

TEXAS BASIC WEAPON RULES II

-
- ❖ GUNS
 - ❖ KNIVES
 - ❖ MISCELLANEOUS WEAPONS



HANDGUNS...FIRST STEP



This course cannot help you determine whether you are legally allowed to carry or possess a firearm. If you have questions about your eligibility under the law, be sure to ask an attorney.

Getting Legal Help...

If you've been charged a crime for violating the Texas rules on carrying guns, you should consult with a qualified criminal defense lawyer who can help you prepare the best defense possible.

Handguns...Straight Facts

A new law ([HB 1927](#)) took effect on September 1st, 2021. Now, people who qualify under the law can carry a handgun in a public place in Texas without a license to carry (LTC). Texans can still apply for a LTC since it may carry additional benefits.



Additional benefits include...

- **Airport:** License holders have protections related to the accidental carrying of a firearm in the secured area.
- **Business:** Businesses may choose to allow licensed carry on their premises.
- **Government Meetings:** License holders can carry in a meeting.
- **University Campuses:** License still required to carry on university campuses; "Campus Carry" is unchanged.
- **Gun Purchasing:** License can be used as an alternative to the National Instant Criminal Background Check System (NICS).

Handguns...Straight Facts

Sections [46.02](#) and [46.04](#) of the Texas Penal Code describes unlawful carry and possession of a firearm. Generally, to carry a handgun in public in Texas without a LTC, a person must:

- ✓ Be at least 21 years old
- ✓ Not have a prior felony conviction as described in [Texas Penal Code Section 46.04](#)
- ✓ Not have a recent conviction for certain types of misdemeanors as described in Texas Penal Code Sections [46.02](#) and [46.04](#)
- ✓ Not be subject to an unexpired protective order as described in [Texas Penal Code Section 46.04\(c\)](#)
- ✓ Not be restricted from possessing a firearm under federal law as described in [18 United States Code Section 922\(g\)](#)
- ✓ Not be intoxicated
- ✓ The new Texas law does not give the right to carry a handgun to anyone who was prohibited before the new law took effect. Section 2 of [HB 1927](#) states:



Age Requirements: An applicant must be 21 years of age to submit an application for a Texas Handgun License OR must be at least 18 years of age if the applicant: 1. is a member or veteran of the United States armed forces, including a member or veteran of the reserves or national guard; 2. was discharged under honorable conditions, if discharged from the United States armed forces, reserves, or national guard.

Handguns...Straight Facts

The new Texas law does not give the right to carry a handgun to anyone who was prohibited before the new law took effect.

Section 2 of [HB 1927](#) states:



“Persons who are currently prohibited from possessing firearms under state and federal law will not gain the right to possess or carry a firearm under this legislation...”

Handguns: Texas Laws...



• [Section 46.02 of the Texas Penal Code](#) :

This section sets the age limit for carrying a handgun, lists which convictions disqualify someone from carrying a handgun, and lists other limitations. It sets out the requirement that handguns must be carried in a holster. It also discusses how handguns can be carried in certain motor vehicles and watercrafts.

Sec. 46.02. **UNLAWFULLY CARRYING HANDGUNS.** (a) A person commits an offense if the person:

- (1) intentionally, knowingly, or recklessly carries on or about his or her person a handgun;
- (2) at the time of the offense is...
 - (A) is younger than 21 years of age; or
 - (B) has been convicted of an offense under Section [22.01\(a\)\(1\)](#), [22.05](#), [22.07](#), or [42.01\(a\)\(7\)](#) or (8) committed in the five-year period preceding the date the instant offense was committed; and
- (3) is not:
 - (A) on the person's own premises or premises under the person's control; or
 - (B) inside of or directly en route to a motor vehicle or watercraft that is owned by the person or under the person's control.



Can a Convicted Felon Own a Gun in Texas?

- ✓ State and federal law differ when it comes to felons and possession of a firearm. Federal law does not allow a felon to possess a firearm. However, gun laws for felons in Texas are a bit different. In Texas, a felon can possess a firearm at his or her residence but only once five years have passed since the disposition of his or her conviction.
- ✓ But even so, things still aren't so cut and dry. Federal law does trump state law. So technically, even if a felon has abided by state laws and possessed a firearm legally, they could still be charged under federal law.
- ✓ But there's another "but." The federal policy says to defer to state law. In other words, a convicted felon can possess a firearm in Texas because federal laws defer to state laws (with some exceptions depending on what you were convicted of).

LET'S REVIEW AGAIN...

UNLAWFULLY CARRYING A HANDGUN

A person commits an offense if the person:

- (1) intentionally, knowingly, or recklessly carries on or about his or her person a handgun;
- (2) at the time of the offense:
 - (A) is younger than 21 years of age; or
 - (B) has been convicted of an offense under Section [22.01\(a\)\(1\)](#), [22.05](#), [22.07](#), or [42.01\(a\)\(7\)](#) or (8) committed in the five-year period preceding the date the instant offense was committed; and
- (3) is not:
 - (A) on the person's own premises or premises under the person's control; or
 - (B) inside of or directly en route to a motor vehicle or watercraft that is owned by the person or under the person's control.

