

**SUBJECT:** Permitting the legal carrying of weapons in watercraft

**COMMITTEE:** Criminal Jurisprudence —favorable, without amendment

**VOTE:** 5 ayes — Gallego, Hartnett, Carter, Rodriguez, Zedler  
0 nays  
4 absent — Aliseda, Burkett, Christian, Y. Davis

**WITNESSES:** For — (*Registered, but did not testify:* Tara Mica, National Rifle Association; Marissa Stewart; Alice Tripp, Texas State Rifle Association)  
Against — None  
On — (*Registered, but did not testify:* Jeffery Parrish, Texas Parks and Wildlife Department)

**BACKGROUND:** Penal Code, sec. 46.02 makes it illegal to intentionally, knowingly, or recklessly carry on one's person a handgun, illegal knife, or club. Carrying a weapon on one's own premises or inside of or directly en route to the person's vehicle is permitted.

Penal Code, sec. 46.02 (a-1) makes it illegal to intentionally, knowingly, or recklessly carry on one's person a handgun in a motor vehicle owned by the person or under the person's control if a person:

- has the handgun in plain view;
- is engaged in criminal activity other than a Class C misdemeanor traffic offense;
- is prohibited by law from possessing a firearm; or
- is a member of a criminal street gang.

Penal Code, sec.46.15 states that sec. 46.02 does not apply to a person who is lawfully hunting, fishing, or engaging in a sporting activity while on or traveling to the premises where a weapon of the type carried is commonly used.

**DIGEST:** HB 25 would amend Penal Code, sec. 46.02 to allow carrying of a weapon in a watercraft that was owned or controlled by the person carrying the weapon. The bill would define watercraft as any boat, motorboat, vessel, or personal watercraft, other than a seaplane on water, that could be used for transportation on the water.

The bill would amend Penal Code, sec. 46.02 (a-1) to include carrying a handgun within a watercraft and would exempt boating violations that were class C misdemeanors from the type of criminal activity that would prohibit carrying of weapons in a boat.

HB 25 also would amend Penal Code, sec. 46.15 (b) to allow the legal carrying of weapons on boats while hunting, fishing, or engaging in other sporting activities while on or traveling to the immediate premises of the activity.

The bill would take effect on September 1, 2011, and would apply only to an offense committed on or after that date.

**SUPPORTERS  
SAY:**

HB 25 would make a small, but logical, change in ongoing efforts to protect Texans' right to bear arms under the U.S. and state constitutions. Existing law already permits the legal possession of a handgun in a person's vehicle, even without a concealed handgun license, and HB 25 would simply add watercraft to the statute. A person should be allowed to carry a weapon directly from the person's car or pickup to his or her boat.

Texas lakes, rivers, and coastal waterways often are isolated and unpopulated. HB 25 would allow a person eligible to possess a firearm under state and federal law to have a handgun in that person's watercraft for personal protection. The bill would define watercraft broadly enough that it could include anything from a kayak to a yacht.

The doctrine of legal carrying of weapons while traveling has become well established after revisions during several legislative sessions. HB 25 should not materially change how the law is interpreted or applied.

**OPPONENTS  
SAY:**

Even a relatively minor change in the law, such as the one that would be created by HB 25, could cause confusion about how to apply the traveling provisions, reigniting the debate about the definition of legal carrying of weapons while traveling.