

- SUBJECT:** Removing knuckles from Penal Code's prohibited weapons list
- COMMITTEE:** Criminal Jurisprudence — favorable, without amendment
- VOTE:** 9 ayes — Collier, Zedler, K. Bell, J. González, Hunter, P. King, Moody, Murr, Pacheco
- 0 nays
- WITNESSES:** For — Michael Cargill, Texans for Accountable Government; Amos Postell; (*Registered, but did not testify:* Rachel Malone, Gun Owners of America; James Dickey and Chris Howe, Republican Party of Texas; John Baucum, Republicans Against Marijuana Prohibition; Emily Gerrick, Texas Fair Defense Project; and eight individuals.
- Against — None
- On — Shannon Edmonds, Texas District and County Attorneys Association; (*Registered, but did not testify:* David Palmer, Texas Department of Public Safety)
- BACKGROUND:** Penal Code sec. 46.05 lists prohibited weapons. It is an offense to intentionally or knowingly possess, manufacture, transport, repair, or sell certain items, including knuckles. Illegally possessing knuckles is a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000).
- Penal Code sec. 46.01 (8) defines knuckles to be any instrument with finger rings or guards made of a hard substance and designed, made, or adapted to inflict serious bodily injury or death by striking a person with a fist enclosed in the knuckles.
- DIGEST:** HB 446 would remove knuckles from the Penal Code's definition of prohibited weapons.
- The bill would take effect September 1, 2019, and would apply to offenses committed on or after that date. HB 446 would prevail over any other

conflicting act of the 86th Legislature's regular session, relating to nonsubstantive additions and corrections to codes.

**SUPPORTERS
SAY:**

HB 446 would end the unnecessary classification of knuckles as a prohibited weapon. Knuckles are primarily a defensive tool and should not be classified with explosive weapons, machine guns, and other prohibited weapons. Law abiding Texans who carry knuckles, perhaps as part of a novelty key chain, should not be vulnerable to jail time for possessing a legitimate self defense tool. HB 446 would be in line with the recent removal of another unnecessary item, switchblades, from the prohibited weapons list.

**OPPONENTS
SAY:**

No concerns identified.