Continue...Handguns...Straight Facts

Did you know...

- A person **commits an offense** if the person carries a handgun and intentionally displays the handgun in plain view of another person in a public place. It is an exception if the handgun was partially or wholly visible **but was carried in a holster. Handguns must be carried in a holster in public.**

- A person **commits an offense** if the person:
Carries a handgun **while the person is intoxicated** with any of the below situations:
 - Is not on the person's own property or property under the person's control or on private property with the consent of the owner of the property; or
 - Is inside of or directly en route to a motor vehicle or watercraft:
 - (i) that is owned by the person or under the person's control; or
 - (ii) with the consent of the owner or operator of the vehicle or watercraft.

Long Guns...

Texas law does not specifically put restrictions on who can carry a long gun such as a rifle. However, some people are prohibited from owning or possessing **any firearm** by law. See below for more information...

Who Else Is **Ineligible (NOT ALLOWED)** to Possess a Firearm?

Texas law does make it unlawful for a person who has previously been convicted of a felony to possess a firearm:

- After conviction and before the fifth anniversary of his or her release from confinement following the conviction of the felony or from supervision under community supervision, parole, or mandatory supervision, whichever date is later; or
- Anytime following the fifth anniversary of his or her release from confinement or supervision, if at any location other than the premises at which the person lives.¹

Texas law also makes it unlawful for a person who has been convicted of certain domestic assault-related misdemeanors involving a member of the person's family or household to possess firearms before the fifth anniversary of the later of:

- The date of his or her release from confinement following conviction of the misdemeanor; or
- The date of his or her release from community supervision following conviction of the misdemeanor.²



Review Again...

Texas and Federal Restrictions on Gun Possession

- ✓ Under Texas law, it's illegal to possess a gun if you've been convicted of a felony or any domestic violence crime, but only for a five-year period after release from incarceration. Federal prohibitions on gun purchases and possession apply to a broader group of people than Texas restrictions, including those who: have been convicted of a felony (any crime with a potential punishment of more than one year in prison) or a [domestic violence](#) misdemeanor, regardless of the release date from incarceration
- ✓ are subject to a [domestic violence restraining order](#) (issued after notice and a hearing)
- ✓ are in the country illegally or under a nonimmigrant visa
- ✓ have been dishonorably discharged from the military
- ✓ have fled to avoid arrest or punishment for a crime, or
- ✓ use controlled drugs illegally.
- ✓ Is an illegal alien.

Handguns...Where can you carry a gun?

Generally speaking, people in Texas can carry guns wherever guns are not prohibited. Some places are always off-limits. At other types of places, the property owner or the person in control of the property can choose whether to allow guns.

Places Guns Are Always Prohibited:

Texas law makes some places always off-limits to firearms (**both handguns and long guns**).

As of September 1, 2021, [HB 1927](#) has removed the requirement to have a license to carry in order to carry a handgun.

The new law also consolidated the list of places where firearms are prohibited.

Places Prohibited to carry...

(1) on the physical premises of a school or educational institution, any grounds or building on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution, whether the school or educational institution is public or private, unless:

(A) pursuant to written regulations or written authorization of the institution; or

(B) the person possesses or goes with a concealed handgun that the person is licensed to carry under Subchapter [H](#), Chapter [411](#), Government Code, and no other weapon to which this section applies, on the premises of an institution of higher education or private or independent institution of higher education, on any grounds or building on which an activity sponsored by the institution is being conducted, or in a passenger transportation vehicle of the institution (e.g. a bus);

(2) on the premises of a polling place on the day of an election or while early voting is in progress;

(3) on the premises of any government court or offices utilized by the court, unless pursuant to written regulations or written authorization of the court; or having a LTC permit.

(4) on the premises of a racetrack;

(5) in or into a secured area of an airport;

Continued...Places Prohibited to carry...Handguns...Straight Facts

6) within 1,000 feet of premises the location of which is designated by the Texas Department of Criminal Justice as a place of execution under Article [43.19](#), Code of Criminal Procedure, on a day that a sentence of death is set to be imposed on the designated premises and the person received notice that:

(A) going within 1,000 feet of the premises with a weapon listed under this subsection was prohibited; or

(B) possessing a weapon listed under this subsection within 1,000 feet of the premises was prohibited;

(7) on the premises of a business that has a permit or license issued under Chapter [25](#), [28](#), [32](#), [69](#), or [74](#), Alcoholic Beverage Code, **if the business derives 51 percent or more of its income from the sale or service of alcoholic beverages for on-premises consumption**, as determined by the Texas Alcoholic Beverage Commission under Section [104.06](#), Alcoholic Beverage Code;

