



## FOR IMMEDIATE RELEASE

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### **“Open Carry” Information Sheet**

**New Braunfels, Texas** — Starting January 1, 2016, Texans will be allowed to openly carry handguns. The new law (House Bill 910) allows those who obtain a License to Carry (LTC) or those who have a valid Concealed Handgun License (CHL) to be able to carry their weapon in plain view, as long as it is properly secured in a belt holster or shoulder holster. For the most part, any place you could previously carry a concealed handgun, you may now carry openly.

NOTE: Texas’ “Open Carry” law is different than a “Constitutional Carry” law which would allow anyone the right to carry a weapon (openly or concealed) without having to obtain a license or permit. The Texas Legislature has NOT enacted a “Constitutional Carry” law in Texas.

Here’s a quick guide about the new “Open Carry” law:

#### **Can I open carry on private property?**

Yes. However, businesses can completely ban firearms as long as they post signs in accordance with Texas Penal Code 30.06 and/or 30.07 (in English and in Spanish) at each of their entrances.

- NOTE: The law has not changed about open carrying or concealed carrying at certain establishments (like bars, liquor stores, or any other business that is licensed by TABC and that gets 51% or more of business from the sale of alcohol).
- Open Carry and Concealed Carry are prohibited at schools, school-related facilities (like stadiums or gyms), and on school buses.
- Churches, synagogues, and other religious buildings may also choose to prohibit firearms as long as they post the proper signs at their entrances.

#### **If I own or operate a business, can I keep someone from openly or concealed carrying in my business?**

Yes, by displaying signs described in Sections 30.06 and 30.07 of the Texas Penal Code.

**If I am asked to leave a business (that does not have the appropriate posted signage) for openly carrying a weapon, can I cover up the gun and go back into the store if I have a Concealed Handgun License?**

Yes, unless the store owner or manager asked you not to return, in which case returning would constitute a criminal trespass.

### **If I have the proper license, can I open carry at government buildings?**

Yes, you can carry a weapon into state and local government buildings, with some exceptions:

- If the proper signs are posted, you cannot carry a weapon into a public meeting with a posted agenda (like City Council meetings or any other public meeting under the Open Meetings Act)
- You cannot carry a weapon onto the premises of any government court or the offices utilized by the court
- You cannot carry a weapon at a polling place on Election Day or during early voting
- You cannot carry a weapon on federal property (including the Post Office)
- You cannot carry a weapon on the premises of a correctional facility.

### **Can I open carry in a vehicle?**

Yes, as long as the handgun is in a shoulder or belt holster and you have the proper license. If you do not have a license, then you still must keep your handgun concealed.

### **Can my openly carried handgun be loaded?**

Yes. There is no distinction in the law between a loaded handgun and an unloaded handgun. For safety purposes, it is recommended that every handgun be treated as if it were loaded.

### **Can everyone open carry?**

No. You must have a handgun license to carry or you must have a current concealed handgun license.

### **Will I need to get another license for open carry of a handgun?**

No. Your CHL will qualify you to open carry a handgun, effectively making your Concealed Handgun License a License to Carry. There is no additional training necessary for a License to Carry and you will not need to retake those classes if you have already completed them.

### **Can I ask to see someone's handgun license? Or, will I have to show a handgun license if asked?**

A person can ask to view a handgun license, but the holder of the license does not have to provide it unless the person requesting the license is a police officer or magistrate.

### **Should I call 911 if I see someone openly carrying a handgun?**

Before calling, take time to observe what the person is doing. Ask yourself whether the person is doing anything that looks suspicious. Just because the person is openly carrying a handgun doesn't mean they are breaking the law. If you believe a crime is taking place, call 911.

### **Am I required to show a driver's license or other photo ID if I am stopped for open carry?**

Yes. When obtaining your handgun license you agreed to provide both your handgun license and a photo ID when asked by a police officer (See Section 411.205 of the Texas Government Code).

**Can a police officer arrest or disarm me if I am open carrying a long arm (rifle or shotgun) in public?**

It is legal to open carry a long arm (rifle or shotgun) in public, as long as you are not committing a crime. An officer may not arrest or disarm you unless there is reasonable suspicion of illegal conduct. Remember, Texas law says that it is a crime to intentionally display a firearm in a public place in a manner calculated to cause alarm.

**Are the rules the same for handguns (opened or concealed)?**

No. State law gives a police officer more authority to disarm a license holder who is carrying a handgun than it does for a non-licensed long gun carrier. First, if asked, you must display your license and photo ID to an officer. Also, a peace officer can disarm you whenever the officer reasonably believes it is necessary for your protection, the protection of the officer, or the protection of another person. The officer shall return the handgun before you leave the scene if the officer determines that there isn't a threat to anyone (and if you have not violated any other laws).

**Can I be arrested for open carry?**

Yes, you violate Section 46.02 of the Texas Penal Code if you open carry without the proper license or if you refuse to provide an officer with your license while openly carrying a handgun, or if you are carrying it in a place prohibited listed in Sections 46.03 and 46.035.

**Would simply carrying an open weapon violate state law if another person says he or she is alarmed or afraid because of the weapon?**

No, as long as the handgun is in the holster as required by law.

For additional information from Texas DPS about new laws affecting Texas' handgun licensing program, please log on to: <http://www.txdps.state.tx.us/rsd/ch1/legal/newlegislation.htm>

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