

## **BILL ANALYSIS**

Senate Research Center

H.B. 25  
By: Guillen et al. (Patrick)  
Criminal Justice  
5/18/2011  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current statute does not clearly address the authority of a person to carry a weapon in the person's watercraft, whereas the carrying of a weapon in a person's home, to and from the person's vehicle, and in the vehicle is authorized under certain circumstances.

H.B. 25 seeks to authorize the carrying of a weapon in a watercraft under certain circumstances as a means for personal protection.

H.B. 25 amends current law relating to the carrying of certain weapons in a watercraft.

### **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 46.02, Penal Code, by amending Subsections (a) and (a-1) and adding Subsection (a-3), as follows:

(a) Provides that a person commits an offense if the person intentionally, knowingly, or recklessly carries on or about his or her person a handgun, illegal knife, or club if the person is not on the person's own premises or premises under the person's control, or inside of or directly en route to a motor vehicle or watercraft that is owned by the person or under the person's control.

(a-1) Provides that a person commits an offense if the person intentionally, knowingly, or recklessly carries on or about his or her person a handgun in a motor vehicle or watercraft that is owned by the person or under the person's control at any time in which:

(1) Makes no changes to this subdivision; or

(2) the person is:

(A) engaged in criminal activity, other than a Class C misdemeanor that is a violation of a law or ordinance regulating traffic or boating; or

(B)-(C) Makes no changes to these paragraphs.

(a-3) Provides that, for purposes of this section, "watercraft" means any boat, motorboat, vessel, or personal watercraft, other than a seaplane on water, used or capable of being used for transportation on water.

SECTION 2. Amends Section 46.15(b), Penal Code, as follows:

(b) Provides that Section 46.02 (Unlawful Carrying Weapons) does not apply to a person who:

(1)-(2) Makes no changes to these subdivisions;

(3) is engaging in lawful hunting, fishing, or other sporting activity on the immediate premises where the activity is conducted, or is en route between the premises and the actor's residence, motor vehicle, or watercraft, if the weapon is a type commonly used in the activity; or

(4)-(8) Makes no changes to these subdivisions.

Makes a nonsubstantive change.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2011.