(8) **on the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place, unless the person is a participant in the event and a firearm, location-restricted knife, club, or prohibited weapon listed in Section [46.05\(a\)](#) is used in the event;**

(9) on the premises of a correctional facility;

(10) on the premises of a civil commitment facility;

(11) on the premises of a hospital licensed under Chapter [241](#), Health and Safety Code, or on the premises of a nursing facility licensed under Chapter [242](#), Health and Safety Code, **unless the person has written authorization of the hospital or nursing facility administration, as appropriate;**

(12) on the premises of a mental hospital, as defined by Section [571.003](#), Health and Safety Code, **unless the person has written authorization of the mental hospital administration;**

(13) in an amusement park; or

(14) in the room or rooms where a meeting of a governmental entity is held, if the meeting is an open meeting subject to Chapter [551](#), Government Code, and if the entity provided notice as required by that chapter.

Continued...Places Prohibited to carry...Handguns...Straight Facts

It is also prohibited to carry if...

- **A license holder commits an offense if...**
 - ✓ the license holder carries a partially or wholly visible handgun, regardless of whether the handgun is holstered, on or about the license holder's person and intentionally or knowingly displays the handgun in plain view of another person at or:
 - ❖ (1) on the premises of an institution of higher education or private or independent institution of higher education; or
 - ❖ (2) on any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area of an institution of higher education or private or independent institution of higher education.
 - ❖ (3) a license holder commits an offense if the license holder carries a handgun on the campus of a private or independent institution of higher education in this state that has established rules, regulations, or other provisions prohibiting license holders from carrying handguns pursuant to Section [411.2031](#)(e), Government Code, or on the grounds or building on which an activity sponsored by such an institution is being conducted, or in a passenger transportation vehicle of such an institution, regardless of whether the handgun is concealed, provided the institution gives effective notice under Section [30.06](#).

Let's Review Again...

How can you carry a gun?

Handguns

People in Texas must carry a handgun in a holster.

The holster does not have to be a shoulder or belt holster. Before [HB 1927](#) took effect on September 1st, 2021, people in Texas needed to have a license to carry a handgun and they needed to keep their handgun in a shoulder or belt holster.

[Section 46.02 of the Texas Penal Code](#) requires a handgun to be carried in a holster, but it does not provide a definition of the word "holster."

- ❖ **It is still a crime in Texas to display a handgun on purpose in a public place, in another person's plain view, unless the gun is holstered.**



Carrying or Displaying a Handgun in Texas... Let's Review Again:

- ✓ Although Texas still issues licenses to carry handgun, you no longer need a permit to carry a handgun in most places, unless you are younger than 21 or can't legally have any gun.
- ✓ However, it is still a crime in Texas to display a handgun on purpose in a public place, in another person's plain view, unless the gun is holstered. It's also illegal to carry a handgun under the following circumstances:
 - if you've been convicted of a certain type of violent crime within the past five years
 - if you are legally prohibited from possessing any firearm (as discussed before)
 - if you're intoxicated and aren't on your property, in your car or boat, or directly en route to your car or boat (or the private property, car, or boat or someone else who has given you consent to be there); or
 - in certain places where guns are restricted (as discussed before).



Let's Review Again...

Texas and Federal Restrictions on Gun Possession:

- Under Texas law, it's illegal to possess a gun if you've been convicted of a felony or any domestic violence crime, but only for a five-year period after release from incarceration. Federal prohibitions on gun purchases and possession apply to a broader group of people than Texas restrictions, including those who: have been convicted of a felony (any crime with a potential punishment of more than one year in prison) or a domestic violence misdemeanor, regardless of the release date from incarceration
- are subject to a domestic violence restraining order (issued after notice and a hearing)
- are in the country illegally or under a nonimmigrant visa
- have been dishonorably discharged from the military
- have fled to avoid arrest or punishment for a crime, or
- use controlled drugs illegally.



Let's Review Again...

Places in Texas Where It's Illegal to Carry a Gun:

It's a crime to have *any* guns in certain Texas locations, including:

- schools, school buses, and anywhere school activities are taking place (but see special rules for handguns at colleges and universities, discussed below)
- wherever sporting events are being held (whether professional, school, or interscholastic)
- at businesses that get more than half of their income from on-premises sale of alcohol
- at hospitals and nursing homes
- at polling places during elections or early voting
- in court buildings or offices, and
- at racetracks.

➤ **Violations are either a third-degree felony or a Class A misdemeanor, depending on the location. (Tex. Penal Code § 46.03 (2021).)**



Let's Review Again...

Special Texas Rules for Handguns on College Campuses...

- Texas law specifically allows license holders to carry concealed handguns on post-secondary school campuses, except on portions of the campuses of private institutions that have established rules prohibiting concealed handguns in certain areas, as long as the schools have posted proper notices about the prohibition.
- It's also a crime for a license holder to carry a handgun openly (even in a holster) on the premises of any institution of higher education that has prohibited open carry and has posted proper notices. (Tex. Penal Code § 46.03 (2021)).



