

By: Dutton

H.B. No. 1862

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the criminal consequences of engaging in certain
3 conduct with respect to a switchblade knife.

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

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

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

- 10 (1) an explosive weapon;
- 11 (2) a machine gun;
- 12 (3) a short-barrel firearm;
- 13 (4) a firearm silencer;
- 14 (5) ~~a switchblade knife,~~
- 15 ~~[(6)]~~ knuckles;
- 16 (6) ~~[(7)]~~ armor-piercing ammunition;
- 17 (7) ~~[(8)]~~ a chemical dispensing device;
- 18 (8) ~~[(9)]~~ a zip gun; or
- 19 (9) ~~[(10)]~~ a tire deflation device.

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

- 22 (1) was incidental to dealing with a ~~[switchblade~~
23 ~~knife, springblade knife,~~ short-barrel firearm~~]~~ or tire
24 deflation device solely as an antique or curio;

1 (2) was incidental to dealing with armor-piercing
2 ammunition solely for the purpose of making the ammunition
3 available to an organization, agency, or institution listed in
4 Subsection (b); or

5 (3) was incidental to dealing with a tire deflation
6 device solely for the purpose of making the device available to an
7 organization, agency, or institution listed in Subsection (b).

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

12 SECTION 2. The change in law made by this Act applies only
13 to an offense committed on or after the effective date of this Act.
14 An offense committed before the effective date of this Act is
15 governed by the law in effect on the date the offense was committed,
16 and the former law is continued in effect for that purpose. For
17 purposes of this section, an offense was committed before the
18 effective date of this Act if any element of the offense occurred
19 before that date.

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