TEXAS
Open Carry Law
And Your Business
Legal Aspects of Texas Concealed Handgun Licensing

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- Trained Armed Nuclear Security Officer
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- Martial Arts Instructor – 7th Degree Black Belt – MA since 1982
- Tactical Defense Instructor – Law enforcement, Military, etc.
- IRTB – Incident Response to Terrorist Bombing Instructor
- PRSBI – Planning & Responding to Suicide Bomber Incident Instructor
- Texas State Guard – Medical Brigade – Active duty
- Area since 1998 – Married w/ 5 children – Wife teaches biology
How the Texas Open Carry Law Affects your business And your liability
When does OPEN CARRY go into effect?

January 1, 2016

Starting on January 1, 2016 people with a Concealed Handgun License may begin carrying their legal handgun OPEN as described by law.

A restraint shoulder holster or restraint belt holster are the only allowable methods to carry open.
SHOULDER HOLSTER

No restraint that keeps gun from falling out.
BELT HOLSTER

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No restraint that keeps gun from falling out.
NOT ACCEPTABLE

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NOT ACCEPTABLE

Legal Aspects of Texas Concealed Handgun Licensing
ACCEPTABLE? Grey Area Needs Clarification

Legal Aspects of Texas Concealed Handgun Licensing
NOT ACCEPTABLE
The 4 Posted Signs For Handgun License Holders
Important definitions

Handgun - Penal Code §46.01(5)
any firearm that is designed, made, or adapted to be fired with one hand

Premise - Penal Code §46.035(f)(3)
A building or portion of building DOES NOT include any public or private driveway, street, sidewalk, or walkway, parking lot, parking garage, or other parking area
SIGNAGE

There are currently 3 signs that affect CHL holders

- **PC 30.06 Sign** – No trespassing (Concealed)
- **Red Sign** – 51% Alcohol
- **Blue Sign** – Alcohol sales

Beginning January 1, 2016 a fourth sign will go into affect

- **PC 30.07 Sign** – No trespassing (Open)
30.06 SIGN INDICATES
No Conceal Carry Allowed on Premises

(B) a sign posted on the property that:

–(i) includes the language described by Paragraph (A) in both English and Spanish;
–(ii) appears in contrasting colors with block letters at least one inch in height; and
–(iii) is displayed in a conspicuous manner clearly visible to the public.
PROHIBITING HANDGUNS IN A BUSINESS OR OTHER ENTITY

"PURSUANT TO SECTION 30.06, PENAL CODE (TRESPASS BY HOLDER OF A LICENSE TO CARRY A CONCEALED HANDGUN) A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (CONCEALED HANDGUN LAW), MAY NOT ENTER THIS PROPERTY WITH A CONCEALED HANDGUN."

"CONFORME A LA SECCIÓN 30.06 DEL CÓDIGO PENAL (TRASPASAR PORTANDO ARMAS DE FUEGO) PERSONAS CON LICENCIA BAJO DEL SUB-CAPITULO H, CAPITULO 411, CODIGO DE GOBIERNO (LEY DE PORTAR ARMAS), NO DEBEN ENTRAR A ESTA PROPIEDAD PORTANDO UN ARMA DE FUEGO."
Many businesses post signs that are not legal 30.06 signs.
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.
PC 30.07 Trespass of CHL Holder

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 carried openly.
Posted PC 30.06 & 30.07 Signs

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30.06 Sign Only……….. No Conceal Carry

30.07 Sign Only……….. No Open Carry

Both Signs Posted……..Cannot carry Open nor Concealed

Both signs must be posted to PROHIBIT either conceal carry or open carry on the premises.

PC 30.07 goes into effect January 01, 2016
Red Sign must be posted at any place where 51% of their revenue comes from the sale of alcohol for on-site consumption.
Blue Sign must be posted at:

- Convenience Stores,
- Grocery Stores,
- Liquor Stores,
- Restaurants with a Food and Beverage certificate from TABC,
- or any place alcohol is sold that is does not meet the 51% criteria.
Employers Rights

Employee Rights

Visitors
Prohibiting Firearms

Employer may prohibit both employees & visitors from carrying firearms on the premises.

**ALLOW FIREARMS ON THE PREMISES?**

<table>
<thead>
<tr>
<th></th>
<th>Employee</th>
<th>Visitor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option 1.</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>Option 2.</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>Option 3.</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Option 4.</td>
<td>NO</td>
<td>YES</td>
</tr>
</tbody>
</table>
(b) Section 52.061 does not prohibit an employer from prohibiting an employee...

...who is otherwise authorized by law to possess on the premises of the employer's business.
Sec. 52.063 – Immunity From Civil Liability

(a) Except in cases of gross negligence, a public or private employer, or the employer's principal, officer, director, employee, or agent, is not liable in a civil action for personal injury, death, property damage, or any other damages resulting from or arising out of an occurrence involving a firearm or ammunition that the employer is required to allow on the employer's property under this subchapter.

(b) The presence of a firearm or ammunition on an employer's property under the authority of this subchapter does not by itself constitute a failure by the employer to provide a safe workplace.
Restriction on Prohibiting Employee Access to or Storage of Firearm or Ammunition

A public or private employer may not prohibit an employee who holds a license to carry a concealed handgun under Subchapter H, Chapter 411, Government Code, who otherwise lawfully possesses a firearm, or who lawfully possesses ammunition from transporting or storing a firearm or ammunition the employee is authorized by law to possess in a locked, privately owned motor vehicle in a parking lot, parking garage, or other parking area the employer provides for employees.
Workplace Parking Lots

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Labor Code, §52.061  Employees rights to store weapon in vehicle while at work

Exceptions

1. Vehicle owned or leased by a public or private employer
2. Schools
3. Private landowners leasing oil, gas, mineral rights
4. Chemical plants, refineries, utility stations

Private employers can still restrict employees and non-employees from carrying on their premises

Provides immunity for employers from civil liability (except gross negligence) Sec. 52.063
QUESTIONS

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