

Definitions

Campus

"Campus" means all land and buildings owned or leased by an institution of higher education. *Gov't Code 411.2031(a)(1), .2032*

Firearm

A "firearm" is any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use. *Penal Code 46.01(3)*

Location-Restricted
Knife

A "location-restricted knife" is a knife with a blade over five and one-half inches. *Penal Code 46.01(6)*

Club

A "club" is an instrument that is specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, and includes, but is not limited to, a blackjack, nightstick, mace, and tomahawk. *Penal Code 46.01(1)*

Prohibited Weapons

"Prohibited weapons" include:

1. Any of the following items, unless the item is registered in the National Firearms Registration and Transfer Record maintained by the Bureau of Alcohol, Tobacco, Firearms and Explosives or otherwise not subject to that registration requirement or unless the item is classified as a curio or relic by the U.S. Department of Justice:
 - a. An explosive weapon (any explosive or incendiary bomb, grenade, rocket, or mine that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror, and includes a device designed, made, or adapted for delivery or shooting an explosive weapon). *Penal Code 46.01(2)*
 - b. A machine gun (any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger). *Penal Code 46.01(9)*
 - c. A short-barrel firearm (rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a shotgun or rifle if, as altered, it has an overall length of less than 26 inches). *Penal Code 46.01(10)*
2. Armor-piercing ammunition (handgun ammunition that is designed primarily for the purpose of penetrating metal or body armor and to be used primarily in pistols and revolvers). *Penal Code 46.01(12)*

3. A chemical dispensing device (a device, other than a small chemical dispenser sold commercially for personal protection, that is designed, made, or adapted for the purpose of dispensing a substance capable of causing an adverse psychological or physiological effect on a human being). *Penal Code 46.01(14)*
4. A zip gun (a device or combination of devices that was not originally a firearm and is adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance). *Penal Code 46.01(16)*
5. A tire deflation device (a device, including a caltrop or spike strip, that, when driven over, impedes or stops the movement of a wheeled vehicle by puncturing one or more of the vehicle's tires; it does not include a traffic control device that is designed to puncture one or more of a vehicle's tires when driven over in a specific direction, and has a clearly visible sign posted in close proximity to the traffic control device that prohibits entry or warns motor vehicle operators of the traffic control device). *Penal Code 46.01(17)*
6. A firearm silencer (any device designed, made, or adapted to muffle the report of a firearm), unless the firearm silencer is classified as a curio or relic by the United States Department of Justice or the actor otherwise possesses, manufactures, transports, repairs, or sells the firearm silencer in compliance with federal law. *Penal Code 46.01(4)*
7. An improvised explosive device (a completed and operational bomb designed to cause serious bodily injury, death, or substantial property damage that is fabricated in an improvised manner using nonmilitary components. The term does not include unassembled components that can be legally purchased and possessed without a license, permit, or other governmental approval or an exploding target that is used for firearms practice, sold in kit form, and contains the components of a binary explosive). *Penal Code 46.01(19)*

Penal Code 46.05(a)

Premises

“Premises” means a building or a portion of a building. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area. *Penal Code 46.03(c)(1), .035(f)(3); Gov't Code 411.2031(a)(3)*

General Provisions

A person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, location-restricted knife, or prohibited weapon listed in Penal Code 46.05(a):

1. On the physical premises of a school or educational institution, any grounds or building on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution, unless:
 - a. Pursuant to written regulations or written authorization of the institution; or
 - b. The person possesses or goes with a concealed handgun that the person is licensed to carry under Subchapter H, Chapter 411, Government Code, and no other weapon to which this section applies, on the premises of an institution of higher education or private or independent institution of higher education, on any grounds or building on which an activity sponsored by the institution is being conducted, or in a passenger transportation vehicle of the institution; or
2. On the premises of a polling place on the day of an election or while early voting is in progress.

