

Memorandum



DATE: December 31, 2015

TO: Honorable Mayor and Members of the City Council

SUBJECT: **Open Carry Legislation**

On Wednesday, January 6, 2016, you will be briefed on Open Carry Legislation. The materials are attached for your review.

Please let me know if you have any questions or need additional information.



Eric D. Campbell
Assistant City Manager

Attachment

cc: A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Ryan S. Evans, First Assistant City Manager

Jill A. Jordan, P.E., Assistant City Manager
Mark McDaniel, Assistant City Manager
Joey Zapata, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Sana Syed, Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor & Council

Open Carry Legislation

Presented to the City Council
January 6, 2016



Purpose

- Update Dallas City Council on changes the Texas Legislature made in 2015 to state handgun laws
- Discuss effect at City Hall and other City buildings
- Discuss educational plan for the public and City organization

U.S. and Texas Constitutions

- “A well regulated Militia, being necessary to the security of a free state, the right of the people to keep and bear Arms, shall not be infringed.”

- Second Amendment to the U.S. Constitution (ratified 1791)

- “Every citizen shall have the right to keep and bear arms in the lawful defense of himself or the State; but the Legislature shall have power, by law, to regulate the wearing of arms, with a view to prevent crime.”

- Tex. Constitution, Article I, § 23 (enacted 1876)

Concealed Handgun License (CHL)

- In 1995, the Texas Legislature passed the Concealed Handgun Licensing Act, which allows qualified persons to obtain licenses to carry concealed handguns.
- The following persons cannot qualify for a license:
 - Persons convicted of or charged with a felony or a Class A or B misdemeanor.
 - Persons who have had 2 convictions for chemical or alcohol dependency-related issues within a 10-year period.
 - Persons who suffer from certain psychological impairments or conditions (unless a medical professional certifies that the condition is in remission).
 - Persons subject to a protective or restraining order.
 - Persons who are in default on taxes, child support, or governmental fees.

New Texas Handgun Laws

- In 2015, the Texas Legislature passed three significant handgun laws:
 - S.B. 273 prohibits governments from posting misleading handgun ban notices
 - S.B. 11 authorizes concealed campus carry
 - H.B. 910 authorizes “open carry”

Misleading Handgun Ban Notices

- S.B. 273 prohibits governments from posting misleading handgun ban notices
 - As of September 1, 2015, a state agency or a political subdivision of the state may not provide notice that a license holder carrying a concealed handgun is prohibited from being at a place “**owned or leased by**” the governmental entity unless license holders are actually prohibited from carrying a handgun on the premises by Section 46.03 or 46.035 of the Texas Penal Code.

Concealed Campus Carry

- S.B. 11 authorizes concealed campus carry
 - Beginning August 1, 2016, a license holder may carry a concealed handgun on the premises of an institution of higher education [other than the premises of a public junior college, on which concealed carry will not go into effect until August 1, 2017] or private or independent institution of higher education, on any grounds or building on which an activity sponsored by the institution is being conducted, or in a passenger transportation vehicle of the institution.

“Open Carry”

- H.B. 910 authorizes “open carry”
 - Beginning on January 1, 2016, persons with a license to carry generally may openly carry a handgun in the same places that allow the licensed carrying of a concealed handgun.
 - The license must be issued by Texas or a state that gives Texans with licenses the right to carry in that state.
 - The concealed handgun license (CHL) was renamed a license to carry (LTC)

“Open Carry”

- H.B. 910 (continued)
 - Unconcealed handguns, loaded or unloaded, must be carried in a shoulder or belt holster.



“Open Carry”

- Other provisions in the “open carry” law
 - Individuals who hold a valid concealed handgun license (CHL) may carry openly with that license.
 - No additional fee will be required.
 - Persons currently licensed will not be required to attend additional training.
 - The eligibility criteria to obtain a license to carry do not change.

