

1-1 By: Guillen, et al. (Senate Sponsor - Patrick) H.B. No. 25
1-2 (In the Senate - Received from the House May 16, 2011;
1-3 May 16, 2011, read first time and referred to Committee on Criminal
1-4 Justice; May 21, 2011, reported favorably by the following vote:
1-5 Yeas 6, Nays 0; May 21, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the carrying of certain weapons in a watercraft.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 46.02, Penal Code, is amended by
1-11 amending Subsections (a) and (a-1) and adding Subsection (a-3) to
1-12 read as follows:

1-13 (a) A person commits an offense if the person intentionally,
1-14 knowingly, or recklessly carries on or about his or her person a
1-15 handgun, illegal knife, or club if the person is not:

1-16 (1) on the person's own premises or premises under the
1-17 person's control; or

1-18 (2) inside of or directly en route to a motor vehicle
1-19 or watercraft that is owned by the person or under the person's
1-20 control.

1-21 (a-1) A person commits an offense if the person
1-22 intentionally, knowingly, or recklessly carries on or about his or
1-23 her person a handgun in a motor vehicle or watercraft that is owned
1-24 by the person or under the person's control at any time in which:

1-25 (1) the handgun is in plain view; or

1-26 (2) the person is:

1-27 (A) engaged in criminal activity, other than a
1-28 Class C misdemeanor that is a violation of a law or ordinance
1-29 regulating traffic or boating;

1-30 (B) prohibited by law from possessing a firearm;
1-31 or

1-32 (C) a member of a criminal street gang, as
1-33 defined by Section 71.01.

1-34 (a-3) For purposes of this section, "watercraft" means any
1-35 boat, motorboat, vessel, or personal watercraft, other than a
1-36 seaplane on water, used or capable of being used for transportation
1-37 on water.

1-38 SECTION 2. Section 46.15(b), Penal Code, is amended to read
1-39 as follows:

1-40 (b) Section 46.02 does not apply to a person who:

1-41 (1) is in the actual discharge of official duties as a
1-42 member of the armed forces or state military forces as defined by
1-43 Section 431.001, Government Code, or as a guard employed by a penal
1-44 institution;

1-45 (2) is traveling;

1-46 (3) is engaging in lawful hunting, fishing, or other
1-47 sporting activity on the immediate premises where the activity is
1-48 conducted, or is en route between the premises and the actor's
1-49 residence, ~~or~~ motor vehicle, or watercraft, if the weapon is a
1-50 type commonly used in the activity;

1-51 (4) holds a security officer commission issued by the
1-52 Texas Private Security Board, if the person is engaged in the
1-53 performance of the person's duties as an officer commissioned under
1-54 Chapter 1702, Occupations Code, or is traveling to or from the
1-55 person's place of assignment and is wearing the officer's uniform
1-56 and carrying the officer's weapon in plain view;

1-57 (5) acts as a personal protection officer and carries
1-58 the person's security officer commission and personal protection
1-59 officer authorization, if the person:

1-60 (A) is engaged in the performance of the person's
1-61 duties as a personal protection officer under Chapter 1702,
1-62 Occupations Code, or is traveling to or from the person's place of
1-63 assignment; and

1-64 (B) is either:

2-1 (i) wearing the uniform of a security
2-2 officer, including any uniform or apparel described by Section
2-3 1702.323(d), Occupations Code, and carrying the officer's weapon in
2-4 plain view; or

2-5 (ii) not wearing the uniform of a security
2-6 officer and carrying the officer's weapon in a concealed manner;

2-7 (6) is carrying a concealed handgun and a valid
2-8 license issued under Subchapter H, Chapter 411, Government Code, to
2-9 carry a concealed handgun of the same category as the handgun the
2-10 person is carrying;

2-11 (7) holds an alcoholic beverage permit or license or
2-12 is an employee of a holder of an alcoholic beverage permit or
2-13 license if the person is supervising the operation of the permitted
2-14 or licensed premises; or

2-15 (8) is a student in a law enforcement class engaging in
2-16 an activity required as part of the class, if the weapon is a type
2-17 commonly used in the activity and the person is:

2-18 (A) on the immediate premises where the activity
2-19 is conducted; or

2-20 (B) en route between those premises and the
2-21 person's residence and is carrying the weapon unloaded.

2-22 SECTION 3. The change in law made by this Act applies only
2-23 to an offense committed on or after the effective date of this Act.
2-24 An offense committed before the effective date of this Act is
2-25 covered by the law in effect when the offense was committed, and the
2-26 former law is continued in effect for that purpose. For purposes of
2-27 this section, an offense was committed before the effective date of
2-28 this Act if any element of the offense occurred before that date.

2-29 SECTION 4. This Act takes effect September 1, 2011.

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