Penal Code 46.03

A person commits an offense if the person intentionally, knowingly, or recklessly carries on or about his or her person a location-restricted knife, is younger than 18 years of age at the time of the offense, and is not:

1. On the person's own premises or premises under the person's control;
2. Inside of or directly en route to a motor vehicle or watercraft that is owned by the person or under the person's control; or
3. Under the direct supervision of a parent or legal guardian of the person.

Penal Code 46.02(a-4)

Interscholastic
Events
Handguns

A license holder commits an offense if the license holder intentionally, knowingly, or recklessly carries a handgun under the authority of Government Code Chapter 411, Subchapter H, regardless of whether the handgun is concealed or carried in a shoulder or belt holster, on or about the license holder's person, on the premises where a high school, collegiate, or professional sporting event or

interscholastic event is taking place, unless the license holder is a participant in the event and a handgun is used in the event.

The prohibition does not apply on the premises where a collegiate sporting event is taking place if the actor was not given effective notice under Penal Code 30.06.

Penal Code 46.035(b), (l)

Knives

A person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a location-restricted knife on the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place, unless the person is a participant in the event and a location-restricted knife is used in the event. *Penal Code 46.03(a-1)*

Board Meetings

A license holder commits an offense if the license holder intentionally, knowingly, or recklessly carries a handgun under the authority of Government Code Chapter 411, Subchapter H, regardless of whether the handgun is concealed or carried in a shoulder or belt holster, in the room or rooms where a meeting of a governmental entity is held and if the meeting is an open meeting subject to Government Code Chapter 551 and the entity provided notice as required by that chapter [see BD]. This offense does not apply if the actor was not given effective notice under Penal Code 30.06 or 30.07. *Penal Code 46.035(c), (i)*

Exceptions

Penal Code 46.03 does not apply to the officers and officials listed in Penal Code 46.15(a), including:

1. Peace officers and Section 46.03 does not prohibit a peace officer from carrying a weapon in this state, including in an establishment in this state serving the public, regardless of whether the peace officer is engaged in the actual discharge of the officer's duties while carrying the weapon;
2. An honorably retired peace officer, qualified retired law enforcement officer, federal criminal investigator, or former reserve law enforcement officer who holds a certificate of proficiency issued under Occupations Code 1701.357 and is carrying a photo identification that is issued by a federal, state, or local law enforcement agency, as applicable, and that verifies that the officer is:
 - a. An honorably retired peace officer;
 - b. A qualified retired law enforcement officer;
 - c. A federal criminal investigator; or

- d. A former reserve law enforcement officer who has served in that capacity not less than a total of 15 years with one or more state or local law enforcement agencies;
3. The attorney general or a United States attorney, district attorney, criminal district attorney, county attorney, or municipal attorney who is licensed to carry a handgun;
4. An assistant United States attorney, assistant attorney general, assistant district attorney, assistant criminal district attorney, or assistant county attorney who is licensed to carry a handgun; and
5. A person who is volunteer emergency services personnel, as defined by Penal Code 46.01(18), if the person is carrying a handgun under the authority of Government Code Chapter 411, Subchapter H and engaged in providing emergency services.

Penal Code 46.15(a)

Establishment

An establishment serving the public may not prohibit or otherwise restrict a peace officer or special investigator from carrying on the establishment's premises a weapon that the peace officer or special investigator is otherwise authorized to carry, regardless of whether the peace officer or special investigator is engaged in the actual discharge of the officer's or investigator's duties while carrying the weapon.

"Establishment serving the public" means:

1. A hotel, motel, or other place of lodging;
2. A restaurant or other place where food is offered for sale to the public;
3. A retail business or other commercial establishment or an office building to which the general public is invited;
4. A sports venue; and
5. Any other place of public accommodation, amusement, convenience, or resort to which the general public or any classification of persons from the general public is regularly, normally, or customarily invited.