Prohibited Locations for any Firearm

- Persons may not carry **any** firearms (including handguns) at certain locations, including:
 - the premises of a school or educational institution
 - the grounds or building on which an activity sponsored by a school or educational institution is being conducted
 - a passenger transportation vehicle of a school or educational institution
 - a polling place during voting
 - a racetrack
 - a government court and offices utilized by the court, and
 - a secured area of an airport
- Notice (such as a sign) is optional, but it is not required.

Prohibited Locations for Handguns

- Persons with a license to carry may not carry a handgun at certain locations, including:
 - a TABC-licensed or permitted business that derives at least 51% of its income from the sale or service of alcoholic beverages for on-premises consumption
 - a correctional facility
 - a high school, collegiate, or professional sporting event
 - a licensed hospital or nursing home*
 - an amusement park*
 - an established place of worship, and *
 - "in the room or rooms where a meeting of a governmental entity is held" if the meeting is an open meeting subject to the Texas Open Meetings Act and the government provided notice as required by that Act. *
- *Notice (usually a sign) of the handgun prohibition must be provided at these locations

Private Property

- Private businesses may prohibit concealed carry, open carry, or both by posting specific signs or communicating verbally.

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.



Employee Prohibitions

- State law allows employers (including the City) to restrict employees from carrying firearms into the workplace even though the employee is licensed to carry.
- The law allows persons who can legally transport firearms and ammunition to store them in a privately-owned motor vehicle in a parking location provided by the employer with some exceptions, such as school district parking lots, chemical plants, and private land owners.
- The City's Personnel Rules prohibit possession of firearms by employees on City property, unless specifically authorized and work related, except for storing firearms in their locked private vehicles when authorized by law to possess the firearms.

Carrying Handguns in City Buildings

- LTC holders generally will be able to conceal or openly carry in the **public areas** of City Hall and other City facilities.
- Common exceptions will include:
 - a polling place during voting,
 - a government court and offices utilized by the court,
 - a secured area of an airport, and
 - the room or rooms where a meeting of a governmental entity is held if the meeting is an open meeting subject to the Open Meetings Act (with proper notice).

Carrying Handguns in City Buildings

- EBS Security has been trained on the new laws for LTC holders.
- EBS Security will request LTC holders to provide their names, identifications, and destinations in the same manner CHL holders have done previously.
- DPD officers will be notified to assist EBS Security when a LTC holder does not comply with the requests.
- LTC holders are required to present ID and their LTC license to a peace officer upon demand.

Texas

Stanley S. Clark, Director

CONCEALED HANDGUN
LICENSE



999999999999999999

Your
Picture
Here

LICENSE # 999999999

CATEGORY: NSA

DL/ID: TX12345678

DOB 07/30/1976

EXPIRES: 07/30/2014

HAIR: BRO EYES: BLU SEX: [REDACTED]

HT: 5-04 WT: 150

LAST NAME, FIRST NAME MIDDLE SUFFIX

2120 OLD MAIN STREET

ANYTOWN TX 12345-000000

Jamice Sample



Raising Awareness of the New Laws

- The City has taken several steps to inform the public, DPD officers, EBS Security, and other City employees about the new laws:
 - Information has been provided to the media via social media and postings to the City internet website, including a FAQ page and links where citizens can obtain more information.
 - City employees were informed via internal correspondence and a town-hall style meeting with a subject matter panel. More informational meetings will be provided throughout the year.
 - Specific training was provided to EBS Security, 911, and 311 personnel.

Raising Awareness of the New Laws

- All DPD officers received a Roll Call training bulletin, PowerPoint presentation, video scenarios, and FAQ information.
- Jail sergeants received additional training and will serve as a 24/7 resource for officers.
- A new call sheet designation was established for “open carry” 911 calls for documentation and tracking purposes.
- Training is on-going. “Open carry” is the January 2016 DPD training theme. Training tips will be provided throughout the month via DPD intranet.
- Officers will distribute flyers to the community.

QUESTIONS?