

Prohibiting Concealed or Open Carry Handguns on Private Property

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From TMA Office of the General Counsel

Texas Law

Since 1995, Texas concealed handgun license holders have been permitted to carry concealed handguns anywhere in Texas that was not expressly prohibited by law.

Effective Jan. 1, 2016, Texas handgun license holders are permitted to carry handguns in plain view (“open carry”), so long as the handgun is carried in a shoulder or belt holster, anywhere in Texas that is not expressly prohibited by law.¹

Exceptions to the general authorization for handgun license holders to carry handguns include schools, school vehicles, polling places, courts, racetracks, airports, bars, sporting events, amusement parks, churches, nursing homes, and most hospitals.²

Private property owners also may take action to prohibit the licensed carry of handguns on their property.³ This white paper provides information on how private property owners may prohibit the carry of handguns by providing proper notice to license holders.

Texas law in this area contains numerous exceptions and defenses to prosecution that may apply. **You should contact your own retained legal counsel for specific legal advice.**

Frequently Asked Questions

I already have a “30.06 sign” posted. Am I covered?

No, 30.06 signs only prohibit the concealed carry of handguns; 30.07 signs prohibit the open carry of handguns.⁴

Furthermore, effective Jan. 1, 2016, the required language for 30.06 signs is different than the pre-2016 required language.

Your pre-2016 30.06 sign no longer serves as effective notice to prohibit concealed carry.

What language does a 30.06 sign have to have as of Jan. 1, 2016?

“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.”⁵

Any other requirements for my new 30.06 sign?

The language must be identical to that above, in both English and Spanish, appear in contrasting colors with block letters at least one inch in height and be displayed in a conspicuous manner clearly visible to the public.⁶

¹ Texas House Bill 910, 84th Leg., R.S. (2015).

² Texas Penal Code §§46.03-46.035.

³ See Texas Penal Code §§30.06-30.07.

⁴ Id.

⁵ Texas Penal Code §30.06(c)(3).

⁶ Texas Penal Code §30.06(c)(3)(B).

My current 30.06 sign is fairly close to that. Are you sure I can't just keep it?

Yes, we are sure. Texas Penal Code §30.06 states that for written communication (including signs) to serve as effective notice, the language must be *identical* to that currently in statute.⁷

The following illustrates the changes from the pre-2016 language: “Pursuant to Section 30.06, Penal Code (trespass by license holder with [~~of license to carry~~] a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (~~concealed~~] handgun licensing law), may not enter this property with a concealed handgun.”⁸

Ok, then what language does a sign have to have to prohibit the open carry of handguns?

“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.”⁹

That looks similar to the language on my 30.06 sign. Can't I just combine the two signs?

There is nothing in the statute prohibiting the 30.06 language and 30.07 language from being posted on the same sign, but the statute does appear to prohibit the combining of the two paragraphs, as both sections 30.06 and 30.07 require the language on the signs to be *identical* to what is in the statute in order to meet the exception.¹⁰

Any other requirements for my “30.07 sign”?

The language must be identical to that above, in both English and Spanish, appear in contrasting colors with block letters at least one inch in height and be displayed in a conspicuous manner clearly visible to the public at **each** entrance to the property.¹¹

“Each” entrance? I only have to post “a” 30.06 sign. Do I really have to post a 30.07 sign at each entrance to my property?

Yes, unlike Texas Penal Code §30.06, Texas Penal Code §30.07 states that 30.07 signs must be displayed in a conspicuous manner clearly visible to the public at **each** entrance to the property.¹²

That sounds expensive. Are there any other ways I can prohibit the concealed and/or open carry of handguns on my property?

Private property owners may prohibit the concealed and/or open carry of handguns by providing proper notice to handgun license holders. That notice may be provided by oral or written communication.¹³ “Written communication” means a card or other document ... or sign.¹⁴

If you give notice via cards or other documents, you must use language identical to that above.¹⁵

Unlike notice provided via posted signs, however, there are no English/Spanish or font type/size requirements for notice provided via cards or other documents.

⁷ Texas Penal Code §30.06(c)(3)(A).

⁸ Texas House Bill 910, Section 43, 84th Leg., R.S. (2015).

⁹ Texas Penal Code §30.07(c)(3).

¹⁰ Texas Penal Code §30.06(c)(3)(A) and §30.07(c)(3)(A).

¹¹ Texas Penal Code §30.07(c)(3)(B).

¹² Id.

