

# Firearms Carry Act of 2021 HB 1927

Commonly known as “Constitutional Carry” or “Permitless Carry”

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# HB 1927 in a nutshell

- Beginning on September 1, 2021, it will be lawful for most people aged 21 and older to carry a **handgun** in most **public** places without a permit:
  - HB 1927 makes significant changes to Texas law, including to Texas Penal Code sections 46.02 (Unlawful Carrying Weapons) and 46.03 (Places Weapons Prohibited).
  - It also repeals Penal Code 46.035 (Unlawful Carrying of Handgun by License Holder) entirely.

# Homicide by Firearm

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- Calendar Year 2020: 406 Homicide deaths, including 351 victims with gunshot wounds
- Year to Date 2021 (Aug 22): 283 Homicide deaths, including 243 homicide victims with gunshot wounds

**SOURCE:** HPD Office of Planning & Data Governance | Murder



# Road Rage with Firearm

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- Calendar Year 2020: 58 road rage shootings
- Year to Date 2021 (Aug 22): 35 road rage shootings

**SOURCE:** HPD Office of Planning & Data Governance | CAD, RMS



# Shootings

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- Calendar Year 2020: 1,323 shooting incidents, including 393 shooting deaths
- Year to Date 2021 (Aug 22): 916 shooting incidents, including 246 shooting deaths

**SOURCE:** HPD Office of Planning & Data Governance | RMS



# Do Not Give Your Gun to a Criminal

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- Secure your guns. Do not leave your gun in your car.
  - Calendar Year 2020: 2,889 stolen firearms from vehicles
  - Year to Date 2021 (Aug 22): 2,120 stolen firearms from vehicles

**SOURCE:** HPD Office of Planning & Data Governance | RMS



# Legal Carry vs. Illegal Behavior

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- A handgun that is visible and holstered is lawful and does not constitute a violation of the penal code and no police response is needed.
- There is no holster requirement for long guns. Long guns are usually visible.
- It is illegal to display any gun in a menacing or threatening way and the public should call HPD when they see this behavior. HPD will dispatch officers when this type of activity is reported.

# When Should You Call the Police?

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- A person openly carrying a weapon in a holster should not automatically raise concern since it is lawful.
- If you see more, such as suspicious behavior, a disturbance or argument where a person has a gun, or other behavior that would lead you to believe that someone is in danger or there is criminal activity possibly taking place.
- Remember, our dispatchers must obtain as much information as possible to try to determine whether the person is lawfully carrying a weapon such as “What is the behavior? What are they doing besides just openly carrying?”

# Firearm Signage

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- There are six signs that the law has designed to provide notice where guns are not permitted.

# Penal Code §30.05 Notification

## Applies Only To Permittless Carry

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- This applies to long guns and permittless carrying of handguns, but does not apply to LTC holders
- Posted Sign at each entrance to the property
- Violation of Section 30.05 (c) will generally be a Class C Misdemeanor - \$200 Municipal Fine

### **HANDGUNS PROHIBITED**

PURSUANT TO SECTION 30.05,  
PENAL CODE (CRIMINAL TRESPASS),  
A PERSON MAY NOT ENTER THIS  
PROPERTY WITH A FIREARM.



### **PROHIBIDO ARMAS DE FUEGO**

CONFORME A LA SECCIÓN 30.05 DEL CÓDIGO  
PENAL (TRASPASAR), NO PUEDE INGRESAR A  
ESTA PROPIEDAD CON UNA ARMA DE FUEGO.

# Penal Code §30.06 – Trespass By License Holder With A **Concealed** Handgun

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- Applies to LTC holders with a concealed handgun
- This section is different from Section 30.07 which covers Open Carry by a license holder (LTC)



# Penal Code §30.07 – Trespass By License Holder With An **Openly Carried** Handgun

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- Applies to LTC holders who are **Openly Carrying**.



