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**RELEVANT LEGISLATION:**

[Texas Government Code Chapter 411 Subchapter H](#)

[Texas Government Code § 76.0051, § 411.047](#)

[Texas Health and Safety Code 12.092](#)

[Texas Penal Code § 30.05, § 30.06, § 38.01, § 42.01, § 46.01, § 46.02, § 46.03, § 46.035, § 46.04, § 46.041, § 46.05, § 46.06, § 46.07, § 46.08, § 46.09, § 46.10, § 46.11, § 46.12, § 46.13, § 46.15](#)

[Texas Education Code § 37.125](#)

[Texas Family Code § 58.003](#)

[Texas Human Resources Code § 80.001](#)

[Texas Local Government Code § 229.001, § 250.001](#)

**.10 INTRODUCTION:**


- A. This procedure establishes guidelines for actions Officers should take when coming into contact with citizens who are licensed by the State of Texas to carry concealed handguns.

**.11 POLICY:**

- A. The State of Texas through passage of [Senate Bill 60 by the 74th Texas Legislature](#) has granted qualified citizens the privilege to carry concealed handguns. Therefore, it is the policy of this Department to protect those citizens' privilege to carry concealed handguns through training and education of Officers on the applicable laws and also to safeguard all citizens through enforcement for violations of those laws.

**.12 DEFINITIONS:**


- A. "Concealed Handgun" means a handgun, the presence of which is not openly discernible to the ordinary observation of a reasonable person.

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- B. "Handgun" means any firearm that is designed, made, or adapted to be fired with one (1) hand.
- C. "License Holder" means a person who has been issued a license by the [Texas Department of Public Safety](#) to carry a concealed handgun.
- D. "Premises" means a building or a portion of a building, excluding any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area.

**.13 LICENSE REQUIRED TO CARRY CONCEALED HANDGUN:**

- A. Before a citizen of this state may legally carry a concealed handgun, a concealed handgun license must be obtained through the [Texas Department of Public Safety](#).
- B. A concealed handgun license issued by another state does not authorize a person to carry a concealed handgun in this state. The out-of-state concealed handgun license only reduces the eligibility requirements and fees for applying for a Texas concealed handgun license.
- C. The concealed handgun license must be carried by the license holder when he is in possession of a handgun. The concealed handgun license contains the category or categories of handguns the license holder may carry. The categories are:
  1. SA - Any handgun, whether semi-automatic or not; and
  2. NSA - Handguns that are not semi-automatic.


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**.14 REQUIREMENTS TO DISPLAY LICENSE:**

- A. When an Officer requests a license holder to display his concealed handgun license, the license holder must display the concealed handgun license and also his Texas driver's license or identification card issued by the [Texas Department of Public Safety](#).
- B. If a license holder is carrying a handgun and is asked for identification by an Officer, the license holder must display both his Texas driver's license or identification card issued by the [Texas Department of Public Safety](#) and his concealed handgun license.
- C. The failure or refusal to display a concealed handgun license and identification by a person carrying a concealed handgun on demand of a Peace Officer is a [Class B Misdemeanor](#).
- D. Officers may access the Texas Criminal Information Center (T.C.I.C.) to identify concealed handgun license holders.

**.15 LOCATIONS WHERE STATE LAW PROHIBITS THE CARRYING OF CONCEALED HANDGUNS**

- A. [Penal Code Chapter 46, Weapons](#), prohibits a person from carrying prohibited weapons, including a handgun, onto any of the following locations:
  1. Schools or school buses;
  2. Polling places;
  3. Government courts or court offices;
  4. Racetrack premises; and
  5. Secured airport areas.


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B. In addition to the above restrictions, concealed handgun license holders are prohibited from carrying a handgun, concealed or not, into any of the following locations or under any of the following conditions:

1. Prohibited locations:

- a. On the premises of a business licensed for sale of alcohol, if the business derives fifty-one percent (51%) or more of its revenue from the sale of alcohol for on-premise consumption.
- b. On premises where a high school, collegiate, or professional sporting or interscholastic event is taking place, unless the license holder is a participant in the event and a handgun is used in the event;
- c. On the premises of a correctional facility;
- d. On the premises of a hospital or nursing home licensed under the Health and Safety Code, unless the license holder has written authorization from the hospital or nursing home management?
- e. In an amusement park;
- f. On the premises of a church, synagogue, or other established place of religious worship; or
- g. At any meeting of a governmental entity.


2. Prohibited Conditions:

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- a. Any time the license holder intentionally fails to conceal the handgun (Officers intending to arrest a licensed handgun holder who, although not at a prohibited location, failed to conceal the handgun, must be able to demonstrate that the failure to conceal was intentional); or
- b. If the license holder is intoxicated.

