Constitutional Carry

What does it mean?

Effective September 1, 2021

Hutto ISD Police Department

In the United States, the term constitutional carry, also called permitless carry or unrestricted carry, refers to the legal carrying of a handgun, either openly or concealed, without a license or permit.

According to Texas Penal Code 30.05, criminal trespassing is **the act of knowingly entering private property without the consent of the owner**. ... An individual refusing to leave private property after the conclusion of a party may result in criminal trespass.





Texas Penal Code Section 30.06 allows a home owner, business owner or commercial landowner to post signage that **bars a person with a "Concealed Handgun License"** or CHL from entering the premises while carrying a concealed handgun.

Section 30.07 or, "**Trespass by License Holder with an Openly Carried Handgun**," is essentially the exact same code as Section 30.06. ... This means, even if a person has been issued a Concealed Handgun License, they are still not allowed to open carry on a property where the 30.07 sign is posted.



Texans have had the right to carry a gun in public since 1995, when then-Gov. George W. Bush signed concealed carry into law.

More gun-friendly legislation followed over the years. In 2007, the Texas Motorist Protection Act made it legal for people without a handgun license to keep a firearm in their vehicle. The state Legislature authorized guns on state university campuses and open carry in 2015. But you still needed to obtain a license to be able to take your gun outside your home or vehicle.

That's no longer the case come Sept. 1, 2021 after lawmakers passed Senate Bill 1927, which allows anyone who can legally own a firearm to carry it – in a holster – in public, for the first time since Reconstruction.

Who can carry:

September 1, 2021, those age 21+ who can legally possess a firearm will be able to carry a handgun – concealed, or openly in a holster – in non-prohibited public places.

- **Exception:** those who have been convicted of certain misdemeanors in the previous five years will not be able to carry handguns outside of their property or vehicle. These misdemeanors include assault causing bodily injury; deadly conduct; terroristic threat; and disorderly conduct with a firearm.

Prohibited carry:

Prohibited places include the following:

- Schools (including both K-12 and colleges; school activities; school buses)
- Polling places
- Courts or offices utilized by the court
- Racetracks
- Airports past security
- Bars (establishments that make 51% or more of their income from sale or service of alcoholic beverages for on-premises consumption)
- Sporting events (high school, college, or professional)

Prohibited carry: (cont.)

Prohibited places include the following:

- Correctional facilities
- Civil commitment facilities
- Hospitals
- Nursing homes
- Mental hospitals
- Amusement parks (75+ acres, in large counties, and open at least 120 days a year)
- Governmental open meetings if notice is provided

Other prohibited permitless handgun carry:

- **Carry while intoxicated** will be prohibited except on your property, in your vehicle, or on / in another's property or vehicle with their consent.
- **College Campus carry** is still prohibited for permitless carry (only those with an LTC carrying concealed can carry handguns on higher education campuses, and even then, with significant restrictions).
- Handgun carry on **Lower Colorado River Authority** property is protected for LTC holders but not for permitless carry.
- **Private businesses** can prohibit unlicensed carry by providing notice under Penal Code Chapter 30.05. This notice can be a specifically worded sign, somewhat similar to a 30.06 or 30.07 sign, or it can be another sign or communication that simply gives notice that entry with a handgun is forbidden. The maximum penalty is identical to the penalty for carrying past a 30.06 or 30.07 sign: maximum class C misdemeanor and $200 fine if you leave as soon as you're told to leave.
- **Federal property:** In general, Federal law prohibits carry on Federal property, and state law does not affect Federal property.

Disarm by peace officer: HB 1927 re-states a provision allowing law enforcement to disarm an individual if necessary for safety *during the lawful discharge of the officer's duties*. The same provision exists in current law for LTC holders. This is **not** a new provision.

https://texas.gunowners.org/hb-1927-final-version-what-does-it-say

Places Weapons Prohibited PC 46.03

Weapons are not allowed on any school district property or school related event!

See Something, Say something!



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