

By: Flynn

H.B. No. 77

A BILL TO BE ENTITLED

AN ACT

relating to the carrying of certain weapons in watercraft.

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

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

(a) 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:

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

(2) 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) 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) the handgun is in plain view; 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;

(B) prohibited by law from possessing a firearm;

1 or

2 (C) a member of a criminal street gang, as
3 defined by Section 71.01.

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

8 SECTION 2. Section 46.15(b), Penal Code, is amended to read
9 as follows:

10 (b) Section 46.02 does not apply to a person who:

11 (1) is in the actual discharge of official duties as a
12 member of the armed forces or state military forces as defined by
13 Section 431.001, Government Code, or as a guard employed by a penal
14 institution;

15 (2) is traveling;

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

21 (4) holds a security officer commission issued by the
22 Texas Private Security Board, if the person is engaged in the
23 performance of the person's duties as an officer commissioned under
24 Chapter 1702, Occupations Code, or is traveling to or from the
25 person's place of assignment and is wearing the officer's uniform
26 and carrying the officer's weapon in plain view;

27 (5) acts as a personal protection officer and carries

1 the person's security officer commission and personal protection
2 officer authorization, if the person:

3 (A) is engaged in the performance of the person's
4 duties as a personal protection officer under Chapter 1702,
5 Occupations Code, or is traveling to or from the person's place of
6 assignment; and

7 (B) is either:

8 (i) wearing the uniform of a security
9 officer, including any uniform or apparel described by Section
10 1702.323(d), Occupations Code, and carrying the officer's weapon in
11 plain view; or

12 (ii) not wearing the uniform of a security
13 officer and carrying the officer's weapon in a concealed manner;

14 (6) is carrying a concealed handgun and a valid
15 license issued under Subchapter H, Chapter 411, Government Code, to
16 carry a concealed handgun of the same category as the handgun the
17 person is carrying;

18 (7) holds an alcoholic beverage permit or license or
19 is an employee of a holder of an alcoholic beverage permit or
20 license if the person is supervising the operation of the permitted
21 or licensed premises; or

22 (8) is a student in a law enforcement class engaging in
23 an activity required as part of the class, if the weapon is a type
24 commonly used in the activity and the person is:

25 (A) on the immediate premises where the activity
26 is conducted; or

27 (B) en route between those premises and the

1 person's residence and is carrying the weapon unloaded.

2 SECTION 3. The change in law made by this Act applies only
3 to an offense committed on or after the effective date of this Act.
4 An offense committed before the effective date of this Act is
5 covered by the law in effect when the offense was committed, and the
6 former law is continued in effect for that purpose. For purposes of
7 this section, an offense was committed before the effective date of
8 this Act if any element of the offense occurred before that date.

9 SECTION 4. This Act takes effect September 1, 2011.