

By: Martinez

H.B. No. 2583

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting the reckless discharge of a firearm;
creating an offense.

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

SECTION 1. Chapter 22, Penal Code, is amended by adding
Section 22.055 to read as follows:

Sec. 22.055. RECKLESS DISCHARGE OF FIREARM. (a) In this
section:

(1) "Blanks" means ammunition for a firearm that lacks
shot or a bullet.

(2) "Hunting" means to hunt as defined by Section
1.101, Parks and Wildlife Code.

(3) "Wildlife" has the meaning assigned by Section
43.103, Parks and Wildlife Code.

(b) A person commits an offense if the person knowingly
discharges a firearm and is reckless in regard to lacking a
reasonable target at the time of discharge.

(c) An offense under Subsection (b) is a Class A
misdemeanor, except that the offense is a felony of the first degree
if it is shown on the trial of the offense that bodily injury or
death was suffered by any person by reason of the commission of the
offense.

(d) It is a defense to prosecution under this section that
the person discharged the firearm:

1 (1) at a sport shooting range, as defined by Section
2 250.001, Local Government Code;

3 (2) while hunting wildlife as licensed, permitted, or
4 otherwise authorized by the Parks and Wildlife Department; or

5 (3) while the firearm was loaded with blanks.

6 (e) If conduct that constitutes an offense under this
7 section also constitutes an offense under another section of this
8 code, the actor may be prosecuted under this section or the other
9 section of this code.

10 SECTION 2. This Act takes effect September 1, 2017.