

## **What You Need to Know:**

### *A Citizens' Guide to Licensed Handgun Carry and City Facilities*

#### **Licensed Carry of a Handgun**

Texas' much anticipated "open carry law" will become effective on January 1, 2016. The law modifies the current concealed handgun license law that has been in place since 1995. It eliminates the concealed/open carry distinction, and it creates a "license to carry a handgun."

Beginning on January 1, 2016, a person with a current concealed handgun license, or a person who obtains the new "license to carry a handgun," may carry a handgun in a concealed manner or openly in a belt or shoulder holster.

The rules related to where and when a license holder may openly carry are essentially identical to where and when a concealed handgun license holder has been able to carry for 20 years. Of course, the difference is that no one knows when a person is concealed carrying, and some are uncomfortable with the idea of a holstered handgun being displayed in public.



#### **Where does state law prohibit a license holder from carrying a handgun?**

State law prohibits the carrying of firearms in certain places. For example, it is a crime to take a gun onto the premises of a school, a polling place, or a court.

The law also expressly prohibits a handgun license holder from carrying in a government meeting, if the person receives notice that doing so is prohibited.

#### **Why doesn't the city council prohibit license holders from carrying a handgun in city facilities?**

Beyond the three places listed above, a city council has essentially no authority to prohibit a license holder from carrying in areas that are otherwise open to the public. Any attempt to do so can lead to the attorney general bringing a civil action against the city for monetary penalties.

#### **What should I do when I see a person openly carrying a handgun?**

Don't panic. If you see any person acting suspicious (armed or not), you should contact city staff and/or law enforcement.

However, the mere fact that a person is carrying a holstered handgun is a sight Texans will have to get used to. In fact, most city attorneys will likely advise law enforcement officers to use discretion in making contact with such a person, considering the totality of the circumstances.

City employees should arguably follow the same restrictions. For example, if a person enters a city library or recreation facility with a holstered handgun, the employees should do nothing unless the person causes a disturbance. If that happens, summoning law enforcement is the best course of action.

#### **If I don't agree with open carry in a city facility, who should I contact?**

The state legislature is the body that enacted the open carry law. You can find and contact your state representative and/or senator at [www.capitol.state.tx.us](http://www.capitol.state.tx.us).

*This guide is not meant as legal advice. In every case, city staff and law enforcement should consult with legal counsel to understand their authority to investigate a person who is openly carrying in Texas.*