

1-1 By: Moody, et al. (Senate Sponsor - Perry) H.B. No. 446
 1-2 (In the Senate - Received from the House April 11, 2019;
 1-3 April 15, 2019, read first time and referred to Committee on
 1-4 Criminal Justice; May 9, 2019, reported favorably by the following
 1-5 vote: Yeas 5, Nays 0; May 9, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Whitmire	X			
1-8 Huffman	X			
1-9 Buckingham	X			
1-10 Flores			X	
1-11 Hughes			X	
1-12 Miles	X			
1-13 Perry	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the criminal consequences of engaging in certain
 1-18 conduct with respect to certain instruments designed, made, or
 1-19 adapted for use in striking a person.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Section 46.02(a), Penal Code, is amended to read
 1-22 as follows:

1-23 (a) A person commits an offense if the person:

1-24 (1) intentionally, knowingly, or recklessly carries
 1-25 on or about his or her person a handgun ~~[or club]~~; and

1-26 (2) is not:

1-27 (A) on the person's own premises or premises
 1-28 under the person's control; or

1-29 (B) inside of or directly en route to a motor
 1-30 vehicle or watercraft that is owned by the person or under the
 1-31 person's control.

1-32 SECTION 2. Sections 46.05(a) and (e), Penal Code, as
 1-33 amended by Chapters 155 (H.B. 1819) and 814 (H.B. 913), Acts of the
 1-34 85th Legislature, Regular Session, 2017, are reenacted and amended
 1-35 to read as follows:

1-36 (a) A person commits an offense if the person intentionally
 1-37 or knowingly possesses, manufactures, transports, repairs, or
 1-38 sells:

1-39 (1) any of the following items, unless the item is
 1-40 registered in the National Firearms Registration and Transfer
 1-41 Record maintained by the Bureau of Alcohol, Tobacco, Firearms and
 1-42 Explosives or otherwise not subject to that registration
 1-43 requirement or unless the item is classified as a curio or relic by
 1-44 the United States Department of Justice:

1-45 (A) an explosive weapon;

1-46 (B) a machine gun; or

1-47 (C) a short-barrel firearm;

1-48 (2) ~~[knuckles,~~

1-49 ~~[(3)] armor-piercing ammunition;~~

1-50 ~~(3) [(4)] a chemical dispensing device;~~

1-51 ~~(4) [(5)] a zip gun;~~

1-52 ~~(5) [(6)] a tire deflation device; ~~or~~~~

1-53 ~~(6) [(7)] a firearm silencer, unless the firearm~~
 1-54 ~~silencer is classified as a curio or relic by the United States~~
 1-55 ~~Department of Justice or the actor otherwise possesses,~~
 1-56 ~~manufactures, transports, repairs, or sells the firearm silencer in~~
 1-57 ~~compliance with federal law; or~~

1-58 (7) an improvised explosive device.

1-59 (e) ~~Except as otherwise provided by this subsection, an [An]~~
 1-60 ~~offense under this section [Subsection (a)(1), (3), (4), (5), or~~
 1-61 ~~(7)] is a felony of the third degree. An offense under Subsection~~

2-1 (a)(5) [~~(a)(6)~~] is a state jail felony. [~~An offense under~~
2-2 ~~Subsection (a)(2) is a Class A misdemeanor.~~]

2-3 SECTION 3. Sections 46.15(d) and (g), Penal Code, are
2-4 amended to read as follows:

2-5 (d) The provisions of Section 46.02 prohibiting the
2-6 carrying of a firearm [~~or carrying of a club~~] do not apply to a
2-7 public security officer employed by the adjutant general under
2-8 Section 437.053, Government Code, in performance of official duties
2-9 or while traveling to or from a place of duty.

2-10 (g) The provisions of Section [~~Sections 46.02 and~~] 46.03
2-11 prohibiting the possession or carrying of a club do not apply to an
2-12 animal control officer who holds a certificate issued under Section
2-13 829.006, Health and Safety Code, and who possesses or carries an
2-14 instrument used specifically for deterring the bite of an animal
2-15 while the officer is in the performance of official duties under the
2-16 Health and Safety Code or is traveling to or from a place of duty.

2-17 SECTION 4. Sections 46.01(8) and 46.15(c), Penal Code, are
2-18 repealed.

2-19 SECTION 5. The changes in law made by this Act apply only to
2-20 an offense committed on or after the effective date of this Act. An
2-21 offense committed before the effective date of this Act is governed
2-22 by the law in effect when the offense was committed, and the former
2-23 law is continued in effect for that purpose. For purposes of this
2-24 section, an offense was committed before the effective date of this
2-25 Act if any element of the offense occurred before that date.

2-26 SECTION 6. To the extent of any conflict, this Act prevails
2-27 over another Act of the 86th Legislature, Regular Session, 2019,
2-28 relating to nonsubstantive additions to and corrections in enacted
2-29 codes.

2-30 SECTION 7. This Act takes effect September 1, 2019.

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