

SUBJECT: Carrying a weapon in a recreational vehicle used as living quarters

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: 5 ayes — Keel, Ellis, Hodge, Pena, Talton
0 nays
4 absent — Riddle, Denny, Dunnam, P. Moreno

WITNESSES: For — Alice Tripp, Texas State Rifle Association
Against — None

BACKGROUND: Penal Code, sec. 46.02 makes it an offense for a person intentionally, knowingly, or recklessly to carry on or about themselves a handgun, illegal knife, or club. The offense is a Class A misdemeanor (punishable by up to one year in jail and/or a maximum fine of \$4,000) unless it occurs on premises licensed or permitted to sell alcohol, in which case it is a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000).

Under sec. 46.15(b)(2), this prohibition against carrying weapons generally does not apply to people who are on their own premises or on premises under their control.

DIGEST: CSHB 284 would define the premises on which people may carry handguns, illegal knives, and clubs to include recreational vehicles being used by a person as living quarters, whether temporary or permanent. Recreational vehicles would include travel trailers, camping trailers, truck campers, motor homes, and horse trailers with living quarters.

The bill would take effect September 1, 2003, and apply only to offenses committed on or after that date.

SUPPORTERS SAY: CSHB 284 would clear up confusion over whether people legally can carry weapons in their recreational vehicles by specifying that these vehicles would be considered the same as any other premises. People may carry weapons in

their homes, apartments, and hotels, and they should be able to do so in recreational vehicles. The bill would include recreational vehicles used as living quarters on both a permanent and temporary basis, because in each situation, the vehicle is used as a home and is under a person's control.

CSHB 284 would not broaden or change current law and would not lead to an increase in weapons or violence. People would not use weapons any more freely if this bill were enacted, because all other laws pertaining to the use of weapons would continue to apply.

The exception in current law allowing people to carry weapons while traveling applies only when people are in route to somewhere, not after arrival. CSHB 284 would fill this gap in current law for people traveling in a recreational vehicle so they could carry weapons while traveling and keep them in the vehicle after arriving.

Questions about carrying weapons in recreational vehicles have occurred in other states, and CSHB 284 would ensure that they do not occur in Texas.

**OPPONENTS
SAY:**

CSHB 284 unwisely would expand current law allowing weapons on certain premises. By allowing weapons in recreational vehicles, which can move freely about the roads, the bill would increase the number of guns in public places, which could increase gun violence. Recreational vehicles are not analogous to homes or other premises, because they are mobile and often temporary. In homes or other premises, guns can be secured, and the number of people with access to them restricted more easily. It could be especially dangerous for guns to be in recreational vehicles on campgrounds, where people often are more relaxed about securing property.

NOTES:

The committee substitute replaced a reference to a definition of recreational vehicle in the Transportation Code with the language in the bill defining recreational vehicle.