

THE FIREARM CARRY ACT OF 2021

Texas HB1927

Effective Sept 1, 2021

Presented by: Sheriff AJ Louderback

DEFINITION

“A person carrying a handgun under the authority of Texas Constitutional Carry” That is shorthand for a qualified non-prohibited person carrying a handgun (openly in a holster or concealed) in a non-prohibited location after September 1, 2021.

License holders have significant advantages over non-license holders, including being allowed to carry in locations prohibited to non-license holders and additional defenses to prosecution!

THE FIREARM CARRY ACT OF 2021 SUMMARY

- Must be 21 or older
- Must not be prohibited from possessing a firearm in a public place under TX law.
- Must not have been convicted of (1) assault causes bodily injury; (2) deadly conduct; (3) terroristic threat; (4) disorderly conduct – discharging a firearm; or (5) disorderly conduct – displaying a firearm within the previous 5 years.
- Can carry concealed or openly in a holster
- IF openly carrying, you must keep the handgun holstered! Unless acting in justified defense or other lawful activity.
- Cannot carry intoxicated
- Brandishing not allowed – in a manner calculated to “alarm” people

WHAT WEAPONS ARE COVERED

- Handguns – any firearm that is designed, made or adapted to be fired with one hand.
- Texas penal code 46.03 now includes long guns meaning they are now explicitly prohibited in 51% establishments, professional sporting events, correctional facilities, hospitals, nursing facilities, mental hospitals, amusement parks, civil commitment facilities, and open meetings of government entities.

PLACES OFF LIMITS

- Schools or educational institutions
- Polling Places
- Courts
- Racetracks
- Secured areas of airport
- Within 1000 ft of locations designated by TDCJ as a place of execution on the day of death sentence
- Bars
- Professional sporting events
- Correctional facilities

- Civil commitment facilities
- Hospitals or nursing homes
- Mental hospitals
- Amusement parks
- A room or rooms of an open meeting of a governmental entity

FEDERAL PLACES OFF LIMITS

- Federal courthouses*
- Federal buildings*
- Federal prisons*
- U.S. Army Corps of Engineers property*
- National cemeteries*
- Post offices*
- Any building owned, leased or rented by the federal government, including buildings in National Forests, National Parks and Bureau of Land Management (BLM) lands
- Sterile areas of airports
- Military bases
- Rented offices

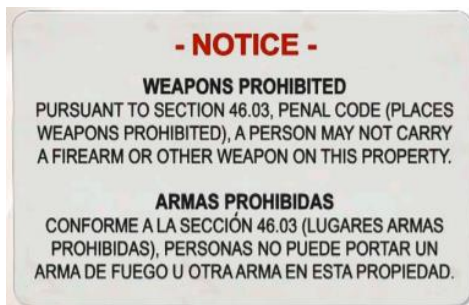
**This includes parking lots adjacent to, or part of, the facility if the federal entity owns or has control of the parking lot and it is posted "No Firearms." The lot has to be posted under federal law if it does not wish to have firearms present.*

FEDERAL LAW

- Federal property is subject to federal law and typically prohibits firearms anywhere on federal property, including parking lots (with signs) and sidewalks.

SIGNS, SIGNS, & MORE SIGNS

- **PROHIBITED PLACES FOR LICENSE HOLDERS & PERSONS LEGALLY CARRYING UNDER THE FIREARM CARRY ACT of 2021**
 - New 46.03 Sign: Prohibited places listed on the places off limits above have the option to provide a new form of notice that the location is prohibited. If effective notice is provided by this new sign any person who carries a firearm (even accidentally) into that location will not have the benefit of the newly created defense to prosecution intended to guard against mistakes. Regardless if the location has or has not posted the 46.03 sign, it is still prohibited.



- 51% Sign: If an establishment sells alcohol by the drink and receives 51% or more of its income from alcohol sales, it must display a 51% sign to legally give notice to all persons that the place is prohibited. However, only license holders are provided relief if the establishment does not provide effective notice (post signage) effective Sept. 1, 2021.



- **PROHIBITED PLACES FOR A PERSON CARRYING UNDER THE FIREARM CARRY ACT OF 2021**

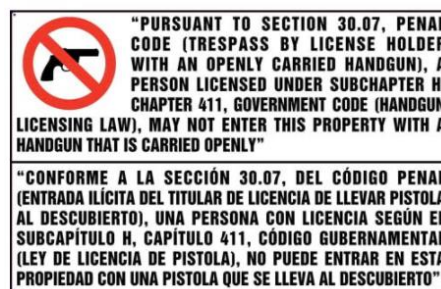
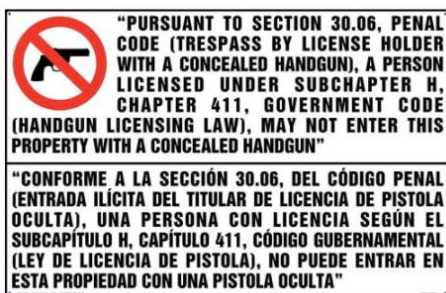
- TX PENAL CODE SEC 30.05(c) Property owners may provide notice to exclude non-license holders from carrying on their property. The sign may come in any form as long as it is reasonably likely to come to the attention of the person entering the building. (THESE SIGNS DO NOT APPLY TO LICENSE HOLDERS)



**NO FIREARMS
ALLOWED**

- **PROHIBITED PLACES FOR LICENSE HOLDERS**

- TX PENAL CODE SECS 30.06 & 30.07 these are notices to exclude license holders from their establishments not otherwise governed by statute. * Valid warning can be given orally, in writing, or by signage.



WHY SHOULD I GET A LICENSE?

- You need to know the law on when you can use deadly force!
- A license holder can carry in 37 other states

- Entitled to more notice in some prohibited locations
- Alternative to background check
- A public or private employer may not prohibit an employee from transporting or storing a firearm in a privately owned and locked vehicle except in places where prohibited by state or federal law. School districts are covered under Tx Education Code 37.0815. (However, there are exemptions in the oil & gas refineries where you cannot have on premises even in vehicle.)
- A member or honorably discharged veteran of the US Military may obtain a license between the ages of 18-21
- TX allows an “oopsies” at airport. It gives a grace period to license holders that accidentally carry into airport screening as long as they exit immediately from the airport once firearm is found.

WHY SHOULD I GET FIREARM TRAINING?

- The mind cannot go where the body has never been!
- Your constitutional right to carry does not absolve the responsibility of owning a firearm. Legally, morally & ethically.
- Can bolster defense to potential prosecutions.

Knowledge
is
power!



HELPFUL SITES:

[HTTPS://CAPITOL.TEXAS.GOV/TLODOCS/87R/BILLTEXT/PDF/HB01927F.PDF#NAVPANES=0](https://capitol.texas.gov/tlodocs/87R/billtext/pdf/hb01927f.pdf#navpanes=0)

[HTTPS://WWW.DPS.TEXAS.GOV/SECTION/HANDGUN-LICENSING/OVERVIEW](https://www.dps.texas.gov/section/handgun-licensing/overview)