

## **BILL ANALYSIS**

H.B. 3386  
By: Talton  
Culture, Recreation, & Tourism  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, Section 62.081, Parks and Wildlife Code prohibits the possession of weapons on or across the land of the LCRA. While there is anecdotal evidence that LCRA is not currently enforcing this section of statute against CHL holders, the statute still exists and nothing prevents any local law enforcement agency from enforcing it now or the LCRA from deciding to enforce it in the future. CHL instructors are informed of all statutory prohibitions on carrying weapons, regardless of whether certain agencies have decided not to enforce the prohibitions, in order to protect CHL holders against unknowingly violating state statutes.

House bill 3386 creates a statutory exemption to Section 62.081 that would specifically allow CHL holders to carry on LCRA land. Such exemption is the only way to ensure that the current statute is not ever enforced against CHL holders, by LCRA or by any local law enforcement agency.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, agency, department, or institution.

### **ANALYSIS**

House bill 3386 amends Section 62.082, Subsection (d) and adds Subsection (e), Parks and Wildlife Code. The bill does not authorize a state agency, the Parks and Wildlife Department, the Department of Public Safety and the LCRA to adopt a rule that prohibits a person who possesses a CHL license to possess the handgun or to use the handgun under circumstances in which the person would be justified in the use of deadly force to enter or cross LCRA land. Furthermore, HB 3386 allows these CHL holders to enter or cross LCRA land and to use the firearm in the manner in which they were licensed.

### **EFFECTIVE DATE**

This Act takes effect September 1, 2005.