

Chapter 814

H.B. No. 913

1 AN ACT

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

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

6 SECTION 1. Section 46.01, Penal Code, is amended by adding  
7 Subdivision (18) to read as follows:

8 (18) "Improvised explosive device" means a completed  
9 and operational bomb designed to cause serious bodily injury,  
10 death, or substantial property damage that is fabricated in an  
11 improvised manner using nonmilitary components. The term does not  
12 include:

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

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

19 SECTION 2. Sections 46.05(a) and (e), Penal Code, are  
20 amended to read as follows:

21 (a) A person commits an offense if the person intentionally  
22 or knowingly possesses, manufactures, transports, repairs, or  
23 sells:

24 (1) any of the following items, unless the item is

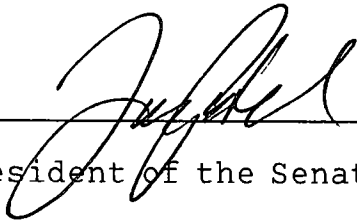
1 registered in the National Firearms Registration and Transfer  
2 Record maintained by the Bureau of Alcohol, Tobacco, Firearms and  
3 Explosives or classified as a curio or relic by the United States  
4 Department of Justice:

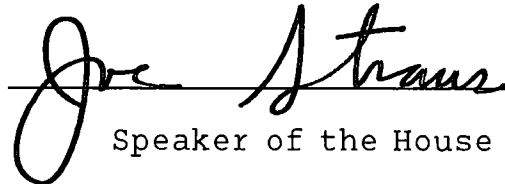
- 5 (A) an explosive weapon;
- 6 (B) a machine gun;
- 7 (C) a short-barrel firearm; or
- 8 (D) a firearm silencer;
- 9 (2) knuckles;
- 10 (3) armor-piercing ammunition;
- 11 (4) a chemical dispensing device;
- 12 (5) a zip gun; ~~[or]~~
- 13 (6) a tire deflation device; or
- 14 (7) an improvised explosive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

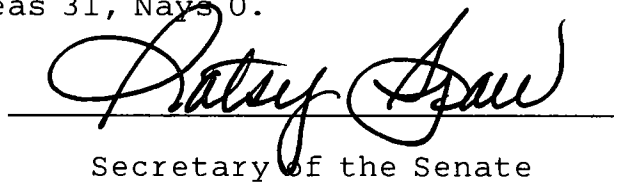
  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
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

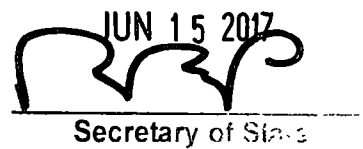
I certify that H.B. No. 913 was passed by the Senate on May 24, 2017, by the following vote: Yeas 31, Nays 0.

  
\_\_\_\_\_  
Secretary of the Senate

APPROVED: 6-10-2017  
Date

  
\_\_\_\_\_  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
3 PM O'CLOCK

JUN 15 2017  
  
\_\_\_\_\_  
Secretary of State

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 16, 2017**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB913** by Alvarado (Relating to the prosecution of the criminal offense of the possession, manufacture, transport, repair, or sale of certain prohibited explosive weapons.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Penal Code to expand the circumstances under which the offense of prohibited weapons may be prosecuted. Under the provisions of the bill, an improvised explosive device would be added to the list of prohibited weapons.

This analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant impact on the demand for state correctional resources.

The bill would take effect September 1, 2017 and apply only to an offense committed on or after the effective date of the Act.

**Local Government Impact**

According to the Texas Association of Counties, under the provisions of the bill, the number of prosecutions cannot be determined. However, TAC does not anticipate that the additional prosecutions will result in a significant fiscal impact to counties.

Travis County anticipates new operational costs based on an estimated five or six new felony cases per year with a cost per criminal disposition of \$1,299.

**Source Agencies:**

**LBB Staff:** UP, KJo, LM, JPo, JGA

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**March 22, 2017**

**TO:** Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB913** by Alvarado (relating to the prosecution of the criminal offense of the possession, manufacture, transport, repair, or sale of certain prohibited explosive weapons.), **Committee Report 1st House, Substituted**

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**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**March 5, 2017**

**TO:** Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB913** by Alvarado (Relating to the prosecution of the criminal offense of the possession, manufacture, transport, repair, or sale of certain prohibited explosive weapons.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Penal Code to expand the circumstances under which the offense of certain prohibited weapons may be prosecuted. This analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant impact on the demand for state correctional resources.

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**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**85TH LEGISLATIVE REGULAR SESSION**

**May 16, 2017**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB913** by Alvarado (Relating to the prosecution of the criminal offense of the possession, manufacture, transport, repair, or sale of certain prohibited explosive weapons.), **As Engrossed**

The provisions of the bill that would amend the Penal Code as they relate to the prosecution of certain prohibited weapons are the subject of this analysis. Under the provisions of the bill, knowingly possessing, manufacturing, transporting, repairing, or selling certain prohibited weapons would be expanded to include an improvised explosive device. Engaging in this behavior would be punishable by a third degree felony.

A third degree felony is punishable by confinement in prison for a term from 2 to 10 years and, in addition to confinement, an optional fine not to exceed \$10,000.

Expanding the list of behaviors for which a criminal penalty is applied is expected to result in increased demands on the correctional resources of counties or of the State due to a potential increase in the number of individuals placed under supervision in the community or sentenced to a term of confinement within state correctional institutions. In fiscal year 2016, 494 individuals were arrested, 64 were placed under felony community supervision, and 57 were admitted into state correctional institutions for the offense of prohibited weapons under existing statute. This analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant impact on the demand for state correctional resources.

**Source Agencies:**

**LBB Staff:** UP, LM, JPo

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

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**85TH LEGISLATIVE REGULAR SESSION**

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The provisions of the bill that would amend the Penal Code as they relate to the prosecution of certain prohibited weapons are the subject of this analysis. Under the provisions of the bill, the offense of knowingly possessing, manufacturing, transporting, repairing, or selling certain prohibited weapons would be expanded to include an improvised explosive device. The offense is punishable as a third degree felony.

A third degree felony is punishable by confinement in prison for a term from 2 to 10 years and an optional fine not to exceed \$10,000.

Expanding the list of behaviors for which a criminal penalty is applied is expected to result in increased demands upon the correctional resources of counties or of the State due to a potential increase in the number of individuals sentenced to a term of supervision in the community or a term of confinement in state correctional institutions. In fiscal year 2016, 494 individuals were arrested, 64 were placed on felony community supervision, and 57 were admitted to state correctional institutions for the offense of prohibited weapons under existing statute. This analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant impact on the demand for state correctional resources.

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**LEGISLATIVE BUDGET BOARD**  
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A third degree felony is punishable by confinement in prison for a term from 2 to 10 years and an optional fine not to exceed \$10,000.

Expanding the list of behaviors for which a criminal penalty is applied is expected to result in increased demands upon the correctional resources of counties or of the State due to longer terms of supervision in the community or longer terms of confinement in state correctional institutions. In fiscal year 2016, 494 individuals were arrested, 64 were placed on felony community supervision, and 57 were admitted to state correctional institutions for the offense of prohibited weapons. A statewide repository containing the level of detail necessary to isolate those individuals who possessed explosive weapons from all other individuals arrested and convicted under the statute referenced by the bill is not currently available. This analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant impact on the demand of state correctional resources.

**Source Agencies:**

**LBB Staff:** UP, LM, JPo