

BILL ANALYSIS

Senate Research Center

H.B. 3884
By: Dutton (Whitmire)
Criminal Justice
5/22/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 3884 amends current law relating to the carrying of knives and creates a criminal offense.

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(6), Penal Code, to define "location-restricted knife," rather than "illegal knife," and makes no further change.

SECTION 2. Amends Section 46.02, Penal Code, by amending Subsection (a) and adding Subsection (a-4), as follows:

(a) Deletes a reference to "illegal knife" in regards to committing a crime set forth in this subsection.

(a-4) Provides that a person younger than 18 years commits an offense if the person intentionally, knowingly, or recklessly carries on or about his or her person a location-restricted knife if the person is not:

- (1) on the person's own premises or premises under the person's control; or
- (2) inside of or directly en route to a motor vehicle or watercraft that is owned by the person or under the person's control.

SECTION 3. Amends Section 46.03(a), Penal Code, by changing a reference to "illegal knife" to "location-restricted knife."

SECTION 4. Amends Section 46.03, Penal Code, by amending Subsection (g) and adding Subsection (g-1), as follows:

(g) Provides that, except as provided by Subsection (g-1), an offense under this section is a third degree felony.

(g-1) Provides that, if the weapon that is the subject of the offense is a location-restricted knife, an offense under this section is a Class C misdemeanor, unless the offense occurred on the physical premises of a public or private primary or secondary school, any grounds or building on which an activity sponsored by a public or private primary or secondary school is being conducted, or a passenger transportation vehicle of a public or private primary or secondary school, in which event the offense is a third degree felony.

SECTION 5. Amends Section 46.06(a), Penal Code, to make a conforming change.

SECTION 6. Repealer: Section 46.15(e) (relating to the application of the provisions of Section 46.02 prohibiting the carrying of an illegal knife), Penal Code.

SECTION 7. Amends Section 37.007(a), Education Code, to make a conforming change.

SECTION 8. Amends Section 52.031(a), Family Code, to make a conforming change.

SECTION 9. Amends Section 53.01(d), Family Code, to make a conforming change.

SECTION 10. Provides that this Act applies only to an offense committed on or after the effective date of this Act. Makes application of this Act prospective.

SECTION 11. Effective date: September 1, 2015.