



# Quick Shots on Guns Laws in Texas

**STATE BAR OF TEXAS, CRIMINAL JUSTICE SECTION**

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# 1. Constitutional Carry: HB1927

- ▶ Law of the land in 2021
- ▶ No need for a license to carry a concealed weapon
- ▶ In 2022 over 200,000 people obtained a LTC in Texas





# Texas Constitution

## Bill of Rights Sec 23

RIGHT TO KEEP AND BEAR ARMS. EVERY CITIZEN SHALL HAVE THE RIGHT TO KEEP AND BEAR ARMS IN THE LAWFUL DEFENCE OF HIMSELF OR THE STATE; BUT THE LEGISLATURE SHALL HAVE POWER, BY LAW, TO REGULATE THE WEARING OF ARMS, WITH A VIEW TO PREVENT CRIME.



# HANDGUNS PROHIBITED



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.

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CONFORME A LA SECCIÓN 30.06 DEL CÓDIGO PENAL (TRASPASAR PORTANDO ARMAS DE FUEGO CON LICENCIA) PERSONAS CON LICENCIA BAJO DEL SUB-CAPITULO H, CAPITULO 411, CODIGO DEL GOBIERNO (LEY DE PORTAR ARMAS), NO DEBEN ENTRAR A ESTA PROPIEDAD PORTANDO UN ARMA DE FUEGO OCULTADA.





### 3. Prohibited Person and Unlawful Carrying a Weapon TX Pen Code 46.02

- ▶ Minors under 21
- ▶ 5 yrs after end of sentence for assault, deadly conduct, terroristic threat
- ▶ Engage in ANY criminal activity other than a Class C (aka fine only) traffic violation



# Other Prohibited Persons

- ▶ Tx Penal Code 46.04
  - ▶ Anyone convicted of a felony before the 5<sup>th</sup> anniversary of the end of their sentence
  - ▶ And after that date if outside of their residence.
- ▶ FEDERAL LAW – anyone who has ever been convicted of an offense involving family violence.





## 4. Prohibited Places

- ▶ School
- ▶ Polling place during an election
- ▶ Court (for most people)
- ▶ Racetrack
- ▶ Secure area of an airport
- ▶ Bar 51% rule
- ▶ Sporting events
- ▶ Hospital or nursing home
- ▶ Amusement park
- ▶ Open meeting under Gov Code 551



## 5. Age Restrictions

- ▶ Under 21 in public
- ▶ If a child under 17 gains access – a ticket (fine)
- ▶ Jailable offense if a child is injured or causes death of themselves or others.



## 6. Necessity

- ▶ Necessity (aka Self-Defense) is an AFFIRMATIVE defense to most of the issues raised above.






## 7. TEXAS CASTLE DOCTRINE



Bonus Shot!  
New  
Trajectory in  
Federal Law

- ▶ New Standard of Review
- ▶ The “people” now includes all members of the political community





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