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OPEN CARRY / CONCEALED CARRY ***"Guide for Businesses"***

Effective partnerships through committed communication.

This is meant as ONLY a Guide

- Consult your own BUSINESS attorney or contact the Department of Public Safety for further clarification.
- This law is more detailed than shown in this presentation as it also addresses campus carry, governmental buildings, ETC. This presentation is intended as a guide for businesses regarding the new statute HB910.

OPEN CARRY LAW (HB910)

- Bill eliminated the distinction between concealed and open carry. It now states “licensed to carry” (New licenses will be produced)
- This is not “constitutional” carry, must still have a carry license (CHL/OCL).
- New laws and penalties created; Class C Violation “*entering a business while openly carrying*” violation and Class A Violation for “*failure to comply to notice (written/oral).*”

OPEN CARRY LAW (HB910)

- Notification can be official signage or oral notification by owner or lease holder representation.
- The law amends language in 30.06 and 30.07 to provide notice when and how a person may carry a gun.
- 30.06 – Concealed handgun carry
- 30.07 – Open carry in a holster

Unlicensed Firearms are Allowed

PLACE OR ACTIVITY	EXCEPTIONS
Private property	None
Personal vehicle or watercraft	Can't be in plain view
Public Place (Long Guns)	Possible disorderly conduct offense if offensive/ threatening or if some type of legal effective signage for "no firearms" is present that meets statute requirement

Places Prohibiting Firearms (1/2016)

PLACE or ACTIVITY	EXCEPTIONS
Physical premises of a school/education institution, grounds, or buildings where activity is sponsored, or in a transportation vehicle (campus carry coming)	Law Enforcement personnel
Polling Place (early voting and day of election)	Law Enforcement
Premises of court or court offices	Authorization by the Judge or Magistrate, Bailiff, Law Enforcement
Secured area of an airport	None but holders will get a do-over

“Licensed” carry permitted

PLACE OR ACTIVITY	EXCEPTIONS
Owner premises	None
Personal vehicle or watercraft	None – if in plain view must be holstered
Generally in public areas	As long as the handgun is concealed or holstered and no notice given or by signage (30.06/30.07)
Premises of employment	Unless restricted by employer (does not apply to vehicle in parking lot)

Prohibitions on Concealed or Open Carry

PLACE OR ACTIVITY	EXCEPTIONS
On private property if 30.06 &/or 30.07 notice is posted	If 30.06 / 30.07 posts are deficient
Governmental meeting room is 30.06 / 30.07 notice is posted	If 30.06 / 30.07 posts are deficient
Premises of TABC-licensed business 51%	None but 51% sign needs to be posted
If licensed holder is intoxicated	None
Premises where a high school, collegiate, or professional sporting event is taking place	If event involves a shooting sport
Premises of a correctional facility	None
Hospital or nursing home with 30.06 or 30.07 sign posted	Written authorization from administration
Amusement park with 30.06 or 30.07 sign posted	None
Place of worship with 30.06 or 30.07 sign posted	None
<i>Situationally – if not concealed or holstered</i>	Potential Defense to Prosecution

NOTIFICATIONS TO BE GIVEN

- Business owners or management acting on behalf, can restrict the carry of guns in their businesses by one of ***three methods***, by:
 1. Giving Verbal Notice – A representative of the business MUST inform gun carrying customers if there is a prohibition for carrying guns Concealed (30.06) or Open (30.07); or
 2. Provide a customer a card with the prohibitions of concealed (30.06) or open carry (30.07); or
 3. Have signs posted that have specific language about the prohibitions to carry in their business.

SIGNAGE COMPLIANCE

When prohibiting the carry of firearms in their business, signage must meet requirements:

- The sign must contain language *identical* to the law (30.06 and or 30.07); and
- Displayed in both *English and Spanish*; and
- Must be *contrasting colors, one inch block letters*; and
- *Posted* in a conspicuous place at *EACH* entrance.

* DPS website has exact sign language in the code