"Sports venue" means an arena, coliseum, stadium, or other type of area or facility that is primarily used or is planned for primary use for one or more professional or amateur sports or athletics events

and for which a fee is charged or is planned to be charged for admission to the sports or athletics events, other than occasional civic, charitable, or promotional events.

Code of Criminal Procedure Art. 2.1305

Defense to
Prosecution

It is a defense to prosecution under Penal Code 46.035(b)(1), (2), (4), and (5) and (c) that the actor, at the time of the commission of the offense, was:

1. A judge or justice of a federal court;
2. An active judicial officer, as defined by Government Code 411.201;
3. The attorney general or a United States attorney, assistant United States attorney, assistant attorney general, district attorney, assistant district attorney, criminal district attorney, assistant criminal district attorney, county attorney, or assistant county attorney; or
4. A bailiff designated by the active judicial officer and engaged in escorting the officer.

It is a defense to prosecution under Section 46.035(b) and (c) that the actor is volunteer emergency services personnel, as defined by Penal Code 46.01(18), engaged in providing emergency services.

Penal Code 46.035(h-1), (m)

Wrongful Exclusion
of Handgun License
Holder

A state agency or a political subdivision of the state, including a college district, may not take any action, including an action consisting of the provision of notice by a communication described by Penal Code 30.06 or 30.07 that states or implies that a license holder who is carrying a handgun under the authority of Penal Code Chapter 411, Subchapter H is prohibited from entering or remaining on a premise or other place owned or leased by the governmental entity unless license holders are prohibited from carrying a handgun on the premises or other place by Penal Code 46.03 or 46.035 or other law. *Penal Code 411.209(a)*

A state agency or a political subdivision of the state that violates Penal Code 411.209(a) is liable for a civil penalty of:

1. Not less than \$1,000 and not more than \$1,500 for the first violation; and
2. Not less than \$10,000 and not more than \$10,500 for the second or a subsequent violation.

Each day of a continuing violation of Penal Code 411.209(a) constitutes a separate violation.

Penal Code 411.209(b)–(c)

**Firearms and
Ammunition in
Private Vehicles**

An institution of higher education, including a college district, in this state may not adopt or enforce any rule, regulation, or other provision or take any other action, including posting notice under Penal Code 30.06 or 30.07, prohibiting or placing restrictions on the storage or transportation of a firearm or ammunition in a locked, privately owned or leased motor vehicle by a person, including a student enrolled at that institution, who holds a license to carry a handgun under Government Code Chapter 411, Subchapter H and lawfully possesses the firearm or ammunition:

1. On a street or driveway located on the campus of the institution; or
2. In a parking lot, parking garage, or other parking area located on the campus of the institution.

Gov't Code 411.2032

**Carry by Employees
in Personal
Vehicles**

A public or private employer, including a college district, may not prohibit an employee who holds a license to carry a handgun under Government Code Chapter 411, Subchapter H, who otherwise lawfully possesses a firearm, or who lawfully possesses ammunition from transporting or storing a firearm or ammunition the employee is authorized by law to possess in a locked, privately owned motor vehicle in a parking lot, parking garage, or other parking area the college district provides for employees. *Labor Code 52.061*

Labor Code 52.061 does not apply to a vehicle owned or leased by a public or private employer and used by an employee in the course and scope of the employee's employment, unless the employee is required to transport or store a firearm in the official discharge of the employee's duties. *Labor Code 52.062(a)*

Section 52.061 does not authorize a person who holds a license to carry a concealed handgun under Government Code Chapter 411, Subchapter H, who otherwise lawfully possesses a firearm, or who lawfully possesses ammunition to possess a firearm or ammunition on any property where the possession of a firearm or ammunition is prohibited by state or federal law. Section 52.061 does not prohibit an employer from prohibiting an employee who holds a license to carry a handgun under Government Code Chapter 411, Subchapter H, or who otherwise lawfully possesses a firearm, from possessing a firearm the employee is otherwise authorized by law to possess on the premises of the employer's business. *Labor Code 52.062(a)-(b)*

"Premises" means a building or a portion of a building. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area. *Penal Code 46.035(f)(3)*

Immunity

Except in cases of gross negligence, a public or private employer, or the employer's principal, officer, director, employee, or agent, is not liable in a civil action for personal injury, death, property damage, or any other damages resulting from or arising out of an occurrence involving a firearm or ammunition that the employer is required to allow on the employer's property under this section.

