



## COKE SOLOMON

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Beginning on January 1, 2016, H.B. 910 will allow a person with a current concealed handgun license, or a person who obtains the new "license to carry a handgun," to 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 can carry under current law.

Constitutional carry did not pass in Texas so a license is required. Officers have the authority to legally detain and check for a license to carry under Penal Code 46.02 Unlawfully Carrying Weapons. If a person refuses to identify themselves, it is presumed that they are unlawfully carrying a weapon and they are subject to arrest for UCW and Penal Code 38.02 Failure to ID. If the person does have a valid license to carry but they do not have the physical license in their possession that is no longer an offense.

Government Code Sec. 411.205 Requirement to Display License states if a license holder is carrying a handgun on or about the license holder's person when a magistrate or a peace officer demands that the license holder display identification, the license holder shall display both the license holder's driver's license or identification certificate issued by the department and the license holder's handgun license. This section was amended 2009 and now carries no penalty.

Moreover, an officer who is acting in the lawful discharge of the officer's official duties may disarm a license holder at any time the officer reasonably believes it is necessary for the protection of the license holder, officer, or another individual. The officer shall return the handgun to the license holder before discharging the license holder from the scene if the officer determines that the license holder is not a threat to the officer, license holder, or another individual and if the license holder has not violated any law that results in arrest.

Examples:

#1 - An officer sees an individual that is openly carrying a handgun. The officer asks the individual if he/she has a license to carry. The individual states they do but that it's at home. The officer should verify that the individual has a valid license to carry by running TCIC / NCIC name and date of birth. The detention may not be used as a "fishing expedition". After the officer verifies that the individual does have a valid license to carry the officer may no longer lawfully detain the individual unless there is reasonable suspicion to believe another offense has been or is being committed.

#2 - An officer sees an individual that is openly carrying a handgun. The officer asks the individual if he/she has a license to carry. The individual states they haven't committed a crime and that the officer has no justification to detain them and refuses to identify themselves. In this instance the officer can arrest for UCW and failure to Identify.

Obviously there are many different situations that officers will encounter. Additionally we have attached a general overview of the firearm carry laws. If you have any questions, please do not hesitate to contact us.

Sincerely,

A handwritten signature in blue ink that reads "Coke Solomon". The signature is written in a cursive style and is positioned above a horizontal line.

Coke Solomon

Activity/Location:	Allowed?	Legal Basis:
	<b>Any Firearm</b>	
Physical premises of a school or educational institution (But see licensed campus carry, under "Handgun Concealed Carry," below.)	No, unless pursuant to written regulations or written authorization of the institution	Penal Code 46.03(a)(1)
Grounds or building on which an activity sponsored by a school or educational institution is being conducted (But see licensed campus carry, under "Handgun Concealed Carry," below.)	No, unless pursuant to written regulations or written authorization of the institution	Penal Code 46.03(a)(1)
Passenger transportation vehicle of a school or educational institution, whether the school or educational institution is public or private (But see licensed campus carry, under "Handgun Concealed Carry," below.)	No, unless pursuant to written regulations or written authorization of the institution	Penal Code 46.03(a)(1)
Premises of a polling place on the day of an election or while early voting is in progress (i.e., "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.)	No	Penal Code 46.03(a)(2)
Premises that house court or court offices	No, unless authorized by court rules	Penal Code 46.03(a)(3) (No sign required but 30.06 and 30.07 signs recommended to give license holder notice that court or court office is in building)
Premises of a racetrack	No	Penal Code 46.03(a)(4)
Secured area of an airport (i.e., an area of an airport terminal building to which access is controlled by the inspection of persons and property under federal law)	No	Penal Code 46.03(a)(5)
Within 1,000 feet of a place of execution on a day that a sentence of death is set to be imposed on the designated premises	No, so long as the person received notice that doing so is prohibited (unless the person is on a public road and going to or from his or her home or business)	Penal Code 46.03(a)(6) & 46.03(i)
	<b>Handguns Open Carry (No License)</b>	
Person's own premises or premises under the person's control	Yes	Penal Code 46.02(a)
Generally anywhere else	No	Penal Code 46.02
	<b>Handgun Concealed Carry (No License)</b>	
In car or water craft	Yes, no license required	Penal 46.02(a)
Generally anywhere else - no license	No	Gov't Code ch. 411; Penal Code 46.02
	<b>Handgun Concealed Carry (With License)</b>	
In car or water craft	Yes	Penal Code 46.02(a)
Generally anywhere else with license	Yes, so long as concealed	Gov't Code ch. 411; Penal Code 46.035
On property of another if receives 30.06 notice that not allowed	No, so long as 30.06 sign is properly posted	Penal Code 30.06 (Note: It is an exception to the application of this authority to prohibit 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 by other, express provisions listed herein.)
Government meeting	Yes, unless 30.06 sign posted	Penal Code 30.06; 46.035(c)&(i)
Anytime the handgun is not concealed or the license holder is intoxicated	No	Penal Code 46.035(a)&(d)
Premises of a TABC-licensed business that derives 51 percent from the sale of alcohol	No, sign should be posted	Penal Code 46.035(b)(1); Gov't Code 411.204(a)
Premises of a high school, collegiate, or professional sporting event (unless sport shooting event)	No, until August 1, 2016. After that, yes, unless 30.06 sign is posted.	Penal Code 46.035(b)(2)&(l)
Premises of a correctional facility	No	Penal Code 46.035(b)(3)
Hospital or nursing home	No, unless written authorization from administrator to license holder	Penal Code 46.035(b)(4); Gov't Code 411.204(b)