**.16 EMPLOYER'S RIGHT TO NOT ALLOW THE CARRYING OF A CONCEALED HANDGUN ON PUBLIC OR PRIVATE PREMISES**


- A. Employers, public or private, may elect to not allow a concealed handgun license holder to carry a handgun onto the premises of their businesses.
- B. If an employer elects not to allow the license holder to carry a handgun onto his premise, he should;
  - 1. Post signs stating that the carrying of a handgun is not allowed; and
  - 2. Notify the license holder orally or in writing not to carry a handgun onto his premises.
- C. The Alamo Colleges do not permit concealed handgun license holders or other non law enforcement personnel to carry handguns concealed or not concealed on the premises of any campus or facility belonging to or under its control and has posted signage to that effect and published that prohibition in the following policies:
  - 1. [G.1.4 \(Policy\) Student and Community Use of College District Facilities](#)
  - 2. [D.2.5 \(Policy\) Hiring Authority, Status, Assignments and Duties](#)

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3. [D.10.2.2 \(Procedure\) Termination During Contract Term: Non-Tenured Employees](#)
4. [F.4.2 \(Policy\) Student Code of Conduct](#)
5. [F.4.2.1 \(Procedure\) Prohibited Conduct](#)

**.17 ENFORCEMENT ACTIONS BY OFFICERS**


- A. Concealed handgun license holders who are carrying handguns in places or under conditions prohibited by Penal Code statutes, as listed in Section .15, shall be arrested in accordance with the applicable subsections of [Chapter 46, Weapons, of the Penal Code](#).
- B. Concealed handgun license holders who are carrying handguns on public or private premises where an employer has asked the license holders to leave, as listed in Subsection .16 B, shall be advised:
  1. They are in violation of the [Criminal Trespass statutes](#) and to leave the premises; and
  2. Subject to an arrest for [Criminal Trespass](#) if the license holder refuses to leave the premises.
  3. Officers will refrain from acting solely on a sign being posted when causing a patron to be removed, and instead, have the owner/manager give the Criminal Trespass warning
- C. A person in possession of an expired concealed handgun license who is carrying a concealed handgun shall be arrested in accordance with [Section 46.02, Unlawful Carry Weapons, of the Penal Code](#).

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D. A concealed handgun license holder who is carrying a handgun of a different category than is listed on the handgun license shall be arrested in accordance with [Section 46.02 of the Penal Code](#).

**.18 OFFICER'S AUTHORITY TO SEIZE HANDGUN AND LICENSE OR TO DISARM LICENSE HOLDER**

- A. An Officer arresting a license holder for a criminal violation in which the handgun was used or is evidence shall seize the handgun and concealed handgun license and place them in the property room as evidence.
- B. An Officer arresting a license holder for a criminal violation in which the handgun is not evidence shall place the handgun and license into evidence as personal property.
- C. An Officer stopping or detaining a concealed handgun license holder may disarm the license holder if:
  1. The Officer reasonably believes it is necessary to disarm the license holder for the protection of the Officer, license holder, or other persons:
  2. The reasonable belief is listed in the Officer's written report; and
  3. The handgun is returned to the license holder once the Officer determines the license holder is not a threat and is not being arrested for a criminal violation.
  4. The Officer may exercise discretion in determining whether to return the weapon as loaded or unloaded, or having the license holder secure the weapon in an inaccessible location (e.g., a car trunk) until the Officer departs.
  5. In unusual situations (e.g., an extremely irate or irrational subject) the Officer may even deem it appropriate to place the weapon in the property room and complete an


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Incident Report and property receipt, *as long as the reason for safety concerns can be articulated.*

**.19 REPORT RESPONSIBILITY**

A. Officers

1. An Officer responding to any incident involving the carrying of a handgun by a license holder shall document the incident in an offense or incident report. The report shall contain, as a minimum, the following information:
  - a. Any violation committed by the license holder;
  - b. Actions taken by the Officer;
  - c. The name of the license holder;
  - d. The concealed handgun license number; and
  - e. The model and serial number of the license holder's handgun.
2. In order for the [Texas Department of Public Safety](#) to suspend the concealed handgun license holder in violation of [Chapter 46, Weapons, of the Penal Code](#), an Officer shall also complete a [DPS approved affidavit form](#), revised May 2007. The form shall be attached to the offense or incident report and forwarded to the Criminal Investigations Division for processing.

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B. Criminal Investigations Division

1. CID shall process all reports involving incidents related to the carrying of concealed handguns by license holders and forward a copy of the offense or incident report and the original DPS form to the [Texas Department of Public Safety](#).