Let's Review Again...

Disorderly Conduct and Weapons...

Texas' "disorderly conduct" law also regulates how people can carry a firearm.

[Section 42.01 of the Texas Penal Code](#) says:

- A person commits an offense if he intentionally or knowingly displays (brandish) a firearm or other deadly weapon in a public place in a manner calculated to alarm...or uses a weapon as a scare tactic.



Let's Review Again...

Places Guns Might Be Prohibited:

Private Property

- ❖ Texas law gives most private property owners the power to choose whether they want to allow guns on their property or not. If property owners want to ban guns, they generally need to let people know by posting specific signs or by giving people notice another way.
- ❖ Certain businesses and other places that are considered "prohibited places" for firearms under [Penal Code Sec. 46.03](#) have different rules for giving notice that guns are not allowed (for example, hospitals, racetracks, and amusement parks).

Schools and College Campuses

- ❖ There are restrictions on carrying firearms at schools and college campuses. [HB 1927](#), which removed the requirement to have a license to carry a handgun, did not eliminate these restrictions.



Can I carry a gun in my car?

- ✓ Generally speaking, Texas law allows qualified people to transport a handgun in their vehicle or in a vehicle "under the person's control". They must be otherwise allowed to possess a firearm.
- ✓ In Texas, a person can transport a handgun in their vehicle or a vehicle "under the person's control" if they are otherwise allowed to possess a firearm, with some exceptions. If the handgun is in "plain view," a person must be over 21 or have a License to Carry (LTC) and have the firearm in a holster. [House Bill 1927](#) eliminated the requirement to have a License to Carry (LTC) to keep a handgun in plain view within a vehicle.
- ✓ Other laws further restrict who can carry a handgun in a vehicle. [Texas Penal Code Section 46.02 \(a-1\)\(2\)](#) prohibits anyone involved in criminal activity from carrying in a vehicle or watercraft. Certain minor traffic or boating misdemeanors are exempted. Also, [Section 46.04\(a-1\) of the Texas Penal Code](#) prohibits a member of a criminal street gang from carrying a handgun in a motor vehicle or boat.

Traveling With Firearms...

Traveling to another state and wondering if you can take your gun?

CHECK OUT THIS LINK TO SEE WHAT THE AGREEMENT IS WITH EACH STATE:

<https://www.dps.texas.gov/section/handgun-licensing/state-reciprocity-information>

Transporting Firearms and Ammunition:

- You may transport unloaded firearms in a locked hard-sided container as checked baggage only. Declare the firearm and/or ammunition to the airline when checking your bag at the ticket counter. The container must completely secure the firearm from being accessed. Locked cases that can be easily opened are not permitted. Be aware that the container the firearm was in when purchased may not adequately secure the firearm when it is transported in checked baggage.
- Contact the [TSA Contact Center](#) with questions you have regarding TSA firearm regulations and for clarification on what you may or may not transport in your carry-on or checked baggage.

Transporting Firearms and Ammunition:

Firearms

- When traveling, comply with the laws concerning possession of firearms as they vary by local, state and international governments.
- If you are traveling internationally with a firearm in checked baggage, please check the U.S. Customs and Border Protection website for information and requirements prior to travel.
- Declare each firearm each time you present it for transport as checked baggage. Ask your airline about limitations or fees that may apply.
- Firearms must be unloaded and locked in a hard-sided container and transported as checked baggage only. As defined by [49 CFR 1540.5](#) a loaded firearm has a live round of ammunition, or any component thereof, in the chamber or cylinder or in a magazine inserted in the firearm. Only the passenger should retain the key or combination to the lock unless TSA personnel request the key to open the firearm container to ensure compliance with TSA regulations. You may use any brand or type of lock to secure your firearm case, including TSA-recognized locks.
- Bringing an unloaded firearm with accessible ammunition to the security checkpoint carries the same civil penalty/fine as bringing a loaded firearm to the checkpoint. You may find information on civil penalties at the [Civil Enforcement](#) page.
- Firearm parts, including magazines, clips, bolts and firing pins, are prohibited in carry-on baggage, but may be transported in checked baggage.
- Replica firearms, including firearm replicas that are toys, may be transported in checked baggage only.
- Rifle scopes are permitted in carry-on and checked baggage.

Transporting Firearms and Ammunition:

Ammunition

- Ammunition is prohibited in carry-on baggage, but may be transported in checked baggage.
- Firearm magazines and ammunition clips, whether loaded or empty, must be securely boxed or included within a hard-sided case containing an unloaded firearm. [Read the requirements](#) governing the transport of ammunition in checked baggage as defined by 49 CFR 175.10 (a)(8).
- Small arms ammunition (up to .75 caliber and shotgun shells of any gauge) must be packaged in a fiber (such as cardboard), wood, plastic, or metal box specifically designed to carry ammunition and declared to your airline.
- Ammunition may be transported in the same hard-sided, locked case as a firearm if it has been packed as described above. You cannot use firearm magazines or clips for packing ammunition unless they completely enclose the ammunition. Firearm magazines and ammunition clips, whether loaded or empty, must be boxed or included within a hard-sided, locked case.
- Please check with your airline for quantity limits for ammunition.

