), Penal Code, is repealed.

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

22 SECTION 4. To the extent of any conflict, this Act prevails
23 over another Act of the 86th Legislature, Regular Session, 2019,
24 relating to nonsubstantive additions to and corrections in enacted
25 codes.

26 SECTION 5. This Act takes effect September 1, 2019.