## Penal Code §46.03 – Handguns & Alcoholic Beverage Establishments

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- LTC holders continue to be prohibited from carrying handguns in alcoholic beverage establishments with the “51%” sign posted



## Penal Code §46.03 – Places Where Weapons Prohibited

- Permitless carry is prohibited in certain locations as outlined in Penal Code 46.03, such as alcoholic beverage establishments, amusement parks and polling places.
- These locations may provide notice that firearms are prohibited by posting signage stating “Pursuant to section 46.03, Penal Code (places weapons prohibited), a person may not carry a firearm or other weapon on this property”

**PURSUANT TO SECTION 46.03, PENAL CODE (PLACES WEAPONS PROHIBITED), A PERSON MAY NOT CARRY A FIREARM OR OTHER WEAPON ON THIS PROPERTY**

# Gov't Code § 411.207 – Law Enforcement Facilities

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- Persons may not carry firearms into non-public, secure areas of law enforcement facilities
- Law enforcement facilities will have posted signage identifying non-public, secure portion(s) of the facility

**YOU ARE ABOUT TO ENTER A SECURE, NONPUBLIC PART OF THIS LAW ENFORCEMENT FACILITY, EVEN IF YOU HAVE A LICENSE TO CARRY, YOU ARE SUBJECT TO BEING TEMPORARILY DISARMED PURSUANT TO GOV'T CODE 411.207 AND CCP ART. 14.03**

# Unlawful Carrying of a Weapon beginning 09/01/2021

- A person commits an offense if the person
  - Intentionally, knowingly, or recklessly carries on or about his person a handgun,
  - At the time of the offense:
    - Is younger than 21 years of age; or
    - Has been convicted of one of the following 5 offenses committed in a 5 year period preceding the date:
      - Assault causing BI; Deadly conduct; Terroristic Threat; Disorderly conduct by discharging a firearm in a public place other than a public road or shooting range; OR Disorderly conduct by displaying a firearm or other deadly weapon in a public place in a manner calculated to alarm AND
  - Is not on own premises, premises the person controls, enroute or inside a motor vehicle or watercraft.
- Note: This law does not just apply to Texas residents. This law applies to anyone who meets the above requirements, regardless of state residency.

# Changes in Holster Law

- SB 550 & HB 2112 also become effective on 09/01/2021
  - These bills remove the words “shoulder or belt” from the statutes that describe a holster for a handgun.
- After September 1<sup>st</sup>, a handgun may be carried by a person, in public, anywhere about the person’s body.
- If any part of the handgun is visible, it must be in a holster.
- If a person intentionally displays a handgun to another person in a public place when not holstered, that is a NEW criminal offense. See PC 46.02(a-5)  
UCW

# Peace Officer Right to Disarm

- Notably, HB 1927 adds a new subsection to Art. 14.03 of the Code of Criminal Procedure to give peace officers a right to disarm a person at any time if the officer:
  - is discharging the officer's official duties and
  - reasonably believes disarming is necessary for the protection of the person, officer, or another individual.
- The officer must return the handgun to the person before discharging the person from the scene if the officer determines that the person is not a threat and if the person has not committed a violation that results in the arrest of the person.
- The officer must be able to articulate a **reasonable belief** that disarming the person is **necessary** for protection (may not apply every time a person has a handgun)

# Gang Members

- PC 46.04(a-1) Gang Member in Possession (no longer a UCW)
  - A person who is a member of a criminal street gang, as defined by Section 71.01, commits an offense if the person intentionally, knowingly, or recklessly carries on or about his or her person a handgun in a motor vehicle or watercraft.
    - Class A offense
- **NOTICE: By moving the gang member in possession offense to PC 46.04, combined with the changes to PC 46.02 to allow permitless carry for anyone 21 and over and without a previous conviction in the past 5 years of one of the previously mentioned 5 crimes, HB 1927 makes it legal for a documented gang member to carry a handgun in public!**
  - The gang member would only be committing a crime if the gang member was in possession of the handgun while in a motor vehicle or boat.

