

BILL ANALYSIS

Senate Research Center
76R9858 GWK-D

H.B. 2825
By: Isett (Bernsen)
Criminal Justice
5/13/1999
Engrossed

DIGEST

Current law does not exclude from weapons prohibitions certain weapons carried for historical reenactments. This situation may hinder individuals from accurately depicting historical events. H.B. 2825 would exclude a replica of an antique or curio firearm from the definition of “firearm,” only if the replica does not use rim fire or center fire ammunition; and would provide an exception to the prohibition on carrying certain knives for a bowie knife or a sword carried for the purpose of a historic demonstration or ceremony.

PURPOSE

As proposed, H.B. 2825 amends regulations regarding the definitions of various types of weapons for the purposes of criminal prosecutions and to a defense to prosecution for certain weapon offenses.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 46.01(3), Penal Code, to redefine “firearm” to exclude a firearms that is a replica of an antique or curio firearm manufactured prior to 1899 or a replica of an antique or curio firearm manufacture before 1899, but only if the replica does not use certain ammunition.

SECTION 2. Amends Section 46.15, Penal Code, by adding Subsection (e), to provides that the provisions of Section 46.02, Penal Code (Unlawful Carrying Weapons), prohibiting the carrying of an illegal knife do not apply to an individual carrying a bowie knife or a sword used in a historical demonstration or in a ceremony in which the knife or sword is significant to the performance of the ceremony.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 1999.

SECTION 5. Emergency clause.