Memorandum

Date: July 13, 2015

To: Texas BOMA

From: Gardner Pate

Re: Open and Concealed Handgun Laws

During the 2015 Texas legislative session, the legislature passed two pieces of legislation dealing with the carrying of handguns by members of the public. HB 910 allows licensed individuals to openly carry handguns under certain circumstances. SB 11 allows the carrying of handguns on campuses.

For the purposes of commercial real estate, the law still allows building owners and tenants to prohibit individuals from bringing handguns onto their property. The owner or tenant may choose to prohibit people from openly carrying handguns, from carrying concealed handguns, or both. The notice for each is specifically outlined in the law.

Prohibiting Concealed Handguns

To prohibit a licensed individual from carrying a concealed handgun, the person must post a notice complying with Section 30.06, Penal Code. Generally, this requires posting a sign on the property in a conspicuous manner clearly visible to the public, in contrasting colors with block letters at least one inch in height, and in English and Spanish. The sign must say: “Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun”. This notice should be posted at each entrance to the relevant property.

Prohibiting Open Handguns

To prohibit an individual from openly carrying a handgun, the person must post a notice complying with Section 30.07, Penal Code. Generally, this requires posting a sign on the property in a conspicuous manner clearly visible to the public, in contrasting colors with block letters at least one inch in height, and in English and Spanish. The sign must say: “Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a
person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is openly carried”. This notice should be posted at each entrance to the relevant property.

Other Important Gun Laws

A law passed in 2013 gives employees the right to store a firearm and/or ammunition in his or her locked vehicle on company property if the employee has a handgun license and if possession of the weapon is not otherwise prohibited by federal or state law.