Federally Banned Locations for Carrying Firearms

Federally designated areas where weapons are banned, even with a permit:

- ✓ **Federal Courthouses***
- ✓ **Federal Buildings***
- ✓ **Any Building Owned, Leased or Rented by the Federal Government** — This includes buildings in national forests which are property of the federal government.
- ✓ **National Forests** — There is no federal law prohibiting carry in national forests. States control the carrying of firearms in national forests in their state. However, carry is not allowed buildings in national forests which are property of the federal government.
- ✓ **Visitors Centers/Ranger Stations in National Parks** — These are federal buildings where carry is allowed. There is no federal law that prohibits carry in [national parks](#). States control the carrying of firearms in national parks in their state.
- ✓ **Sterile areas of Airports** -An individual may not have a weapon on or about the individual's personally accessible property when entering or in a sterile area of an airport or when attempting to board or onboard an aircraft for which screening is conducted.
- ✓ **Federal Prisons***

Federally Banned...CONTINUED

- ✓ **U.S. Army Corps of Engineers*** — The Corps builds and runs flood control and navigation dams. The Corps has jurisdiction over the dam site and usually all waters backed up by the dam. [Per 36 CFR § 327.13](#), carry anywhere on Corps property is illegal unless written permission has been received from the District Commander. Firearms can be unloaded and secured in a vehicle while on Corps property.
- ✓ **National Cemeteries***
- ✓ **Military Bases** — All military bases are Federal property. Each base may have slightly different policies, however visitors who arrive at a military base with firearm(s) must leave them with the guards at the gate. If the base does not have storage capabilities at the gate or armory, you could be turned away. The only people who can carry guns around a base—concealed or otherwise—are on-duty military police, who handle routine security. They then have to return their guns to the armory when their shifts are over. There are exceptions for on-duty local or state police officers who come to the base on official business. The base commander can make other exceptions. Check at each military post for specific rules. **Exception**-Active duty military police, criminal investigators, and Marine Corps law enforcement program police officers may conceal carry personally owned weapons while on base while off-duty as long as they comply with the 2016 Department of Defense Directive, title “Arming and the Use of Force”.

Federally Banned...CONTINUED

- ✓ **Rented Offices** — Any part of any building that the federal government has rented for office space or a federal workforce, etc. Just their offices or the part of the building the federal government has control over is off-limits. You can carry in the rest of the building *if* state or local laws allow.
- ✓ **Post Office** — Postal regulations prohibit the possession of firearms in their buildings *and* in their parking lots or any property they own.
- ✓ **Bureau of Land Management (BLM)*** — On most BLM lands, if you can legally carry in the state the BLM land is in, you can carry on the BLM land. If it is not legal, the area will be posted as no firearms allowed. Any building on the BLM land operated by the federal government is considered federal property and carry in those buildings is not allowed. The exceptions where the BLM prohibits firearms are the San Pedro Riparian Zone in Arizona, the Wallace Conservation Forest in Idaho and [Red Rock National Conservation Area](#) in Nevada.
- ✓ **Indian Reservations** — Carry on Indian Reservations is controlled by tribal law. You must check with each tribe before carrying on the property. Some Indian tribes consider federal and state highways through their property as under their control. This should also be verified with the tribe.
- ✓ * This includes parking lots adjacent to, or part of, the facility if the federal entity owns or has control of the parking lot and it is posted “No Firearms.” **The lot has to be posted under federal law (below) if they do not wish to have firearms present.**

Duty to Inform...

[Section 411.205 of the Texas Government Code](#) is sometimes called the "duty to inform" law. The law says that if a person with a license to carry a handgun (LTC) is carrying a handgun and is asked by a peace officer to show ID, they must show both:

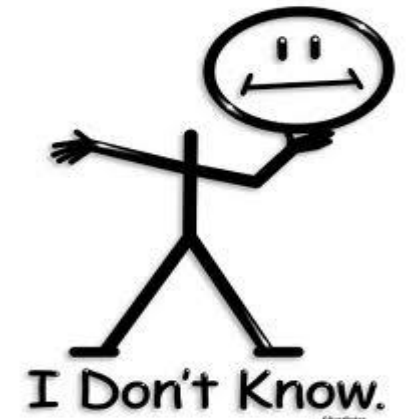
- ✓ Their driver's license or other ID
- ✓ Their handgun license



Let's Review...

DID YOU KNOW...