The presence of a firearm or ammunition on an employer's property under the authority of this section does not by itself constitute a failure by the employer to provide a safe workplace.

For purposes of Labor Code 52.063, a public or private employer, or the employer's principal, officer, director, employee, or agent, does not have a duty:

1. To patrol, inspect, or secure any parking lot, parking garage, or other parking area the employer provides for employees or any privately owned motor vehicle located in a parking lot, parking garage, or other parking area; or
2. To investigate, confirm, or determine an employee's compliance with laws related to the ownership or possession of a firearm or ammunition or the transportation and storage of a firearm or ammunition.

Labor Code 52.063

Concealed Carry

A license holder may carry a concealed handgun on or about the license holder's person while the license holder is on the campus of an institution of higher education or private or independent institution of higher education in this state. *Gov't Code 411.2031(b)*

Regulation of Carry

After consulting with students, staff, and faculty of the institution regarding the nature of the student population, specific safety considerations, and the uniqueness of the campus environment, the president or other chief executive officer of an institution of higher education in this state shall establish reasonable rules, regulations, or other provisions regarding the carrying of concealed handguns by license holders on the campus of the institution or on premises located on the campus of the institution.

An institution of higher education or private or independent institution of higher education in this state may establish rules, regulations, or other provisions concerning the storage of handguns in dormitories or other residential facilities that are owned or leased and operated by the institution and located on the campus of the institution.

The president or officer may not establish provisions that generally prohibit or have the effect of generally prohibiting license holders

from carrying concealed handguns on the campus of the institution. The president or officer may amend the provisions as necessary for campus safety.

Gov't Code 411.2031(d)-(d-1)

Except as provided by Government Code 411.2031(d), (d-1), or (e), an institution of higher education or private or independent institution of higher education in this state may not adopt any rule, regulation, or other provision prohibiting license holders from carrying handguns on the campus of the institution. *Gov't Code 411.2031(c)*

The provisions take effect as determined by the president or officer unless subsequently amended by the board of regents or other governing board under Government Code 411.2031(d-2). *Gov't Code 411.2031(d-1)*

Board Review

Not later than the 90th day after the date that the rules, regulations, or other provisions are established as described by Government Code 411.2031(d-1), the board of regents or other governing board of the institution of higher education shall review the provisions. The board of regents or other governing board may, by a vote of not less than two-thirds of the board, amend wholly or partly the established provisions. If amended, the provisions are considered to be those of the institution as established under Government Code 411.2031(d-1). *Gov't Code 411.2031(d-2)*

Notice Carry
Prohibited

The institution must give effective notice under Penal Code 30.06 with respect to any portion of a premises on which license holders may not carry. *Gov't Code 411.2031(d-1)*

Distribution of
Regulations

An institution of higher education shall widely distribute the rules, regulations, or other provisions above to the institution's students, staff, and faculty, including by prominently publishing the provisions on the institution's Internet website. *Gov't Code 411.2031(d-3)*

Report to
Legislature

Not later than September 1 of each even-numbered year, each institution of higher education in this state shall submit a report to the legislature and to the standing committees of the legislature with jurisdiction over the implementation and continuation of this section that:

1. Describes its rules, regulations, or other provisions regarding the carrying of concealed handguns on the campus of the institution; and
2. Explains the reasons the institution has established those provisions.

