

Open Carry Update

A photograph of the Texas State Capitol building in Austin, Texas. The building is a large, classical-style structure with a prominent central dome and a portico with columns. The sky is blue with scattered white clouds. In the foreground, there is a green lawn and a paved road. A Texas state flag is visible on a pole near the building.

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Open Carry Legislation (HB 910)

- This bill eliminates the distinction between concealed and open carry and creates a general “license to carry” a handgun (LTC).
- It changes the punishment scheme for license holders unlawfully carrying concealed under § 30.06 and applies it to persons carrying openly under § 30.07.
 - A violation is a Class C misdemeanor.
 - But if the license holder is given oral notice of the prohibition a fails to leave, the offense is enhanced to a Class A.
- It requires instructors to include training on the “use of restraint holsters and methods to ensure the secure carrying of openly carried handguns.”
- This law went into effect on January 1, 2016

Places where Unlicensed Carrying of Firearms is Allowed

Place or Activity	Exceptions
Own premises	None
Personal vehicle or watercraft	Can't be in plain view
Public Place (long guns)	Possible disorderly conduct offense or if some type of "no firearms" sign is present

Places where Licensed Open or Concealed Carry is Allowed

Place or Activity	Exceptions
Own premises	None
Personal vehicle or watercraft	None
Generally in public areas	As long as the handgun is holstered or concealed and there are no specific prohibitions
Premises of employment	Unless restricted by employer (does not apply to vehicle in a parking lot)

Places Prohibiting Firearms

Place or Activity	Exceptions
Physical premises of a school/education institution, grounds or buildings where activity is sponsored, or in a transportation vehicle	Written authorization from administration
Polling place (early voting & day of election)	None
Premises of court or court offices	Authorization by the judge
Premises of a racetrack	None
Secured area of an airport	None but CHL holders get a do-over
Within 1000 ft. of an execution	None unless person is traveling on roadway

Prohibition on Concealed/Open Carry

Place or Activity	Exceptions
On private property if 30.06 or 30.07 notice is posted	If 30.06 or 30.07 notice is deficient
Governmental meeting room if 30.06 or 30.07 notice is posted	If 30.06 or 30.07 notice is deficient
Premises of TABC-licensed business (51%)	None but 51% sign needs to be posted
If license holder is intoxicated	None
Premises where a high school, collegiate, or professional sporting event is taking place	If event involves a shooting sport
Premises of a correctional facility	None
Hospital or nursing home with 30.06 or 30.07 sign posted	Written authorization from administration
Amusement park with 30.06 or 30.07 sign posted	If 30.06 or 30.07 notice is deficient

Open Carry Notice Requirements (HB 910)

- It allows for entities to provide notice to prohibit concealed carry, open carry, or both by:
 - telling a person that he cannot carry a weapon on the property;
 - providing a “card or other document” that contains the language *identical* to the code; or
 - posting a sign displayed in a conspicuous manner to the public at each entrance to the property.
- If a sign is posted, it must:
 - contain language that is *identical* to the code;
 - be in both English and Spanish;
 - appear in contrasting colors with block letters at least one inch in height; and
 - be posted in a conspicuous place at each entrance.

§ 30.06 & § 30.07 Language

- "Pursuant to Section 30.06, Penal Code (trespass by license holder with [~~of license to carry~~] a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (~~[concealed]~~ handgun licensing law), may not enter this property with a concealed handgun";
- "Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly"

Wrongful Exclusion of CHL Holders (SB 273)

- § 411.209 of the Govt. Code prohibits a state or local agency from posting any signs prohibiting the carrying a concealed weapon on the premises or other place owned or leased by the agency unless prohibited under § 46.03 or § 46.035.
- Violations may incur penalties of:
 - \$1,000 - \$1,500 per day for the first violation or
 - \$10,000 - \$15,000 per day for the second violation.
- The Attorney General will investigate violations if needed.

The End

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