A license holder commits an offense if, while intoxicated, the license holder carries a handgun under the authority of Subchapter H, Chapter 411, Government Code, regardless of whether the handgun is concealed or carried in a shoulder or belt holster.



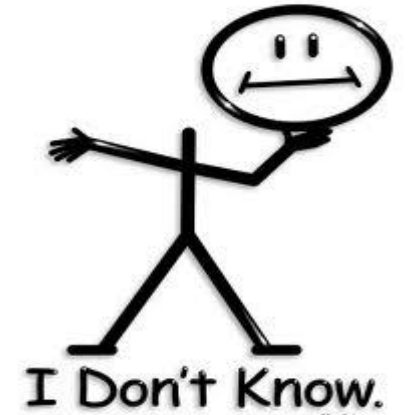
Let's Review...

Do “No Gun Signs” Have the Force of Law? -“Yes!”

(Trespassing with a handgun...Is it trespassing if I have a LTC?)

All who carry a handgun commit an offense if the person:

- (1) carries a handgun on property of another without permission
- (2) if a person was told that entering a property with a handgun was forbidden.
- (3) trespasses a property with a handgun where there is big sign, **seen by all in public**, saying, **“NO TRESPASSING FIREARMS.”**



Labor Restriction on Prohibiting Employee Access to or Storage of Firearm or Ammunition.

- ✓ A public or private employer may not prohibit an employee who holds a license to carry a handgun, who otherwise lawfully possesses a firearm, or who lawfully possesses ammunition from transporting or storing a firearm or ammunition...
- ✓ The employee is authorized by law to possess a firearm in a locked, privately owned motor vehicle, in a parking lot, parking garage, or other parking area the employer provides for employees.



Rights of Employers:

However, this subchapter does not prevent or otherwise limit the right of a public or private employer to prohibit persons who are licensed under this subchapter from carrying a handgun on the premises of the business.



Very Important: Can I Be Stopped by Police for Open Carrying?

- Generally, if you're legally open carrying and not doing anything out of the ordinary, you're not likely to draw any attention from law enforcement officials. However, there may still be instances when the police can stop you if you're carrying openly.
- **Carrying Around an Unholstered Handgun**
Police typically have a legal right to stop you in an open carry state like Texas if you're carrying your handgun around without a holster. According to the Texas State Law Library, a gun that's carried openly must be in a holster. Therefore, if a law enforcement officer sees an unholstered handgun sticking out of your backpack or back pocket, the officer has the right to stop you.



Remember...

It is considered unlawfully carrying a firearm if the person carrying is:

- ✓ **Committing a crime (other than a Misdemeanor Class C, like a minor traffic violation)**
- ✓ **Prohibited from possessing a firearm (in the case of convicted felons)
And/or is a known member of a street gang**
- ✓ **An offense under this section of the code is a Class A misdemeanor - This includes unlawful carrying of a weapon without a license outside of premises that you own.**
- ✓ **An offense under this section becomes a 3rd degree felony if the offense is committed on any premises licensed or issued a permit by this state (TABC) for the sale of alcoholic beverages.**



Storage of Firearms...

- ❑ Firearms in households must also be put up and away to prevent easy access to children. To have a loaded gun within reach of a child or to have a child harmed from an accidental discharge can be punishable by a Misdemeanor A, B, or C dependent on the damage inflicted.



TIPS...

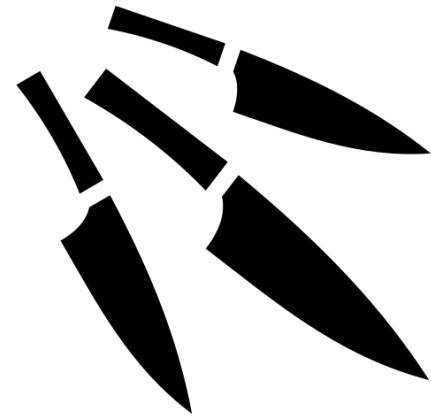
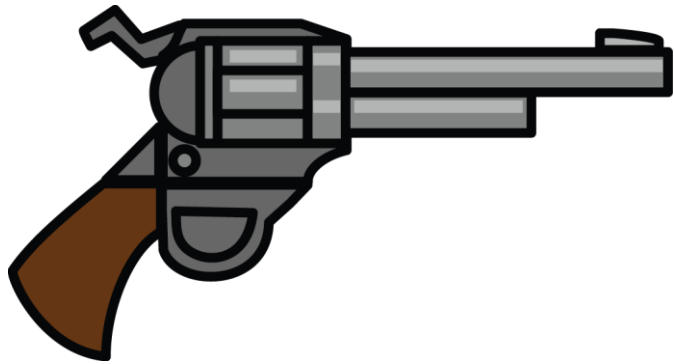
If you are pulled over with your handgun:

Follow these 3 tips to keep both yourself and the officer on duty safe from harm or miscommunication.

