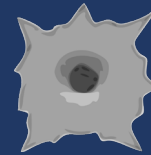


Texas Constitutional Carry

Firearm Carry Act HB 1927



By Denis Potvin & Paul Wyatt

The Legislation: H.B. 1927

- Constitutional basis for legislation:
 - Second Amendment of United States Constitution
 - Section 23 Article I of the Texas Constitution
- Bill allows any Texan not otherwise prohibited to carry a handgun without the necessity of a license.
- Prior legislation:
 - License to carry handgun
 - Fingerprinting
 - Safety Course
 - Written Exam and Shooting Proficiency



Prohibitions on Constitutional Carry

People prohibited from possessing firearms:

- Under 21
- Intoxicated People
- Felons
- Those Convicted of Certain Crimes



Where are guns allowed?

Public areas of city facilities, like libraries and recreation centers

Texas State Capitol

Outside in public
(walking down the street)

Concealed gun anywhere on the body. Concealing a gun is still allowed.

Places of business with no visible signage prohibiting handgun

Open carry in holster

Where aren't guns allowed?



Secured areas of the Airport

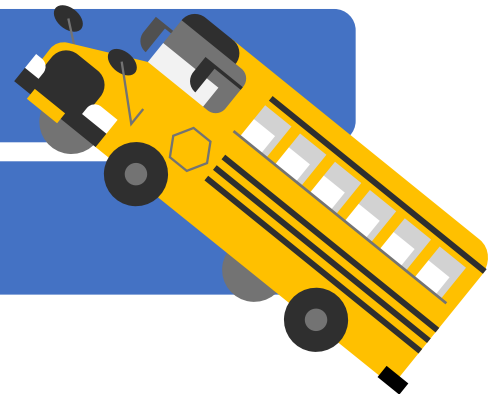
Courtrooms

Polling places on any voting days

Schools

Bars/Restaurants that sell <51% alcohol

A room(s) where an open governmental meeting is occurring



PURSUANT TO SECTION 30.05,
PENAL CODE (CRIMINAL
TRESPASS), A PERSON MAY
NOT ENTER THIS PROPERTY
WITH A FIREARM.

CONFORME A LA SECCIÓN 30.05
DEL CÓDIGO PENAL (ENTRADA
ILEGAL), UNA PERSONA NO PUEDE
ENTRAR A ESTA PROPIEDAD CON
UN ARMA DE FUEGO.

**CONCEALED
HANDGUNS
PROHIBITED**



PURSUANT TO SECTION 30.06
PENAL CODE (TRESPASS BY
LICENSE HOLDER WITH A
CONCEALED HANDGUN) A PERSON
LICENSED UNDER SUBCHAPTER H,
CHAPTER 411, GOVERNMENT CODE
(CONCEALED HANDGUN LAW),
MAY NOT ENTER THIS PROPERTY
WITH A CONCEALED HANDGUN.

**OPENLY CARRIED HANDGUN
IS PROHIBITED**



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.

Private Business Opt Out

Effect on Law Enforcement



Section 14.03 Amended to allow a peace officer to disarm a person if

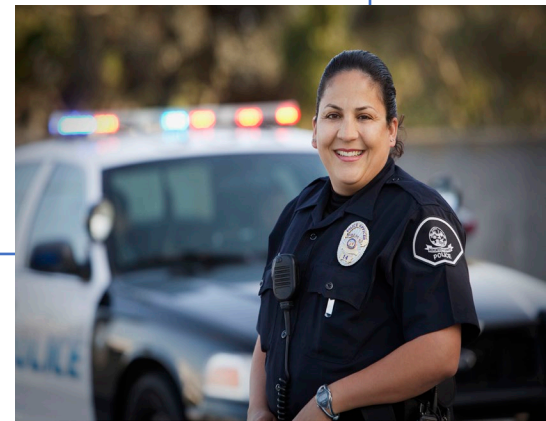
- In discharge of his official duties reasonably believes it is necessary
- Anyone who enters a nonpublic secure portion of a police station

Section 55.01

- Allows for criminal record expunction of a conviction under the prior version of the statute which prohibited open carry of clubs and illegal knives.

Legislative Compromise

- Second draft amended Govt. Code Section 411 to prohibit law enforcement from detaining/investigating a person because they have a gun
- Senate draft removed this prohibition



Texas Department of Public Safety

- Now required to compile reports on:
 - Number of applicants for license to carry
 - Other relevant information relates to firearm carry (not defined)
- DPS must identify entities with this information and may require regular reports
- DPS report is due to legislature by February 1 of each year
- DPS must develop and post, free of charge, firearm safety and handling course and post on its website

Criminal Penalties



Class C Misdemeanor

- Entry on property with firearm where forbidden
- \$200 Fine

Class A Misdemeanor

- Entry of opted out business and does not leave
- Display of handgun in public
- Carries handgun while intoxicated when not at home or a vehicle
- \$500 fine and/or up to 1 year in jail

Felony

- Person carries a handgun, intentionally, knowingly, or recklessly
- The person is not on their property or headed to their car and
- Was prohibited from possession a firearm.

Benefits of a Texas License to Carry

Airport:

- License holders have protections related to the accidental carrying of a firearm in the secured area.

Business:

- Businesses may choose to allow licensed carry on their premises.

Government Meetings:

- License holders can carry in a meeting. (30.06 & 30.07 still apply)

University Campuses:

- License still required to carry on university campuses; “Campus Carry” is unchanged.

Campus Carry

- Public four-year universities (as of August 1, 2016) and public two-year colleges (as of August 1, 2017) must allow concealed carry in campus buildings as well.
- Universities will be allowed to establish rules and regulations regarding safety but may not generally prohibit concealed carry on the campus.
- Only with a license to Carry.

Where Can a Local Government Prohibit Guns?



Can Local Government Prohibit Guns?

- A political subdivision isn't a "person" as defined in Penal Code Section 1.07(a)(38).
- Penal Code Section 30.05(c) allows a "person" or business to prohibit unlicensed carrying anywhere on their property by the posting of a sign with similar language

Can I carry a concealed
handgun into an open
meeting?

With a License -- YES

- Unlicensed carry prohibited at open meetings.
- Exception: concealed carry by a license holder allowed.
- Unless,
 - The governmental body has posted the usual Penal Code 30.06 and/or 30.07 signs.

Does State law preempt firearm regulation by local government?

- Transfer, possession, wearing, carrying, ownership, storage, transportation, licensing, or registration of firearms, air guns, knives, ammunition, supplies, or accessories
- Commerce in firearms, air guns, knives, ammunition, supplies and accessories; or
- Discharge of a firearm or air gun at a sport shooting range

Texas can sue cities or political subdivisions

- Improper posting 30.06, or 30.07 signs
 - Unless 46.03 (prohibited places) is the reason.
- Civil penalty of:
 - (a) not less than \$1,000 and not more than \$1,500 for the first violation; and
 - (b) not less than \$10,000 and not more than \$10,500 for the second or a subsequent violation;

Final Thoughts

