

In bill text the following have special meaning:

green underline denotes added text

~~dark red struck-out text denotes deleted text~~

red text denotes vetoed text

2013 TX H 1862

AUTHOR: Dutton

VERSION: Enacted

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H.B. No. 1862

AN ACT

relating to the criminal consequences of engaging in certain conduct with respect to a switchblade knife.

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

SECTION 1. Sections 46.05 (a), (d), and (e), Penal Code, are amended to read as follows:

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

- (1) an explosive weapon;
- (2) a machine gun;
- (3) a short-barrel firearm;
- (4) a firearm silencer;
- (5) ~~a switchblade knife;~~
- ~~(6)~~ knuckles;
- (6) ~~(7)~~ armor-piercing ammunition;
- (7) ~~(8)~~ a chemical dispensing device;
- (8) ~~(9)~~ a zip gun; or
- (9) ~~(10)~~ a tire deflation device.

(d) It is an affirmative defense to prosecution under this section that the actor's conduct:

- (1) was incidental to dealing with a ~~switchblade knife, springblade knife,~~ short-barrel firearm, or tire deflation device solely as an antique or curio;
- (2) was incidental to dealing with armor-piercing ammunition solely for the purpose of making the ammunition available to an organization, agency, or institution listed in Subsection (b); or
- (3) was incidental to dealing with a tire deflation device solely for the purpose of making the device available to an organization, agency, or institution listed in Subsection (b).

(e) An offense under Subsection (a)(1), (2), (3), (4), (6), (7), or (8), ~~or (9)~~ is a felony of the third degree. An offense under Subsection (a)(9) ~~(a)(10)~~ is a state jail felony. An offense under Subsection (a)(5) ~~or (6)~~ is a Class A misdemeanor.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act 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 purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. This Act takes effect September 1, 2013.

