

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”, authority to carry a handgun in a concealed manner or openly in a belt or shoulder holster. The person must have either a current concealed handgun license or a new license to carry a handgun to open carry. However, a person has the right to open carry a firearm on their own premises or in a vehicle or watercraft, with or without a license to carry a handgun.

If a person does not have either a concealed handgun license or a new license to carry a handgun, the Texas Penal Code 46.02 states that a person commits a Class A misdemeanor if he or she intentionally, knowingly, or recklessly carries on or about his or her person a handgun if the person is not: on the person’s own premises under their control; or inside of or directly en route to a motor vehicle or watercraft that is owned by the person or under the person’s control. (However the handgun must not be in plain view, or the person must not be engaged in criminal activity, or the person may not carry a handgun if prohibited by law (person on parole, probation or a member of a criminal street gang)).

There are some things everyone should know prior to acting on this new law. If a property owner posts a “30.06 notice” and or a “30.07 notice” a person may not carry a handgun on the property, as long as the notice(s) are properly posted.

There are certain places prohibited from carrying a firearm, stated in the Texas Penal Code 46.01. This code states that a person commits a third degree felony (regardless if the person holds a license to carry a handgun) if the person intentionally, knowingly, or recklessly possesses or goes with any firearm to any one of these places:

1. On the premises of a school or educational institution, any grounds or building on which an activity sponsored by a school or educational institution or passenger transportation vehicle of a school or educational institution.
2. On the premises of a polling place on the day of an election or while early voting is in progress;
3. On the premises of any government court or offices utilized by the court, unless pursuant to written regulations or written authorization of the court;
4. On the premises of a racetrack;
5. In or into a secured area of an airport.
6. Within 1,000 feet of premises the location of which is designated by the Texas Department of Criminal Justice as a place of execution on a day that a sentence of death is set to be imposed on the designated premises and the person received notice that doing so is prohibited.

Another new law, S.B. 11, allows “concealed campus carry” by a license holder beginning on August 1, 2016. That bill does not allow open campus carry, the handgun must be concealed.