**BILL ANALYSIS**

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| Senate Research Center | S.B. 1596 |
|  | By: Hagenbuch |
|  | State Affairs |
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|  | Enrolled |

**AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Short-barreled firearms are generally prohibited under state law. An exception to the application of this law is if the firearm is owned in compliance with federal law under the National Firearms Act. Compliance with this act requires registration with the federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and a $200 tax stamp. After decades of not treating certain firearms as short-barreled firearms, the ATF has reversed course with the publication of final rule 2021R-08F on "Factoring Criteria for Firearms with Attached 'Stabilizing Braces,'" which was effective January 31, 2023. As a result, previously legal weapons are now considered illegal under state law if not properly registered and a tax stamp is not obtained. With this recent effort by the federal government to reclassify a pistol equipped with a stabilizing brace as a short-barreled rifle, and in anticipation of future reclassifications, state law needs to be amended to clarify that short-barrel firearms are not prohibited. H.B. 2705 seeks to addresses this issue by removing a short-barrel firearm from the list of prohibited weapons in the Penal Code.

S.B. 1596 amends the Penal Code to remove language making it an offense for a person to intentionally or knowingly possess, manufacture, transport, repair, or sell a short-barrel firearm. The bill applies only to an offense committed on or after the bill's effective date and provides for the continuation of the law in effect before the bill's effective date for purposes of an offense, or any element thereof, that occurred before that date. S.B. 1596 repeals Section 46.01(10), Penal Code.

This bill is an NRA priority.

S.B. 1596 amends current law relating to the prohibition of short-barrel firearms.

**RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

**SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 46.05(a) and (d), Penal Code, as follows:

(a) Deletes existing text providing that a person commits an offense if the person intentionally or knowingly possesses, manufactures, transports, repairs, or sells a short-barrel firearm. Makes nonsubstantive changes.

(d) Deletes existing text providing that it is an affirmative defense to prosecution under Section 46.05 (Prohibited Weapons) that the actor's conduct was incidental to dealing with a short-barrel firearm solely as an antique or curio.

SECTION 2. Repealer: Section 46.01(10) (relating to the definition of "short-barrel firearm"), Penal Code.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2025.