

SUBJECT: Allowing concealed handguns on Lower Colorado River Authority lands

COMMITTEE: Law Enforcement — favorable, without amendment

VOTE: 6 ayes — Driver, Garza, Hupp, Y. Davis, Hegar, Keel
1 nay — Burnam

WITNESSES: For — Ann del Llano, American Civil Liberties Union of Texas; Ross W. Bransford; Alice Tripp, Texas State Rifle Association

Against — None

BACKGROUND: The 43rd Legislature enacted the Lower Colorado River Authority Act of 1934 to create the Lower Colorado River Authority (LCRA) as a conservation and reclamation district. LCRA operates six dams on the lower Colorado River for flood control and water supplies. The district also operates electric generating plants and maintains parks.

In 1975, the 64th Legislature enacted Parks and Wildlife Code, sec. 62.081, prohibiting anyone from hunting with, possessing, or shooting a firearm, bow, crossbow, slingshot, or any other weapon on or across LCRA land, with certain exceptions. Sec. 62.082 allows the LCRA board of directors to lease land on a nonprofit basis for rifle or archery ranges; for instruction of boy scouts or girl scouts in the use of firearms, bows, or crossbows; or for hunting. The prohibition against firearms and other weapons does not apply to LCRA employees or to peace officers.

DIGEST: HB 2086 would exempt from the prohibition against carrying and using weapons on LCRA land a person who was licensed to carry a concealed handgun or who shot a handgun under circumstances in which the person would be justified in using deadly force under the concealed-weapon statute. It would prohibit the LCRA, Department of Public Safety, or another state agency from adopting a rule that would forbid such a person to carry a concealed handgun while entering or crossing LCRA land.

The bill would take effect September 1, 2003.

HB 2086
House Research Organization
page 2

**SUPPORTERS
SAY:**

HB 2086 would eliminate the possibility that a concealed handgun licensee could be imprisoned for a technical violation of the law. Under current fiscal conditions, the state should reduce the likelihood of incarcerating people at taxpayer expense for nonviolent offenses.

The bill would apply only to the 16,000 acres of recreational lands under LCRA control and not to power plants, dams, or other facilities not open to the public. It is not feasible to post notices along the entire fence line of LCRA parks and to notify concealed handgun holders that they may be violating the law. Decisions about use of land open to the public should be made by the elected members of the Legislature, rather than through an administrative rule-making process.

Texans apply for concealed handgun permits because of their concerns about personal safety and protection. They must meet strict state standards and must undergo training on use of deadly force. People with these qualifications should be allowed to possess their handguns while camping, fishing, or hiking in LCRA parks.

**OPPONENTS
SAY:**

State law allows local governments to prohibit the carrying of concealed handguns in public places. Other political subdivisions and agencies of the state should have the same authority to make the decisions about policies on lands they manage. Also, allowing concealed handguns in a crowded public park could pose a danger to the public.