



LOCAL OFFICIALS:

STP

Stronger, Together Podcast

*Educating members through discussions about
key legal issues and Pool services.*

LISTEN. LEARN.



Scott Houston
Intergovernmental Relations Manager
Texas Municipal League Intergovernmental Risk Pool
512-791-4158
scott.houston@tmlirp.org





393,000,000

Number of firearms in the U.S. (2022)...



6

*Number of firearms owned by Scott Houston,
including one M&P 15 (2022)...*

400,000

Number of AR-15 Style Rifles in U.S. (1994)...

You read that right:
17,000,000

Number of AR-15 Style Rifles in U.S. (2022)





Please produce within 10 days all briefings, communications, documents, handouts, and other information that relate to 1st Amendment auditors, 2nd Amendment auditors, or constitutional carry that was presented at the Elected Officials' Conference in Sugar Land from February 2-4, 2022.

It has been brought to my attention that one or more of you presented, or received, information related to 1st Amendment and 2nd Amendment auditors, and those briefings portrayed private citizens as criminals even though they were not charged with any crimes.

Please produce within 10 days, written communications and documents establishing whether your government entity regards 1st and 2nd Amendment “auditors” as criminals.



Today's Objectives...

1. Be Prepared
2. Places carry prohibited review
3. Meeting room (maybe debatable)
4. Courts (only actual courtroom or offices – whole building maybe debatable)
5. Constitutional carry signage 30.05/46.12 (definition of “person”)

Objective 1: Be Prepared...

- [Formal Risk Pool Classes:](#)
 - In Person Workplace Violence Awareness and Prevention
 - In-Person First (and Second?) Amendment Auditors
 - Online learning course – Workplace Violence
- Online:
 - [“Run, Hide, Fight”](#)
 - [FEMA Active Shooter](#)
 - [Dept. of Homeland Security Active Shooter](#)
- Local law enforcement: Workplace safety consultations
- Employee carry?

Objective 2: Places Carry Prohibited

- Authorized *civilian* carrier can't carry a handgun into the following facilities:
 1. Courts
 2. Open meeting room (with notice for licensee?).
 3. Polling place during election
 4. Secured area of airport
 5. School/school activity
 6. Professional sporting event
 7. Secure area of police department (with notice for licensee)
 8. Employer can ban or allow employee carry

OBJECTIVE 3: OPEN MEETINGS



Objective 3: OPEN MEETINGS

- **Unlicensed carrier:** may not carry into 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, and if the entity provided notice as required by the Open Meetings Act. An outright ban. Period.
- **License holder:** may carry into a meeting described above, *unless the entity provides notice that doing so is prohibited using a Penal Code 30.06 and/or 30.07 sign?*
 1. Section 46.03(a)(14) prohibits carry in an open meeting. **Full stop.**
 2. Section 46.15(b)(6) – non-applicability: “Sections...46.03(a)(14)...do not apply to a person who...is carrying a license and...a handgun... concealed manner or [openly] in a holster.”
This allows a license holder to carry into a meeting.

Objective 3: OPEN MEETINGS

3. Section 30.06(e)/30.07(e) still states that “it is an exception to the application of this section that the property on which the license holder carries a handgun is owned or leased by a governmental entity *and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Section 46.03.* **This means a city can’t post one of these signs anywhere except as authorized by law, and the only “optional” place to post it is at the door to an open meeting while the meeting is taking place.**
4. *Sections 30.06/30.07 refer to 46.03, which prohibits carry, and that’s the reference back. So, the question is: does the Section 46.15 “non-applicability” reference change anything? My research tends to indicate not. The legislature could have included Section 46.15(b)(6) in the 30.06(e)/30.07(e) cross-reference, but they didn’t.*
5. **Bottom line:** A city can still post a 30.06 or 30.07 sign because a license holder is still prohibited by 46.03(A)(14) from carrying into a meeting.

Objective 3: OPEN MEETINGS



Objective 4: COURTS

Premises* of any government **court or offices utilized by the court**, unless pursuant to written regulations or written authorization of the court

- Previous interpretations, then governor’s memo.
- Tex. Att’y Gen. Op. No. KP-0047 (2015) concludes that safest answer is that a person is prohibited from carrying a firearm only into the *room* that actually houses a court or court office.
- Waller County and City of Austin litigation
- 2005 legislative committee video:

***Premises** means a building or a portion of a building. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, garage, or other parking area.

include
parking



Objective 4: COURTS



Objective 5: Constitutional Carry Signage

- **Who (or what) is a “person?”**

- Penal Code § 1.07(a)(38) defines “**Person**” to mean an individual or a corporation, *association*, limited liability company, or **other entity or organization governed by the Business Organizations Code**.
- Penal Code § 1.07(a)(6) further defines “**Association**” to mean a government or *governmental subdivision* or agency, trust, partnership, or two or more persons having a joint or common economic interest.

- **Why does it matter?** Section 46.15 allows a person to post a sign identical to or substantially similar to the following:

"Pursuant to Section 46.03, Penal Code (places weapons prohibited), a person may not carry a firearm or other weapon on this property"



Objective 5: Constitutional Carry Signage

- **Why does it matter?** Section 30.05 allows a person to post a sign identical to or substantially similar to the following:

"Pursuant to Section 30.05, Penal Code (criminal trespass), a person may not enter this property with a firearm"

Today's Objectives...

1. Be Prepared
2. Places carry prohibited review
3. Meeting room (debatable now, including 46.035 repeal)
4. Courts (only actual courtroom or offices – whole building maybe debatable)
5. Constitutional carry signage 30.05/46.12 (definition of “person”)



QUESTIONS?

- www.tmlirp.org
- *Stronger, Together* Podcast (STP) Series button
- scott.houston@tmlirp.org
- Cell 512-791-4158

