

SUBJECT: Creating an exception to offenses with certain prohibited weapons

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 7 ayes — Herrero, Moody, Canales, Hunter, Leach, Shaheen, Simpson
0 nays

WITNESSES: For — David Carter; David Matheny; Edwin Walker; Todd Rathner, NFA Freedom Alliance; Terry Holcomb, Texas Carry Inc.; Alice Tripp, Texas State Rifle Association; (*Registered, but did not testify*: Joe Palmer; Steve Dye, Grand Prairie Police Department; Tara Mica, National Rifle Association; Lon Craft, Heath Wester, Texas Municipal Police Association)

Against — None

BACKGROUND: Under Penal Code, sec. 46.05, the intentional or knowing possession of certain firearms and silencers is prohibited, but it is a defense to prosecution that the possession was pursuant to registration under the National Firearms Act.

DIGEST: HB 989 would amend the Penal Code to exclude from the items that it would be an offense to intentionally or knowingly possess, manufacture, transport, repair or sell an item that was registered in the National Firearm Registration and Transfer Record maintained by the Bureau of Alcohol, Tobacco, Firearms and Explosives or an item that was classified as a curio or relic by the U.S. Department of Justice.

The bill would repeal the provision that made registration of prohibited weapons under the National Firearms Act a defense to prosecution under the prohibited weapons offense.

This bill would take effect September 1, 2015.