



Texas Open Carry and Campus Carry: What Does it Mean For All Employers?

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Effective January 1, 2016, Texas law will permit an individual who has a concealed handgun license (“CHL”) to openly carry a handgun in a shoulder or belt holster in all places in which a CHL holder currently is authorized to carry a concealed handgun. Police officers may stop and ask if the individual is licensed to openly carry, simply because the person is openly carrying a handgun.

What do employers need to do? Public and private employers must make a decision as to whether they prohibit CHL holders from bringing handguns on their premises (whether openly carried or concealed), but must display two different written notices: one specifying that licensed holders with concealed handguns are prohibited and another specifying that licensed holders openly carrying handguns also are prohibited.

Each sign must (i) display text in contrasting colors with block letters at least an inch in height, (ii) display text in English and Spanish, and (iii) be displayed in a conspicuous manner clearly visible to the public at each entrance to the property. Different verbiage is required for each sign. Signs prohibiting concealed handguns must state, “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.” Signs prohibiting open carry must include the phrase “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.” The employer may not prohibit a licensed employee from carrying a handgun in a locked, privately owned or leased motor vehicle that is in a parking lot, parking garage, or other parking area provided by the employer for employees.

Another Texas law that takes effect on August 1, 2016 allows licensed gun owners to carry concealed weapons on college campuses. This law requires higher education institutions to establish reasonable rules, regulations, and other provisions regarding the carrying of concealed handguns by license holders on campuses or other premises. These rules, regulations, and other provisions cannot effectively prohibit license holders from carrying concealed handguns on campus. However private or independent institutions of higher education may prohibit license holders from carrying handguns on campus.

If you have any questions regarding the Open Carry Law, please contact your McGinnis Lochridge attorney.

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