this Act. A violation that occurs or an offense that is committed before the effective date of
this Act is governed by the law in effect when the violation occurred or the offense was
committed, and the former law is continued in effect for that purpose. For purposes of this
section, a violation occurs or an offense is committed before the effective date of this Act if
any element of the violation or offense occurs or is committed before that date.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the
members elected to each house, as provided by Section 39, Article III, Texas Constitution. If
this Act does not receive the vote necessary for immediate effect, this Act takes effect
September 1, 2013.

Passed by the House on April 11, 2013: Yeas 144, Nays 0, 2 present, not voting; passed
by the Senate on May 14, 2013: Yeas 31, Nays 0.

Approved May 25, 2013.

Effective May 25, 2013.

CHAPTER 177

H.B. No. 1238

AN ACT
relating to the designation of a portion of U.S. Highway 287 in Sherman and Dallam Counties as the
Trooper Bobby Steve Booth Memorial Highway.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter B, Chapter 225, Transportation Code, is amended by adding
Section 225.091 to read as follows:

Sec. 225.091. TROOPER BOBBY STEVE BOOTH MEMORIAL HIGHWAY. (a) The
portion of U.S. Highway 287 between the northern corporate limits of the City of Stratford
and the Texas-Oklahoma border is designated as the Trooper Bobby Steve Booth Memorial
Highway. The designation is in addition to any other designation.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as the Trooper Bobby Steve
Booth Memorial Highway and any other appropriate information; and

(2) erect a marker at each end of the highway and at appropriate intermediate sites
along the highway.

SECTION 2. This Act takes effect September 1, 2013.

Passed by the House on April 11, 2013: Yeas 144, Nays 0, 2 present, not voting; passed
by the Senate on May 13, 2013: Yeas 31, Nays 0.

Approved May 25, 2013.

Effective September 1, 2013.

CHAPTER 178

H.B. No. 1421

AN ACT
relating to the disposition of certain seized weapons.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Article 18.19, Code of Criminal Procedure, is amended by amending
Subsections (c), (d), and (e) and adding Subsection (d-1) to read as follows:

(c) If there is no prosecution or conviction for an offense involving the weapon seized, the
magistrate to whom the seizure was reported shall, before the 51st day after the date the
magistrate determines that there will be no prosecution or conviction, notify in writing the
person found in possession of the weapon that the person is entitled to the weapon upon written request to the magistrate. The magistrate shall order the weapon returned to the person found in possession before the 61st day after the date the magistrate receives a request from the person. If the weapon is not requested before the 61st day after the date of notification, the magistrate shall, before the 121st day after the date of notification, order the weapon destroyed, sold at public sale by the law enforcement agency holding the weapon or by an auctioneer licensed under Chapter 1802, Occupations Code, or forfeited to the state for use by the law enforcement agency holding the weapon or by a county forensic laboratory designated by the magistrate. If the magistrate does not order the return, destruction, sale, or forfeiture of the weapon within the applicable period prescribed by this subsection, the law enforcement agency holding the weapon may request an order of destruction, sale, or forfeiture of the weapon from the magistrate. Only a firearms dealer licensed under 18 U.S.C. Section 923 may purchase a weapon at public sale under this subsection. Proceeds from the sale of a seized weapon under this subsection shall be transferred, after the deduction of court costs to which a district court clerk is entitled under Article 59.05(f), followed by the deduction of auction costs, to the law enforcement agency holding the weapon.

(d) A person either convicted or receiving deferred adjudication under Chapter 46, Penal Code, is entitled to the weapon seized upon request to the court in which the person was convicted or placed on deferred adjudication. However, the court entering the judgment shall order the weapon destroyed, sold at public sale by the law enforcement agency holding the weapon or by an auctioneer licensed under Chapter 1802, Occupations Code, or forfeited to the state for use by the law enforcement agency holding the weapon or by a county forensic laboratory designated by the court if:

1. The person does not request the weapon before the 61st day after the date of the judgment of conviction or the order placing the person on deferred adjudication;
2. The person has been previously convicted under Chapter 46, Penal Code;
3. The weapon is one defined as a prohibited weapon under Chapter 46, Penal Code;
4. The offense for which the person is convicted or receives deferred adjudication was committed in or on the premises of a playground, school, video arcade facility, or youth center, as those terms are defined by Section 481.134, Health and Safety Code; or
5. The court determines based on the prior criminal history of the defendant or based on the circumstances surrounding the commission of the offense that possession of the seized weapon would pose a threat to the community or one or more individuals.

(d-1) Only a firearms dealer licensed under 18 U.S.C. Section 923 may purchase a weapon at public sale under Subsection (d). Proceeds from the sale of a seized weapon under Subsection (d) shall be transferred, after the deduction of court costs to which a district court clerk is entitled under Article 59.05(f), followed by the deduction of auction costs, to the law enforcement agency holding the weapon.

(e) If the person found in possession of a weapon is convicted of an offense involving the use of the weapon, before the 61st day after the date of conviction the court entering judgment of conviction shall order destruction of the weapon, sold at public sale by the law enforcement agency holding the weapon or by an auctioneer licensed under Chapter 1802, Occupations Code, or forfeiture to the state for use by the law enforcement agency holding the weapon or by a county forensic laboratory designated by the court. If the court entering judgment of conviction does not order the destruction, sale, or forfeiture of the weapon within the period prescribed by this subsection, the law enforcement agency holding the weapon may request an order of destruction, sale, or forfeiture of the weapon from a magistrate. Only a firearms dealer licensed under 18 U.S.C. Section 923 may purchase a weapon at public sale under this subsection. Proceeds from the sale of a seized weapon under this subsection shall be transferred, after the deduction of court costs to which a district court clerk is entitled under Article 59.05(f), followed by the deduction of auction costs, to the law enforcement agency holding the weapon.

SECTION 2. This Act takes effect September 1, 2013.
Passed by the House on May 6, 2013: Yeas 127, Nays 14, 1 present, not voting; passed by the Senate on May 14, 2013: Yeas 29, Nays 2.
Approved May 25, 2013.
Effective September 1, 2013.