

A BILL TO BE ENTITLED

AN ACT

relating to creating a criminal offense for the unlawful possession or transfer of a large-capacity magazine.

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

SECTION 1. Chapter 46, Penal Code, is amended by adding Section 46.056 to read as follows:

Sec. 46.056. UNLAWFUL POSSESSION OR TRANSFER OF LARGE-CAPACITY MAGAZINE. (a) In this section, "large-capacity magazine" means a detachable ammunition feeding device that has the capacity to accept, or can be readily converted to accept, more than 10 rounds. The term does not include:

(1) a .22 caliber tube ammunition feeding device;

(2) a tubular magazine that is contained in a lever-action firearm;

(3) an ammunition feeding device that has been permanently disabled from accepting more than 10 rounds; or

(4) a magazine that has been rendered permanently inoperable.

(b) A person commits an offense if the person knowingly:

(1) possesses a large-capacity magazine; or

(2) sells, rents, leases, loans, gives, or otherwise transfers a large-capacity magazine to another person.

(c) An offense under this section is a Class A misdemeanor.

(d) It is a defense to prosecution under this section that

1 the actor engaged in the conduct while engaged in the actual
2 discharge of official duties, or directly en route to or from the
3 person's place of assignment, as:

4 (1) a peace officer; or

5 (2) a member of the armed forces or state military
6 forces as defined by Section 431.001, Government Code.

7 (e) It is a defense to prosecution under Subsection (b)(1)
8 that the actor lawfully possessed the large-capacity magazine on
9 August 31, 2021.

10 (f) If conduct that constitutes an offense under this
11 section also constitutes an offense under any other law, the actor
12 may be prosecuted under this section, the other law, or both.

13 SECTION 2. This Act takes effect September 1, 2021.