Activity/Location:	Allowed?	Legal Basis:
Amusement park or premises of an established place of worship	Yes, unless 30.06 sign posted	Penal Code 46.035(b)(5)&(6) & (i); 30.06
Physical premises of a school or educational institution.	Generally no, unless pursuant to written regulations or written authorization of the institution (But see campus carry, below)	Penal Code 46.03(1)
Campus concealed carry: physical premises of an institution of higher education or private or independent institution of higher education	Yes, beginning August 1, 2016 (except for public junior colleges, which begins on August 1, 2017), but subject to the rules adopted by the institution and noticed by a 30.06 sign	Penal Code 46.03(a)(1)(B)
Grounds or building on which an activity sponsored by a school or educational institution is being conducted	Generally no, unless pursuant to written regulations or written authorization of the institution (But see campus carry, below)	Penal Code 46.03(1)
Campus concealed carry: grounds or building on which an activity sponsored by a school or educational institution is being conducted	Yes, beginning August 1, 2016 (except for public junior colleges, which begins on August 1, 2017), but subject to the rules adopted by the institution and noticed by a 30.06 sign	Penal Code 46.03(a)(1)(B)
A passenger transportation vehicle of a school or educational institution, whether the school or educational institution is public or private	Generally no, unless pursuant to written regulations or written authorization of the institution (But see campus carry, below)	Penal Code 46.03(1)
Campus concealed carry: a passenger transportation vehicle of a school or educational institution, whether the school or educational institution is public or private	Yes, beginning August 1, 2016 (except for public junior colleges, which begins on August 1, 2017), but subject to the rules adopted by the institution and noticed by a 30.06 sign	Penal Code 46.03(a)(1)(B)
Premises of a polling place on the day of an election or while early voting is in progress (i.e., "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.)	No	Penal Code 46.03(2)
Premises that house court or court offices	No, unless authorized by court rules	Penal Code 46.03(a)(3)&(f). (No sign required but 30.06 sign recommended)
Premises of a racetrack	No	Penal Code 46.03(4)
A secured area of an airport (i.e., an area of an airport terminal building to which access is controlled by the inspection of persons and property under federal law)	No	Penal Code 46.03(5)
Within 1,000 feet of a place of execution on a day that a sentence of death is set to be imposed on the designated premises	No, so long as the person received notice that doing so is prohibited (unless the person is on a public road and going to or from his home or business)	Penal Code 46.03(6) & 46.03(i)
Premises of employment	Yes, unless the public or private employer prohibits as to employees only, but allowed in locked car in parking lot	Gov't Code 411.204; Labor Code 52.061 et seq.
	<b>Handgun open carry in belt or shoulder holster (with license)</b>	
In car or water craft	Yes	46.02(a)
Generally anywhere else with license	Yes, so long holstered	Gov't Code ch. 411; Penal Code 46.035
On property of another if receives 30.07 notice that not allowed	No, so long as 30.07 sign is properly posted	Penal Code 30.07 (Note: It is an exception to the application of this authority to prohibit 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 by other, express provisions listed herein.)

