

## **BILL ANALYSIS**

Senate Research Center  
83R7886 JRR-D

H.B. 1862  
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Criminal Justice  
5/8/2013  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Interested parties report that the development of switchblade knives centuries ago came about when farmers, ranchers, hunters, or outdoorsmen needed a compact pocket knife that could be quickly engaged at any given moment. However, a national campaign during the twentieth century based on newspaper reports labeling the switchblade knife as a symbol of youthful, evil intent and urban youth gang warfare resulted in Texas outlawing the switchblade knife and placing it on the list of prohibited weapons in state statutes. Critics argue that there is no evidence that switchblade knives represent a danger to the general public. H.B. 1862 seeks to address this issue by removing the switchblade knife from the prohibited weapons list.

H.B. 1862 amends current law relating to the criminal consequences of engaging in certain conduct with respect to a switchblade knife.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 46.05(a), (d), and (e), Penal Code, as follows:

(a) Deletes existing text providing that a person commits an offense if the person intentionally or knowingly possesses, manufactures, transports, repairs, or sells a switchblade knife.

(d) Provides that it is an affirmative defense to prosecution under this section that the actor's conduct was incidental to dealing with a short-barrel firearm or tire deflation device solely as an antique or curio, rather than was incidental to dealing with a switchblade knife, springblade knife, short-barrel firearm, or tire deflation device solely as an antique or curio.

(e) Provides that an offense under Subsection (a)(1) (relating to providing that a person commits an offense if the person possesses an explosive weapon), (2) (relating to providing that a person commits an offense if the person possesses a machine gun), (3) (relating to providing that a person commits an offense if the person possesses a short-barrel firearm), (4) (relating to providing that a person commits an offense if the person possesses a firearm silencer), (6) (relating to providing that a person commits an offense if the person possesses a armor-piercing ammunition), (7) (relating to providing that a person commits an offense if the person possesses a chemical dispensing device), or (8) (relating to providing that a person commits an offense if the person possesses a zip gun), rather than under Subsection (a)(1), (2), (3), (4), (7), (8), or (9) (relating to providing that a person commits an offense if the person possesses a zip gun), is a felony of the third degree. Provides that an offense under Subsection (a)(9), rather than Subsection (a)(10) (relating to providing that a person commits an offense if the person possesses a tire deflation device), is a state jail felony. Provides that an offense under Subsection (a)(5) (relating to providing that a person commits an offense if the person possesses knuckles), rather than (a)(5) (relating to providing that a person commits an offense if the person

possesses a switchblade knife) or (6) (relating to providing that a person commits an offense if the person possesses a knuckles), is a Class A misdemeanor.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2013.