

BILL ANALYSIS

C.S.H.B. 913
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties assert that certain acts involving the use of an explosive weapon should be illegal, regardless of whether the weapon is federally registered or classified as a curio or relic. C.S.H.B. 913 seeks to address this issue by revising the conduct constituting an offense involving a prohibited weapon.

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. 913 amends the Penal Code to expand the conduct that constitutes a third degree felony offense involving the intentional or knowing possession, manufacture, transport, repair, or sale of a prohibited weapon to include intentionally or knowingly possessing, manufacturing, transporting, repairing, or selling an improvised explosive device, defined by the bill as a completed and operational bomb designed to cause serious bodily injury, death, or substantial property damage that is fabricated in an improvised manner using nonmilitary components. The bill clarifies that the term "improvised explosive device" does not include unassembled components that can be legally purchased and possessed without a license, permit, or other governmental approval.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 913 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

No equivalent provision.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 46.01, Penal Code, is amended by adding Subdivision (18) to read

as follows:

(18) "Improvised explosive device" means a completed and operational bomb designed to cause serious bodily injury, death, or substantial property damage that is fabricated in an improvised manner using nonmilitary components. It does not include unassembled components that can be legally purchased and possessed without a license, permit, or other governmental approval.

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;
- ~~(B)~~ ~~(C)~~ a short-barrel firearm; or
- ~~(C)~~ ~~(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) an explosive weapon.

(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. 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 2. 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;
- (C) a short-barrel firearm; or
- (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) an improvised explosive device.

(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 3. Same as introduced version.

SECTION 3. This Act takes effect
September 1, 2017.

SECTION 4. Same as introduced version.