

Lone Star State Expands Gun Rights, Mandates Additional Signage to Ban Guns from Property

By **Kristin L. Bauer** and **Katrin U. Schatz**

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Texas will allow the open carrying of handguns in public and the carrying of concealed handguns on university campuses beginning in 2016 under two bills signed by Governor Greg Abbott.

House Bill No. 910, effective January 1, 2016, allows handgun license holders in Texas to carry a holstered handgun openly anywhere a concealed handgun is permitted. A handgun is not allowed in such places as hospitals and nursing homes, amusement parks, government buildings, and churches, synagogues, and other established places of religious worship.

Senate Bill No. 11 allows the carrying of concealed handguns by handgun license holders in university buildings. This law goes into effect on August 1, 2016, for public and private colleges, universities, and other independent institutions of higher learning, and August 1, 2017, for public junior and community colleges. The law permits private universities to opt out and public universities to set up gun-free zones.

Private Property

As part of their efforts to prevent violence in the workplace, many employers prohibit guns on their premises. Such policies are lawful under the new open carry law, and Texas law already requires private property owners that want to keep guns from their property to notify the public “orally or by written communication” that guns are prohibited from their property.

To prohibit concealed handguns on their property, property owners must post signs in a conspicuous manner, clearly visible to the public, with language identical to the following:

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.

To prohibit the open carry of guns on their property, property owners now also must post a second sign conspicuously at each entrance to the property with the following language:

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 notices must use the exact language quoted above, be contained on separate signs.

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The notices must use the exact language quoted above, be contained on separate signs, in English and Spanish, in contrasting colors with block letters at least one inch in height, and displayed in a conspicuous manner clearly visible to the public.

In addition, pursuant to existing law, most public and private Texas employers may not prohibit employees who hold a license to carry a handgun from transporting or storing a firearm they lawfully possess in the employee's locked, privately owned motor vehicle in an employer-provided parking area. Exceptions to this narrow carve-out include vehicles owned or leased by the employer, school districts, an open-enrolled charter school (as defined by Section 5.001 of the Education Code), a private school (as defined by Section 22.081 of the Education Code), property owned or controlled by a person (other than the employer) that is subject to a valid, unexpired oil, gas, or other mineral lease that contains a provision prohibiting the possession of firearms on the property, or specified properties owned or leased by chemical manufacturers or oil and gas refiners. The full text of this law, codified in Chapter 52 of the Texas Labor Code, subchapter G, and Section 411.203 of the Texas Government Code, can be found at: <http://www.legis.state.tx.us/BillLookup/History.aspx?LegSess=82R&Bill=SB321>.

Employers, property owners, and universities in the Lone Star State should review their current policies to ensure compliance with the new laws. Although employers retain the right to ban handguns from premises, this prohibition should be clearly communicated consistent with the requirements of Texas law.

Jackson Lewis attorneys are available to assist employers with this and other workplace requirements.

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