

BILL ANALYSIS

H.B. 25
By: Guillen
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that current statute does not adequately 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.

RULEMAKING AUTHORITY

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

ANALYSIS

H.B. 25 amends the Penal Code to expand the circumstances under which a person does not commit an unlawful carrying of a weapon offense to include intentionally, knowingly, or recklessly carrying a handgun, illegal knife, or club if the person is inside of or directly en route to a watercraft owned by or under the control of the person. The bill expands the conditions that constitute the offense of unlawful carrying of a weapon to include intentionally, knowingly, or recklessly carrying a handgun in a watercraft that is owned by the person or under the person's control at any time in which the handgun is in plain view or the person is engaged in criminal activity, other than a Class C misdemeanor that violates a law or ordinance regulating boating; is prohibited by law from possessing a firearm; or is a member of a criminal street gang. The bill expands the list of persons to whom the unlawful carrying of a weapon offense does not apply to include a person who is carrying a weapon commonly used in lawful hunting, fishing, or other sporting activity and is en route between the activity's premises and the actor's watercraft. The bill defines "watercraft."

EFFECTIVE DATE

September 1, 2011.