

BILL ANALYSIS

S.B. 1596
By: Hagenbuch
Homeland Security, Public Safety & Veterans' Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current state law, it is an offense to intentionally or knowingly possess, manufacture, transport, repair, or sell a short-barrel firearm. However, it is an exception to the application of this offense that the firearm is registered in the National Firearms Registration and Transfer Record maintained by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) or otherwise not subject to that registration requirement. However, the bill sponsor has informed the committee that a 2023 ATF rule regarding factoring criteria for firearms with attached "stabilizing braces" resulted in many short-barrel firearms being reclassified and newly subjected to registration with ATF under federal law. The bill sponsor has further informed the committee that as a result, previously legal weapons are now considered illegal under state law if not properly registered and a tax stamp is not obtained. S.B. 1596 seeks to address this issue by establishing that the possession, manufacture, transport, repair, or sale of short-barrel firearms is not prohibited under state law.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

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. An offense committed before the bill's effective date is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For these purposes, an offense was committed before the bill's effective date if any element of the offense was committed before that date.

S.B. 1596 repeals Section 46.01(10), Penal Code.

EFFECTIVE DATE

September 1, 2025.