

AN ACT

relating to the prosecution of the criminal offense of the possession, manufacture, transport, repair, or sale of certain prohibited explosive weapons.

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

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. The term does not include:

(A) unassembled components that can be legally purchased and possessed without a license, permit, or other governmental approval; or

(B) an exploding target that is used for firearms practice, sold in kit form, and contains the components of a binary explosive.

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

1 registered in the National Firearms Registration and Transfer
2 Record maintained by the Bureau of Alcohol, Tobacco, Firearms and
3 Explosives or classified as a curio or relic by the United States
4 Department of Justice:

- 5 (A) an explosive weapon;
- 6 (B) a machine gun;
- 7 (C) a short-barrel firearm; or
- 8 (D) a firearm silencer;
- 9 (2) knuckles;
- 10 (3) armor-piercing ammunition;
- 11 (4) a chemical dispensing device;
- 12 (5) a zip gun; ~~[or]~~
- 13 (6) a tire deflation device; or
- 14 (7) an improvised explosive device.

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

19 SECTION 3. The change in law made by this Act applies only
20 to an offense committed on or after the effective date of this Act.
21 An offense committed before the effective date of this Act is
22 governed by the law in effect on the date the offense was committed,
23 and the former law is continued in effect for that purpose. For
24 purposes of this section, an offense was committed before the
25 effective date of this Act if any element of the offense occurred
26 before that date.

27 SECTION 4. This Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I certify that H.B. No. 913 was passed by the House on May 3, 2017, by the following vote: Yeas 137, Nays 9, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 913 was passed by the Senate on May 24, 2017, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor