



City Hall  
ESSENTIALS

# Guns at City Facilities

Presented by

**John C. Grace**

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City of Lubbock

- Existing law (since the Civil War) allows an unlicensed person to carry a long-gun (e.g. a rifle or shotgun) openly or concealed in public as long as it is carried in a manner not intended to cause alarm.
- Someone without a License to Carry (LTC) may not carry a handgun in public.
- Municipalities may restrict the possession of firearms in city facilities by people who do not have a License to Carry.

“It is an exception to the application of this section that the property on which the license holder carries a 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 Section 46.03 or 46.035.”

Tex. Penal Code §30.06(e).

What this means: a city is generally prohibited from restricting licensed handgun carriers from entering into or remaining in most municipal facilities.

The exceptions for municipal facilities are limited to open meetings, court facilities, and few other facilities.

- a) To restrict licensed weapons at open meetings, the licensee must be given notice pursuant to Tex. Penal Code §30.06 or §30.07.
- b) To restrict license holders at a court facility, the licensee should be given notice that the building contains a court facility.

Since September 1, 2015, if a municipality improperly posts a facility it can be sued by a licensed handgun carrier who is denied entry.

- The licensee must give the municipality an opportunity to cure, but refusal to do so waives the municipality's immunity from suit.

(A municipality should not err on the side of prohibiting licensed handguns.)

## 30.06 and 30.07 Sign Requirements:

- (i) includes the [required] language ... in both English and Spanish;
  
- (ii) appears in contrasting colors with block letters at least one inch in height; and
  
- (iii) is displayed in a conspicuous manner clearly visible to the public.



**“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”**

**“DE ACUERDO CON LA SECCIÓN 30.06 DEL CÓDIGO PENAL (INGRESO SIN AUTORIZACIÓN DE UN TITULAR DE UNA LICENCIA CON UNA PISTOLA OCULTA), UNA PERSONA CON LICENCIA SEGÚN EL SUBCAPÍTULO H, CAPÍTULO 411, CÓDIGO DEL GOBIERNO (LEY SOBRE LICENCIAS PARA PORTAR PISTOLAS), NO PUEDE INGRESAR A ESTA PROPIEDAD CON UNA PISTOLA OCULTA”**



**“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”**

**“DE ACUERDO CON LA SECCIÓN 30.07 DEL CÓDIGO PENAL (INGRESO SIN AUTORIZACIÓN DE UN TITULAR DE UNA LICENCIA CON UNA PISTOLA A LA VISTA), UNA PERSONA CON LICENCIA SEGÚN EL SUBCAPÍTULO H, CAPÍTULO 411, CÓDIGO DEL GOBIERNO (LEY SOBRE LICENCIAS PARA PORTAR PISTOLAS), NO PUEDE INGRESAR A ESTA PROPIEDAD CON UNA PISTOLA A LA VISTA”**

# Court Signage





## **Sign Problems**

First ... there are not a lot of them.

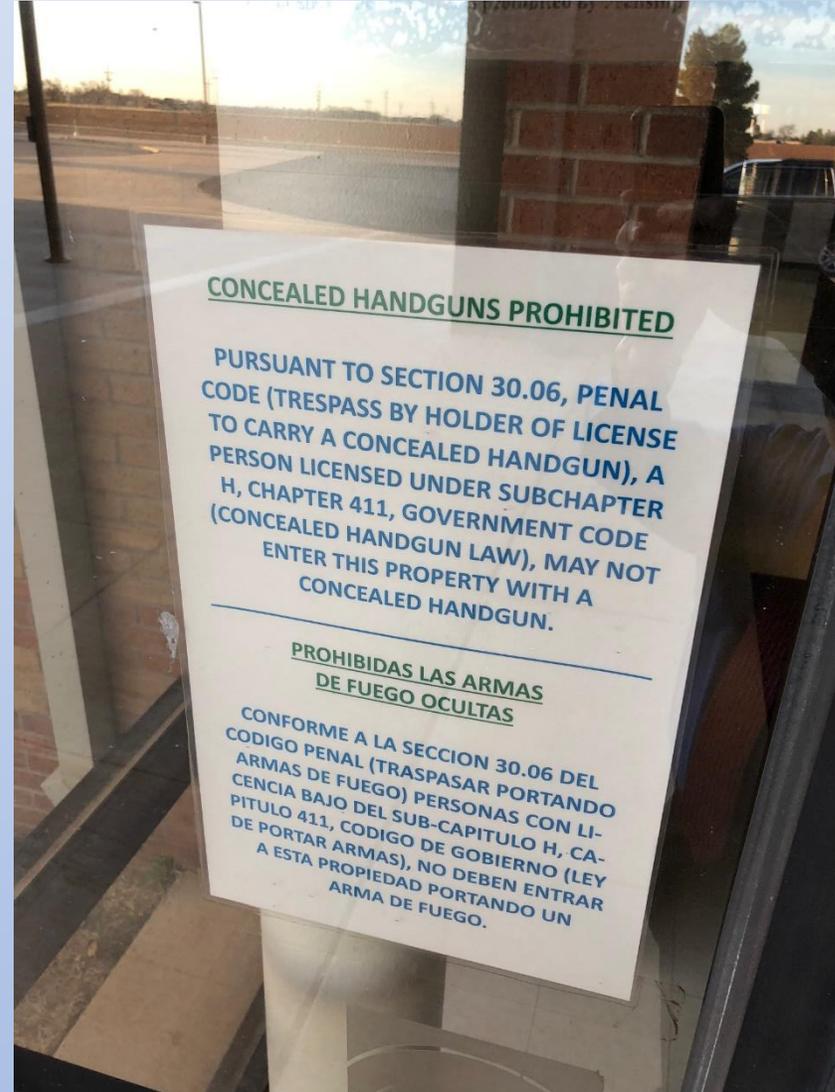
Most are 30.07 signs ... prohibiting “open carry.”

Some businesses do not seem to understand the law.

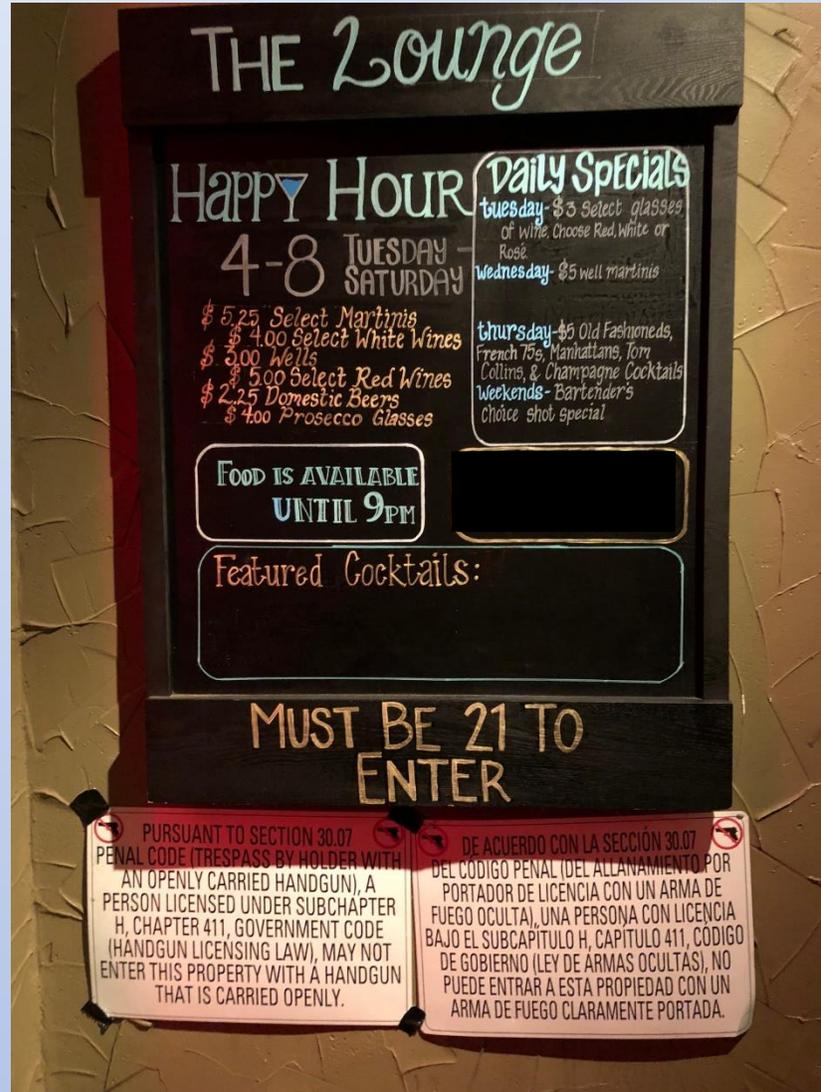
Some signs are not well-placed.

Some are not correct.

# Handguns in Lubbock: Some Practical Advice



# Handguns in Lubbock: Some Practical Advice



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# Gun Policies for City Staff and Officials

If a municipality restricts license holders from entering an open meeting, that restriction also applies to elected officials, board members and staff.

- A violation is a criminal offense, not a mere policy violation.
- Unlicensed carriers are already prohibited from carrying handguns.

A licensed carrier whose handgun is discovered at the screening area of an airport must be given an opportunity to exit the screening area and secure the weapon.

Tex. Penal Code §46.03(e-1), eff. September 1, 2015.

A municipality may prohibit licensed employees from carrying concealed handguns.

A municipality may prohibit licensed employees from openly carrying, but allow them to carry concealed.

Tex. Loc. Govt. Code 411.203

A municipality may allow certain licensed employees to carry but deny that privilege to other employees...

- Provided equal protection rights are considered.

See Tex. Loc. Govt. Code 411.203

A municipality may require a licensed employee to provide a copy of his license before allowing the employee to carry, as a condition of being allowed to carry openly or concealed.

A municipality is not liable for injuries, deaths or other damages caused by a licensed employee if the municipality allows its licensed employees to carry a handgun.

Tex. Loc. Gov't Code §411.208 – Limitation of Liability.

And now...some statistics...

# Texas Conviction Rates for LTC Holders

Year	Total Convictions	LTC Convictions	LTC %-age
2018	41,180	163	0.3958%
2017	44,608	170	0.3811%
2016	42,797	148	0.3458%
2015	43,924	108	0.2459%
2014	47,413	111	0.2341%
2013	50,869	158	0.3106%
2012	63,272	120	0.1897%
2011	63,679	120	0.1884%
2010	73,914	121	0.1637%
2009	65,561	101	0.1541%
2008	65,084	86	0.1321%
2007	61,260	160	0.2612%
2006	61,539	144	0.2340%
2005	60,873	154	0.2530%
2004	63,715	105	0.1648%
2003	59,770	85	0.1422%
2002	55,094	88	0.1597%
2001	40,624	99	0.2437%
2000	40,104	109	0.2718%
1999	37,443	142	0.3792%

Source - <http://dps.texas.gov/rsd/chl/reports/convrates.htm>

## 2018 Conviction Rates for Weapons and Assaultive Offenses

Offense	Total Convictions	LTC Convictions	LTC Percentage
Murder	138	1	0.7246%
Manslaughter	97	3	3.0928%
Crim. Neg. Hom.	43	0	0.0000%
Aggravated Assault w/ Deadly Weapon	2,169	6	0.2766%
Unl. Carry by LTC	3	1	33.3333%
Unl. Carry by LTC Alc. Premises	0	0	0.0000%
Agg. Assault on a Public Servant	182	0	0.0000%
Deadly Conduct	726	17	2.3416%
Deadly Conduct w/ Discharge	192	0	0.0000%

Source - <http://dps.texas.gov/rsd/chl/reports/convrates.htm>

QUESTIONS?



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