¹³ Texas Penal Code §30.06(b) and §30.07(b).

¹⁴ Texas Penal Code §30.06(c)(3) and §30.07(c)(3).

¹⁵ Texas Penal Code §30.06(c)(3)(A) and §30.07(c)(3)(A).

A private property owner can give notice using “a card or other document.” Does that mean I can prohibit handguns by posting a business card or other small document with the “identical” language?

No. Texas Penal Code §30.06 and §30.07 give private property owners some options for how to convey notice to handgun license holders, but if you choose to post a notice, it must comply with the font size and other requirements specified.¹⁶

Hmm. I still like the sign idea, but what about just a picture instead of all those words?

So-called “gunbuster” signs (those with a red circle around a gun that is crossed through) do not meet the exceptions provided by Texas Penal Code §30.06 or §30.07. You may give notice orally or through written communication; written communication is defined as a card, other document, or sign with the language discussed above.¹⁷ The language must be *identical* no matter the form of written communication used,¹⁸ but signs also must meet the additional requirements regarding size, language, placement, etc.¹⁹

What if I am not the owner of the property?

For the purposes of Texas Penal Code §§30.06-30.07, the owner of the property or someone with apparent authority to act for the owner may provide effective notice.²⁰

I have decided to post the signs. Is there anything else I should know?

Private property owners may prohibit the concealed and/or open carry of handguns on premises. “Premises” means a building or a portion of a building but does not include any public or private driveway, street, sidewalk, walkway, parking lot, parking garage, or other parking area.²¹

Note: There are some parking lots, parking garages, or other parking areas where concealed and/or open carry handguns may be prohibited under certain circumstances. You should discuss this with your own retained legal counsel for specific legal advice.

I work at a hospital [or nursing home]. Are handguns permitted here?

If the hospital or nursing home has given effective notice under Texas Penal Code §30.06 or 30.07, handgun license holders are not permitted to have concealed or open carry handguns “on the premises of a hospital licensed under Chapter 241, Health and Safety Code, or on the premises of a nursing home licensed under Chapter 242, Health and Safety Code, unless the license holder has written authorization of the hospital or nursing home administration, as appropriate.”²²

Note: Not all hospitals in Texas are licensed under Texas Health and Safety Code Chapter 241. If you are not sure about your hospital, consult hospital counsel or your own retained legal counsel for specific legal advice.

¹⁶ Texas Penal Code §30.06(c)(3)(B) and §30.07(c)(3)(B), *see also* <http://dps.texas.gov/RSD/CHL/faqs>.

¹⁷ Texas Penal Code §30.06(c)(3) and §30.07(c)(3).

¹⁸ Texas Penal Code §30.06(c)(3)(A) and §30.07(c)(3)(A).

¹⁹ Texas Penal Code §30.06(c)(3)(B) and §30.07(c)(3)(B).

²⁰ Texas Penal Code §30.06(b) and §30.07(b), *see also* <http://dps.texas.gov/RSD/CHL/faqs>.

²¹ Texas Penal Code §46.035(f)(3).

²² Texas Penal Code §46.035(b)(4) and Texas Penal Code §46.035(i).

I work at a medical school. Are handguns permitted here?

There is not a straightforward answer to this question, as some medical schools are public, while others are private; some medical schools are on land owned by hospitals, while others are not; and some facilities used by medical school staff and students are on property that may not actually be owned by the medical school.

Physicians with questions in this area should consult medical school counsel or their own retained legal counsel for specific legal advice.

I work on public property that is not a hospital or medical school. Are handguns permitted here?

The statutes may not contemplate every type of property or employment situation. Physicians with questions in this area should consult their own retained legal counsel for specific legal advice.

Where can I purchase 30.06 and 30.07 signs?

There are many commercial sign and online retailers who sell 30.06 and 30.07 signs.

Note: Review any sign carefully before purchasing. Only signs with language identical to the statutes will meet the exception.²³

Signs meeting all of these requirements are huge (30" x 36"). Would a smaller sign really not meet the exception?

The statutes state that signs must contain language identical to that above, in both English and Spanish with block letters at least one inch in height.²⁴

Tip: Consider vinyl decals for signs posted on glass doors, but remember, the same language, font size, and contrasting color requirements still apply.²⁵

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²³ Texas Penal Code §30.06(c)(3)(A) and §30.07(c)(3)(A).

²⁴ Texas Penal Code §30.06(c)(3) and §30.07(c)(3).

²⁵ Id.