

Amend HB 3266 (house committee report) by striking page 1, line 6, through page 2, line 3, and substituting the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 46.01(9), Penal Code, is amended to read as follows:

(9) "Machine gun" means any:

(A) firearm that is capable of shooting more than one shot [~~two shots~~] automatically, without manual reloading, by a single function of the trigger, including any combination of parts from which that type of firearm may be assembled; or

(B) part or combination of parts designed or intended to convert a firearm into a firearm described by Paragraph (A).

SECTION _____. Section 46.05, Penal Code, is amended by amending Subsection (a) and adding Subsection (d-1) to read as follows:

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

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

(A) an explosive weapon; or

(B) [~~a machine gun; or~~

~~(C)] a short-barrel firearm;~~

(2) armor-piercing ammunition;

(3) a chemical dispensing device;

(4) a zip gun;

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

(6) a machine gun; or

(7) an improvised explosive device.

(d-1) It is an affirmative defense to prosecution under Subsection (a)(6) that the machine gun is:

(1) registered in the National Firearms Registration and Transfer Record maintained by the Bureau of Alcohol, Tobacco, Firearms and Explosives or otherwise not subject to that registration requirement; or

(2) classified as a curio or relic by the United States Department of Justice.