1. Roll down your window, turn on an interior light (if it's dark) then return your hands to the steering wheel.
2. Tell the officer that you have a handgun on your person or in your glovebox. Avoid the use of the word "GUN" – if you have a weapon in your car, tell the officer where it is located ex: "I am a legal carrier and have concealed weapon in the glovebox".
3. Before reaching for your wallet to retrieve your ID or LTC, tell the officer where the firearm is located ex: "I have it located on my right hip, my wallet with my ID and license is in my left pocket". That way the officer knows that if you are reaching toward your left side, the firearm is located on the right. If the weapon is located in the glovebox with your insurance or license, it is best to let the officer know that and ask them what they would like you to do next.

Miscellaneous:

Firearms, Air Guns, & Knives



Gun Laws do apply to BB guns and air guns!

According to the definitions provided by the Texas State Parks Department, air guns fall under the definition of arms and firearms. This category includes any sort of weapon by which a projectile is fired based off of an explosion, from compressed air or gas, or by some mechanical means (i.e., a compressed spring). It is against the law for a person to display or use any device that falls under the arms and firearms definition in a Texas state park unless that person is participating in a hunting activity, or they have written authorization to have and use that item.

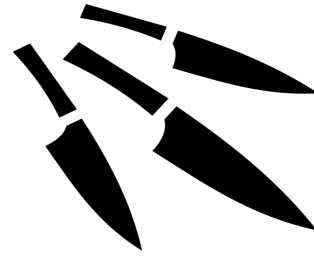


Home Use

If a person is firing a BB gun within their own home or on private property, it is not considered any sort of offense. While the force of a BB fired from one of these "weapons" may be enough to break glass or dent drywall, it isn't usually enough to cause actual injury. As long as a person doesn't attempt to cause injury to another person or damage any property that isn't theirs with the BB gun, there is no real restriction on using a BB gun on private property.



KNIVES...



- **Under Article 1, Section 23 of the Texas State Constitution, Texans enjoy a broadly interpreted right to bear arms that include knives. However, Article 1, Section 23 also grants the Texas legislature the legal right to regulate weapons to prevent violent crimes.**

- **Texas Knife Law Reform: Background**

In 1871, the Texas Legislature adopted a bill barring Texans from carrying Bowie knives and other arms like slingshots, swords, canes, and brass knuckles. In 2017, these restrictions finally ended. Gov. Greg Abbott signed HB 1935 changing the term “illegal knife” to “location-restricted knife.”

What Types of Knives Are Legal To Carry in Texas?

❖ According to statute [§ 46.01](#), a “knife” may be “any bladed hand instrument that is capable of inflicting serious bodily injury or death by cutting or stabbing a person with the instrument.” The two types of knives classified by current Texas state law include “location restricted knife” and “knife.”

“Location Restricted Knife”

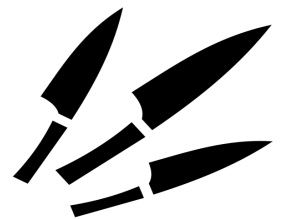
- Texas knife laws deem any bladed hand instrument with a blade longer than 5.5” a “location restricted knife” under Chapter 46 of the Penal Code. While these knives are legal to own and carry in Texas, as the name suggests, there are restrictions on locations where people can have these knives.
- Since the 1999 case of *McMurrough v. The State of Texas*, Chapter 46 identifies the blade of a knife as the “flat-edged part of the knife, which includes the sharpened part of the instrument and any remaining flat-edged part up to, but not including, the handle.”
- In addition to location restrictions, Chapter 46 of the Penal Code also indicates that knives with blades over 5.5” in length cannot be in possession of any person under the age of 18. Exceptions include wielding the knife on the person’s own property or property under that person’s control, if the knife is being used for legal hunting or fishing purposes, or if the person is under the direct supervision of their parent or legal guardian.

“Knife”

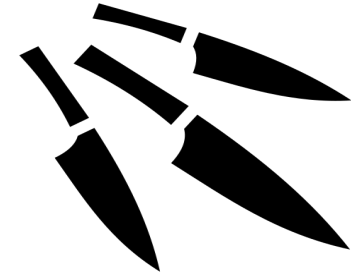
- Chapter 46 deems any other bladed hand instrument with a blade less than or equal to 5.5” in length as simply a “knife.” There are no restrictions for any person, including persons under the age of 18, to possess a knife with a blade less than or equal to 5.5” in length.

What Types of Knives Are Illegal To Carry in Texas?

- Even though most knives are legal to carry in Texas, there are still a few exceptions to the law for other bladed instruments. While some aren’t technically knives, be cautious if considering ownership of trench knives with knuckle dusters, brass knuckles, tomahawks, clubs, or axes.



Specific Codes and Restrictions for Knives...



