

BILL ANALYSIS

Senate Research Center
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S.B. 1416
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Recently, law enforcement officials in South Texas, when in pursuit of suspects, have had to deal with the suspects throwing "tire deflation devices" at law enforcement officials' vehicles and then evading arrest as a result.

These home-made tire spikes are a threat to law enforcement and the general public, but the possession of such devices is currently not against the law.

S.B. 1416 amends Section 46.01 (Definitions), Penal Code, adding Subdivision (17) and stating the following:

"Tire deflation device" means a device, including a caltrop or spike strip, that, when driven over, impedes or stops the movement of a wheeled vehicle by puncturing one or more of the vehicle's tires.

S.B. 1416 also adds a "tire deflation device" as a prohibited weapon under Section 46.05 (Prohibited Weapons), Penal Code.

As proposed, S.B. 1416 amends current law relating to the creation of the offense of possession, manufacture, transportation, repair, or sale of a tire deflation device; providing criminal penalties.

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 Section 46.01, Penal Code, by adding Subdivision (17) to define "tire deflation device."

SECTION 2. Amends Section 46.05, Penal Code, by amending Subsection (a) and adding Subsection (b-1), as follows:

(a) Provides that a person commits an offense if the person intentionally or knowingly possesses, manufactures, transports, repairs, or sells certain weapons, including a tire deflation device. Makes a nonsubstantive change.

(b-1) Provides that it is a defense to prosecution under this section that the actor's conduct was incidental to dealing with a tire deflation device solely for the purpose of making the device available to an organization, agency, or institution listed in Subsection (b) (relating to providing a defense to prosecution under this section if the conduct was incidental to the performance of official duty by the armed forces or national guard, a governmental law enforcement agency, or a correctional facility).

SECTION 3. Effective date: September 1, 2011.