

Understanding Open and Concealed Carry



The laws for open and concealed carry of firearms in Texas have changed.

Most changes on college campuses are not yet in effect.

Concealed Carry

- ▶ Is concealed carry allowed in the parking lot of a college? (public)

Yes.

The Law

- ▶ An institution of higher education or private or independent institution of higher education in this state may not adopt or enforce any rule, regulation, or other provision or take any other action, *including posting notice under Section 30.06, Penal Code*, 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 concealed handgun under this subchapter and lawfully possesses the firearm or ammunition.

Concealed Carry

- ▶ Is concealed carry allowed in the premises of a college? (public)

Not at this time.

“Premises” means a building or a portion of a building.

The term does not include any public or private driveway, street, parking lot, parking garage or other parking area.

Under the new law, junior colleges have until **August 1, 2017** to designate “Safe Zones” that define where concealed carry would be allowed.

**“Safe Zones” will be designated by the institution, with input from employees and students.*

Current Concealed Carry Law

The law for schools and other education institutions at this time.
(The law changes August 1, 2016 for a four-year university, or August 1, 2017 for a junior college.)

License holder is not permitted to carry 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, whether the school or educational institution is public or private, unless pursuant to written regulations or written authorization of the institution.

Open Carry

- ▶ Open carry of a firearm is NOT allowed on college campuses under the new law.

Can an arrest be made for refusal to display **Handgun License** upon request by a Police Officer?

■ **YES**

Would this be a valid arrest?

- ▶ Once arrested and it is determined the person is a license holder, the Brookhaven College Police Department policy will release the license holder.
- ▶ TX Government Code requires you file an affidavit with DPS over the violation of the license holder for failure to display the license.

If lawfully detained, can an officer disarm someone who is carrying for any offense?

Yes. See § 411.207 of the Texas Government Code.

However, if/once the officer knows the citizen is a license holder, he or she will not be detained.