Activity/Location:	Allowed?	Legal Basis:
Government meeting	Yes, unless 30.07 sign posted	Penal Code 30.07; 46.035(c)&(i)
Anytime the handgun is not holstered or the license holder is intoxicated	No	Penal Code 46.035(a)&(d)
Premises of a TABC-licensed business that derives 51 percent from the sale of alcohol	No, sign should be posted	Penal Code 46.035(b)(1); Gov't Code 411.204(a)
Premises of a high school, collegiate, or professional sporting event (unless sport shooting event)	No	Penal Code 46.035(b)(2)
Premises of a correctional facility	No	Penal Code 46.035(b)(3)
Hospital or nursing home	No, unless written authorization from administrator to license holder; sign should be posted	Penal Code 46.035(b)(3); Gov't Code 411.204(b)
Amusement park or premises of an established place of worship	Yes, unless 30.07 sign posted	Penal Code 46.035(b)(5)&(6) & (i); 30.07
Physical premises of a school or educational institution.	No, unless pursuant to written regulations or written authorization of the institution	Penal Code 46.03(a)(1)
Grounds or building on which an activity sponsored by a school or educational institution is being conducted	No, unless pursuant to written regulations or written authorization of the institution	Penal Code 46.03(a)(1)
A passenger transportation vehicle of a school or educational institution, whether the school or educational institution is public or private	No, unless pursuant to written regulations or written authorization of the institution	Penal Code 46.03(a)(1)
Premises of a polling place on the day of an election or while early voting is in progress (i.e., "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.)	No	Penal Code 46.03(2)
Premises that house court or court offices	No, unless authorized by court rules	Penal Code 46.03(a)(3)&(f). (No sign required but 30.07 sign recommended)
Premises of a racetrack	No	Penal Code 46.03(4)
A secured area of an airport (i.e., an area of an airport terminal building to which access is controlled by the inspection of persons and property under federal law)	No	Penal Code 46.03(5)
Within 1,000 feet of a place of execution on a day that a sentence of death is set to be imposed on the designated premises	No, so long as the person received notice that doing so is prohibited (unless the person is on a public road and going to or from his home or business)	Penal Code 46.03(6) & 46.03(i)
Premises of employment	Yes, unless the public or private employer prohibits as to employees only, but allowed in locked car in parking lot	Gov't Code 411.204; Labor Code 52.061 et seq.
	<b>Rifle/shotgun carry</b>	
Generally in public place (e.g., sidewalks, public square, etc.)	Yes, subject to disorderly conduct	Tex Const Art. I, Sec. 8; Penal Code 42.01
Any place a 30.05 "No firearms" allowed posted by owner, including city-owned facility	No (Note: a "no firearms" sign would have no effect as to a <i>handgun</i> carried openly or concealed by a license holder. Only a 30.06 and/or 30.07 sign is effective as to that.)	Penal Code 30.05
Public or private facility where "No Firearms" or similar notice given	No	Penal Code 30.05
Physical premises of a school or educational institution	No, unless pursuant to written regulations or written authorization of the institution	Penal Code 46.03(1)
Grounds or building on which an activity sponsored by a school or educational institution is being conducted	No, unless pursuant to written regulations or written authorization of the institution	Penal Code 46.03(1)
Passenger transportation vehicle of a school or educational institution, whether the school or educational institution is public or private	No, unless pursuant to written regulations or written authorization of the institution	Penal Code 46.03(1)
Premises of a polling place on the day of an election or while early voting is in progress (i.e., "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.)	No	Penal Code 46.03(2)

Activity/Location:	Allowed?	Legal Basis:
Premises that house court or court offices	No, unless authorized by court rules	Penal Code 46.03(a)(3)&(f) (No sign required but 30.06 and 30.07 sign recommended to give license holder notice that court or court office is in building)
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Secured area of an airport (i.e., an area of an airport terminal building to which access is controlled by the inspection of persons and property under federal law)	No	Penal Code 46.03(5)
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