Gov't Code 411.2031(d-4)

SITE MANAGEMENT
WEAPONS

CHF
(LEGAL)

Concealed Carry in
Violation of
Regulations

Notwithstanding Penal Code 46.035(a) or Penal Code 46.03(a), a license holder commits an offense if the license holder intentionally carries a concealed handgun on a portion of a premises located on the campus of an institution of higher education in this state on which the carrying of a concealed handgun is prohibited by rules, regulations, or other provisions established under Government Code 411.2031(d-1) provided the institution gives effective notice under Penal Code 30.06 with respect to that portion. *Penal Code 46.035(a-3)*

As Trespass

A handgun license holder commits an offense if the license holder carries a concealed handgun under the authority of Government Code Chapter 411, Subchapter H, on property of another without effective consent and received notice that entry on the property by a license holder with a concealed handgun was forbidden.

A person receives notice if the owner of the property or someone with apparent authority to act for the owner provides notice to the person by oral or written communication.

“Written communication” means:

1. A card or other document on which is written language identical to the following: “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 (handgun licensing law), may not enter this property with a concealed handgun”; or
2. A sign posted on the property that includes the language described above in both English and Spanish, appears in contrasting colors with block letters at least one inch in height, and is displayed in a conspicuous manner clearly visible to the public.

An offense under this section is a Class C misdemeanor punishable by a fine not to exceed \$200, except that the offense is a Class A misdemeanor if it is shown on the trial of the offense that, after entering the property, the license holder was personally given the notice by oral communication described by Penal Code 30.06(b) and subsequently failed to depart.

Penal Code 30.06 (a)–(b), (c)(3), (d)

*Premise
Exception*

It is an exception to the application of Penal Code 30.06 that the property on which the license holder carries a handgun is owned or leased by a governmental entity, including a college district, and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Government Code 46.03 or 46.035. *Penal Code 30.06(e)*

Open Carry

A license holder commits an offense if the license holder carries a handgun on or about the license holder's person under the authority of Government Code Chapter 411, Subchapter H and intentionally displays the handgun in plain view of another person in a public place. It is an exception to the application of this prohibition that the handgun was partially or wholly visible but was carried in a shoulder or belt holster by the license holder. *Penal Code 46.035(a)*

At an Institution of
Higher Education

Notwithstanding Penal Code 46.035(a), a license holder commits an offense if the license holder carries a partially or wholly visible handgun, regardless of whether the handgun is holstered, on or about the license holder's person under the authority of Subchapter H, Chapter 411, Government Code, and intentionally or knowingly displays the handgun in plain view of another person:

1. On the premises of an institution of higher education, including a college district, or private or independent institution of higher education; or
2. On any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area of an institution of higher education or private or independent institution of higher education.

Penal Code 46.035(a-1)

As Trespass

A license holder commits an offense if the license holder openly carries a handgun under the authority of Government Code Chapter 411, Subchapter H on property of another without effective consent and received notice that entry on the property by a license holder openly carrying a handgun was forbidden.

A person receives notice if the owner of the property or someone with apparent authority to act for the owner provides notice to the person by oral or written communication.

"Written communication" means:

1. A card or other document on which is written language identical to the following: "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"; or
2. A sign posted on the property that:
 - a. Includes the language described above in item 1 in both English and Spanish;

- b. Appears in contrasting colors with block letters at least one inch in height; and
- c. Is displayed in a conspicuous manner clearly visible to the public at each entrance to the property.

An offense under this section is a Class C misdemeanor punishable by a fine not to exceed \$200, except that the offense is a Class A misdemeanor if it is shown on the trial of the offense that, after entering the property, the license holder was personally given the notice by oral communication described by Penal Code 30.07(b) and subsequently failed to depart.

Penal Code 30.07(a)–(b), (c)(3), (d)

*Premise
Exception*

It is an exception to the application of Penal Code 30.07 that the property on which the license holder openly carries the handgun is owned or leased by a governmental entity and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Penal Code 46.03 or 46.035. *Penal Code 30.07(e)*