

SUBJECT: Allowing concealed handguns on Lower Colorado River Authority lands

COMMITTEE: Culture, Recreation, and Tourism — favorable, without amendment

VOTE: 4 ayes — Hilderbran, Dunnam, Gallego, Phillips

0 nays

3 absent — Kuempel, Baxter, Dukes

WITNESSES: For — Tara Mica, National Rifle Association; Alice Tripp, Texas State Rifle Association; (*Registered but did not testify*: Kirby Brown, Texas Wildlife 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 dams on the lower Colorado River for flood control and water supplies. The district also operates electric generating plants and maintains parks.

Parks and Wildlife Code, sec. 62.081 prohibits 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 3386 would amend sec. 62.082 to stipulate that the ban on possessing or shooting a firearm on LCRA land did not apply to:

- possession of a concealed handgun by a concealed handgun licensee; or
- shooting of a handgun by a concealed handgun licensee who was justified in using deadly force and licensed to carry the handgun that was shot.

No state agency, including the LCRA or the Department of Public Safety, could adopt a rule prohibiting a concealed handgun licensee from entering or crossing LCRA land while:

- possessing a concealed handgun that the licensee was licensed to carry; or
- shooting of a handgun that the licensee was licensed to carry if the use of deadly force was justified.

The bill would take effect September 1, 2005, and would apply to an offense committed on or after that date.

**SUPPORTERS
SAY:**

HB 3386 would eliminate the possibility that a concealed handgun licensee could be imprisoned for a technical violation of 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 undergo training on the 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:**

Political subdivisions and agencies of the state should have authority to make the decisions about policies on lands they manage. Many families bring children to LCRA campgrounds and parks. Allowing a person to possess a concealed handgun in such an environment could pose a serious threat. Also, allowing concealed handguns in a crowded public park could pose a danger to the public.