# Criminal Offenses and Penalty Changes

- HB 1927 makes a number of changes to criminal offenses and related penalties. Basic carry/possession restrictions include changes to:
  - Criminal Trespass while carrying a handgun
  - Unlawful Carrying of Weapon (Penal Code 46.02)
    - Amended to include additional penalties related to Penal Code 46.04, Unlawful *Possession* of a Weapon.
  - Carrying a handgun while intoxicated
    - Carrying while intoxicated is not allowed, unless the person is at home, or they are in *or* on the way to their car *or* a passenger in someone else's car
- Applicability of federal laws did not change. A person still commits UCW if the person is prohibited by federal law from possessing a firearm.

# Places Weapons Prohibited



- **Texas Penal Code § 46.03** is amended to include additional locations where a person may not carry a firearm. The *additional* locations, which all existed previously for licensed handgun carriers, are on the premises of a:
  - Business permitted by TABC that derive 51% or more of its income from the sale of alcohol
  - High school, college, interscholastic, or professional sporting event unless the person is a participant and the event involves use of the weapon
  - Correctional facility; civil commitment facility, hospital, nursing facility, or mental hospital
  - Permanent amusement park
  - A room(s) where an open governmental meeting is occurring

\*Some exceptions apply for LTC holders\*

# Locations – Police Buildings

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- As a general reminder, the lobby of a police station is considered a public place.
  - A governmental entity has very limited authority to prohibit a license holder from carrying into facilities to which the public otherwise has access.
- People are not prohibited by law from carrying handguns into the public areas of a police station, such as the lobby.
- However, any person armed or unarmed, who is not seeking police assistance or conducting other city business may be asked to leave the premises. If the person does not leave, then they may be arrested for a trespass offense in certain circumstances.

# Firearms on Private Property

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- HB 1927 amends PC 30.05 and 46.15(o) to clarify that a person or business may provide notice that firearms are prohibited on the person's property by posting a sign at each entrance. These provisions do not apply to LTCs.
- Notice may also be provided verbally without a sign.
- Penalties for people who enter such property with a firearm vary. Officers should understand that it is a Class C misdemeanor to enter a property with a firearm against appropriate signage, except that it is a Class A misdemeanor if the person is asked to leave and refuses to depart.

# Training for People Who Carry?

- No. Removing the permitting scheme does away with the training requirement.
- DPS is charged with developing an online course on firearm safety and handling.
  - This course will be on DPS' website and accessible to the public, free of charge.



The screenshot shows the Texas Department of Public Safety website page for Handgun Licensing. The page features a blue header with the department's logo and navigation links. The main content area is divided into three sections: Overview, Laws and Regulations, and Licensing and Registration. Each section includes a small image and a brief description of the content.

**Texas Department of Public Safety** Services Driver License & IDs Regulatory Services Law Enforcement Support

## Handgun Licensing

**OVERVIEW**  
DPS administers the Handgun Licensing Program under the authority of the Texas Government Code Chapter 411, Subchapter H. DPS licenses individuals to carry handguns within Texas, read more...

**LAWS AND REGULATIONS**  
Enabling statutes, administrative rules, and related information may be found here.

**LICENSING AND REGISTRATION**  
Application and renewal instructions and related information may be found here.

# Background Checks for People Who Carry?

- No. Removing the permitting scheme does away with background checks.
  - Only persons that buy weapons from a licensed dealer are required to go through a background check.
  - Private party purchasers are not subject to a background check.



The screenshot shows the Texas Department of Public Safety website page for Handgun Licensing. The page features a blue header with the department's logo and name, and a navigation menu with links for Services, Driver License & IDs, Regulatory Services, and Law Enforcement Support. The main content area is titled "Handgun Licensing" and includes three sections: "OVERVIEW" with a photo of a handgun and a bullet, "LAWS AND REGULATIONS" with a photo of a handgun and a gavel, and "LICENSING AND REGISTRATION" with a photo of two people, one holding a handgun. Each section has a brief description and a blue button for more information.

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# Long Guns

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- As a reminder, because state law does not prohibit the carrying of rifle or shotgun in a public place, a person is generally allowed to carry those weapons in public in Texas
- HB 1927 does clarify that a person can prohibit a person from carrying a long gun onto their property by giving notice under the criminal trespass statute by posting a certain sign (Penal Code 30.05(c))



# Questions?

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