

# Guns in Transit – Texas Style

## OUTLINE

- *Texas Constitution*
- *Carry Licenses*
- *Ability to Restrict Guns, Generally*
- *Employee Restrictions*
- *Open Meeting Restrictions*
- *Vehicle Restrictions*



# Texas Constitution

- Bill of Rights, Article 1, Section 23
- “Every citizen shall have the right to **keep** and **bear** arms in the **lawful defense** of himself or the State; but the **Legislature** shall have power, by law, to regulate the **wearing** of arms, with a view to **prevent crime.**”

# Do you need a license?

- Handgun – yes
  - Concealed Carry
  - Open Carry
- Other types of guns - No



# Concealed Handgun License (CHL)

- Gun cannot be visible, and its presence cannot be discernible through ordinary observation
- Law changed effective 1/1/2016



# License to Carry (LTC)

- Allows conceal and/or open carry
- Open carry - must use shoulder or belt holster
- Eligibility for license
  - Legal resident for 6 month
  - 21+ (18 if military)
  - Meet fed requirements to purchase
  - Handgun course
  - Not ineligible (felon, psychological diagnosis, etc.)

# Licensed Carriers

- Ability to restrict by statute only
- Private business can restrict but govt. can't
  - Except employees (but not in car)
  - Except publicly posted meetings (but post sign)

# Employee Restriction

- Prohibit in your facilities
- Does not include their cars
- Can't prohibit the public from carrying in your facility if licensed (how to deal with employee discomfort)
- *Tex AG Opinion No. JC -0325 (2001) (govt employer can bar entry by verbal notice, sign, or other written notice)*

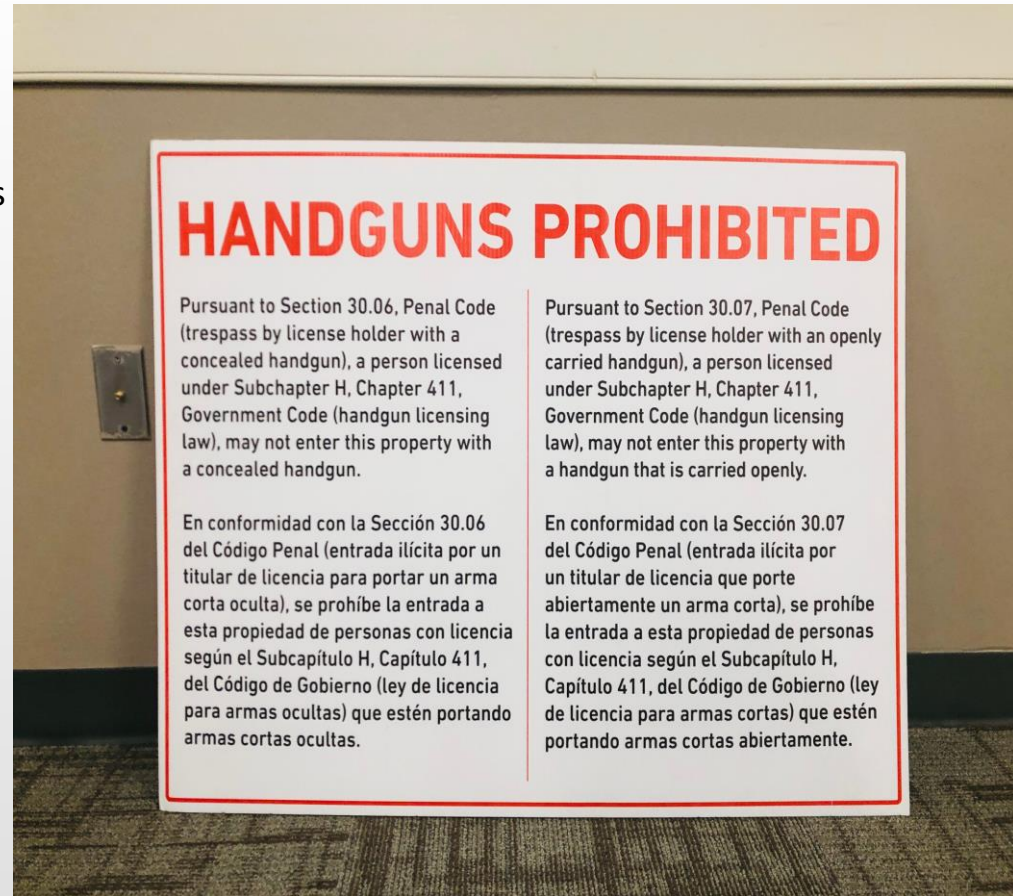


# Public Meeting Restriction

- Closed Meeting – no restriction
- Open/Public Meeting – ability to restrict with proper written notice
  - Place sign at room entrance; remove at conclusion
  - Restriction applies only to open meeting room(s)
- Jan 2019: Texas AG challenged City of Austin ban of guns at City Hall – court found ban violated open carry law; City fined \$9,000

# Statutory Notice Requirements

- Penal Code 30.06
  - English and Spanish
  - 1-inch high, contrasting color block letters
  - Displayed conspicuously
  - Clearly visible to public



# Guns on Vehicles

- Virtually no restrictions...
- Public transportation authority cannot restrict except as permitted by law
  - Illegal type of gun (machine gun)
  - Carry without proper license (but how to determine this?)
  - Display gun in a manner calculated to alarm