Location Restrictions for Location-Restricted Knives

Restrictions for knives with blades longer than 5.5” in length include:

- ✓ School grounds and other educational institutions, including areas where school-sponsored activities are taking place and passenger vehicles without written permissions from the institution
- ✓ Possession of the knife in a polling location on an election day or during early voting hours
- ✓ On government court or office premises without written permission from the court
- ✓ On the premises of a racetrack
- ✓ In or into a secured area of an airport
- ✓ Within 1,000 feet of a designated place of execution on a day that a death sentence takes place and the person receives notice that the weapon cannot be within 1,000 feet of the location
- ✓ Most locations where over 51% of the profit earned comes from the sale and consumption of alcohol on the premises
- ✓ Locations where high school, collegiate, and professional sporting or interscholastic events occur unless the event requires the use of a location restricted knife.
- ✓ On the premises of a correctional facility
- ✓ On the premises of a hospital or nursing facility without written permission from the institution
- ✓ On the premises of a mental hospital without written permission from the institution
- ✓ In amusement parks
- ✓ On the premises of established places of worship

Exceptions for Law Enforcement and Military Personnel with Knives...

Partial or entire exceptions to these Texas knife laws include:

- ✓ Peace officers or special investigators under Article 2.122
- ✓ Parole officers if the officer is on duty while carrying the weapon or in compliance with the Texas Department of Criminal Justice policies for on-duty officers
- ✓ Community supervision and corrections department officers engaged in their duty and authorized to carry the weapon under Section 76.0051, Government Code
- ✓ An active judicial officer who has a license to carry a handgun
- ✓ Honorably or qualified retired peace officers, law enforcement officers, federal criminal investigators, or former reserve law enforcement officers who hold a certificate of proficiency and a state, federal, or local law enforcement agency photo ID that verifies the person meets these requirements
- ✓ Attorneys and assistants to attorneys who have a license to carry handguns under Subchapter H, Chapter 411, Government Code
- ✓ Bailiffs designated by active judicial officers who have a license to carry a handgun and engaged in escorting the judicial officer
- ✓ Juvenile probation officers authorized to carry handguns
- ✓ Volunteer emergency service personnel who are carrying a handgun under Subchapter H, Chapter 411, Government Code or those on duty for providing emergency services
- ✓ Other exceptions provided under statute § 46.15 (Non-applicability)

Knives on Federal Property...

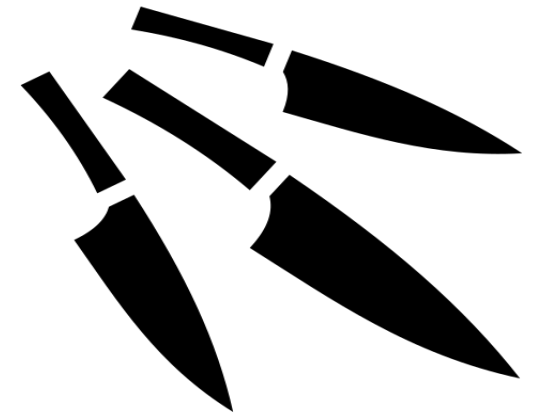
A person cannot be in possession of a location-prohibited knife on federal property unless that person falls under one of the exceptions listed above.

Texas Knife Laws and Penalties...

Class C knife misdemeanors under Texas knife laws result in a fine of up to \$500 with no collateral disqualifications. Violations on school premises are felonies.

Legal Defenses for Knife Charges...

Those with charges for knife possession in Texas have a few options for defense in their case. The most common defenses for knife charges include upholding that the knife was not outside of regulation, that the knife was unknowingly in the person's possession, or that police found the knife during an illegal search or as a result of police misconduct.



Miscellaneous: Chemical Sprays & Stun Guns



Miscellaneous: Chemical Sprays & Stun Guns

"Chemical dispensing device" –**Legal in Texas!**

Physical Effects of Pepper Spray: What happens to someone who gets sprayed?

- Pepper spray is one of the best self defense products to use, as it can be easily carried, is not life threatening and is legal in most places. Users don't need to carry a license to carry it and it comes in a wide variety of styles and sizes (key chain pepper spray, lipstick pepper spray, full cans and more).
- **Using pepper spray is not considered using a deadly force. According to Texas law, it is legal to use it for personal protection.**



When sprayed, here's what happens:

- Unlike tear gas products, pepper spray used on those under the influence does work.
- Causes intense, temporary debilitating burning sensation
- Causes non-lethal inflammation of all mucous membranes in the eyes, nose, mouth and lungs.
- Cause eyes to slam shut from intense burning and temporary blindness.
- The effects will last from 30 minutes to 2 hours.
- Antidotes for pepper spray include milk and Dawn
- If you accidentally spray yourself, use soap to get it off your skin.
- Never apply oil or lotions to areas that have been in contact with pepper spray, as it can trap the capsicum in your skin and cause blisters.



- **“Stun Gun” Definition:** A device used to immobilize an attacker without causing serious injury, typically by administering an electric shock.



THE END.
Please return to the
Online course.