

BILL ANALYSIS

C.S.H.B. 1819
By: Springer
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties are concerned that certain restrictions related to firearm silencers may affect the availability of these products for people who wish to purchase them for hearing protection. C.S.H.B. 1819 seeks to address this issue by revising the law relating to the criminal consequences for possessing, manufacturing, transporting, repairing, or selling a firearm silencer.

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

C.S.H.B. 1819 amends the Penal Code to remove from the types of firearm silencers that are excluded from the applicability of an offense involving the intentional or knowing possession, manufacture, transport, repair, or sale of a prohibited weapon a firearm silencer registered in the National Firearms Registration and Transfer Record maintained by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives and to include among the types of firearm silencers that are so excluded a firearm silencer the actor possesses, manufactures, transports, repairs, or sells in compliance with federal law.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1819 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 46.05(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if the person intentionally or knowingly possesses,

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Sections 46.05(a) 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) 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 classified as a curio or relic by the United States Department of Justice:

(A) an explosive weapon;

(B) a machine gun; or

(C) a short-barrel firearm; [ø]

~~[(D) a firearm silencer;]~~

(2) knuckles;

(3) armor-piercing ammunition;

(4) a chemical dispensing device;

(5) a zip gun; [ø]

(6) a tire deflation device; or

(7) a firearm silencer, unless the firearm silencer is classified as a curio or relic by the United States Department of Justice or the actor otherwise possesses, manufactures, transports, repairs, or sells the firearm silencer in compliance with federal law.

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, 2017.

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 classified as a curio or relic by the United States Department of Justice:

(A) an explosive weapon;

(B) a machine gun; or

(C) a short-barrel firearm; [ø]

~~[(D) a firearm silencer;]~~

(2) knuckles;

(3) armor-piercing ammunition;

(4) a chemical dispensing device;

(5) a zip gun; [ø]

(6) a tire deflation device; or

(7) a firearm silencer, unless the firearm silencer is classified as a curio or relic by the United States Department of Justice or the actor otherwise possesses, manufactures, transports, repairs, or sells the firearm silencer in compliance with federal law.

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

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.