

Handguns in Texas Libraries

Note that the information below represents only the Texas State Library and Archives Commission's interpretation of Texas handgun-carry laws and of the 84th Legislature's changes to the laws.

You should always consult with your own legal counsel for assistance in interpreting Texas law.

Texas Governor Greg Abbott recently signed legislation into law regarding the open carry of handguns. The primary legislative changes regarding handgun carry are contained in House Bill 910 and Senate Bill 11. We have presented our answers to some frequently-asked questions about these changes in the following pages.

Changes Made by the 84th Legislature

In Texas, it is illegal for the general public to carry a handgun, whether concealed or not, in a public place – unless they have a special license to carry (*Texas Penal Code §46.02*). There are also places where it is illegal even for those *with* a handgun license (CHL) to carry. These places include schools, locations where school-sponsored activities are happening, racetracks, courtrooms, airports, bars, and polling places at certain times (*Texas Penal Code §46.03*). Note that libraries are *not* listed as one of these “no carry” exceptions.

If the library facility is owned by a private entity such as a non-profit organization, the owners may choose to restrict possession of handguns on their premises, but must inform the public with posted notices as outlined in the *Texas Penal Code §30.06*.

With the recent changes to Texas law, those individuals who have a license (CHL) to carry a concealed handgun will now be able to carry the weapon in more places and may openly carry the weapon using a shoulder or belt holster. Texas currently has around 850,000 CHL licensees, and the new laws will also honor the open carry permits from 40 other U.S. states. Just like the previous concealed handgun laws for Texas, the new law requires anyone wanting to openly carry a handgun to be licensed. Applicants must be 21, pass a background check and receive classroom and shooting range instruction. Individuals who already have a license to carry a concealed handgun will now automatically be licensed to openly carry.

Timeline for New “Open Carry” Changes

Effective January 1, 2016 - Individuals licensed to carry a concealed handgun may now carry it openly in most locations.

Effective August 1, 2016 - “Campus Carry” changes go into effect that expand rights to carry concealed weapons on campuses of higher education.

Effective August 1, 2017 – “Campus Carry” changes go into effect for public *junior* colleges.

Public Libraries

Can public library districts in Texas choose to ban users with an open/concealed carry license from bringing a firearm into the library?

No, library districts are public entities and not specifically exempted under the law (*Texas Penal Code §46.035*) so a library cannot choose to impose their own local restrictions. In most cases, public library districts may not prohibit licensed individuals from bringing handguns into the library, and the library may not wrongfully post signs.

Can a public library that is established as a *non-profit organization* restrict access for library users with an open/concealed handgun carry license?

Yes. If the library and building are owned by a private non-profit organization, the library building is private property, and therefore the property owner can ask their users not to bring firearms into the facility. As a non-governmental entity, the library would have to inform the public of this prohibition with a notice posted as specified in *Texas Penal Code §30.06 and 30.07*.

Can I post a sign that handguns may not be carried in my public library?

No, unless your library and premises are owned by a private non-profit organization. A private, non-profit library can post a notice as outlined in *Texas Penal Code §30.06 and 30.07*.

Are there any individual times or days where handguns would be banned?

Yes, there are a few. As mentioned above handguns are not allowed at a library, even for licensed carriers, at the following times:

- during school-sponsored activities on library grounds (*Texas Penal Code §46.03(a)(1)*)
- during early voting or on election day if the library is a polling place (*Texas Penal Code §46.03(a)(2)*)
- during a meeting of a governmental body, such as a public library district board meeting, but only in the room where the meeting is being held (*Texas Penal Code §46.035(c)*)

Does the person licensed to carry the handgun need to have it secured in any way?

Yes. The weapon, whether loaded or unloaded, must be kept in a shoulder or belt holster (*Texas Penal Code §46.02*). Also, it is always illegal to brandish a firearm in any way that might be interpreted as threatening (*Texas Penal Code §42.01*)

Can library staff make a user show proof that they are licensed to carry a handgun?

No. Law enforcement personnel however, have the right to request proof of a person's license to carry a handgun.

What about library employees and volunteers? Can they be banned from carrying handguns in the library?

They can be. Libraries may prohibit their employees and volunteers from bringing handguns into the workplace and from carrying in employer-owned or leased vehicles used for work (*Texas Labor Code §52.062(a)(b)*). This is the case whether or not the employee is licensed to carry a handgun.

Libraries may *not* restrict staff who are licensed to carry a handgun from having the weapon in a locked personal vehicle in the employer's parking lot (*Texas Labor Code §52.061*).

Campuses of Higher Education

Can a “concealed carry” (CHL) license holder bring a handgun on campus?

Yes, after August 1, 2016, for four-year colleges and universities, and after August 1, 2017 for junior colleges, a person with a license to carry may bring a concealed handgun onto campuses, both public and private. However, **they still may not *openly* carry the handgun** (*Texas Government Code §411.2031*).

Are there areas of campus where handguns cannot be carried?

Yes. Institutions of higher education cannot generally prohibit the carrying of handguns by a licensed individual on campus (*Texas Government Code §411.2031(c)*), but there are a few exceptions:

- institutions may establish their own rules, regulations, and provisions concerning the storage of handguns in on-campus dormitories and residential facilities (*Texas Government Code §411.2031(d)*)
- with the latest legislation from Senate Bill 11, institutions of higher education are required to establish rules and regulations to designate, within reason, specific portions of their campus that are to be “gun free zones” (*Texas Government Code §411.2031(d)*)
- *private or independent* institutions may establish their *own* rules, regulations, or other provisions prohibiting concealed carry license holders from carrying handguns on campus, on grounds of school sponsored activities, and in school-owned vehicles (*Texas Government Code §411.2031(e)*)

How do we let a person licensed to carry a concealed handgun know that they are banned from carrying in a specific area of campus?

The authorization to post notices and requirements for signage for any of those areas where license holders may not carry, are described in specific detail in *Texas Penal Code §30.06*.

What about campus library employees? Are they banned from carrying handguns in the library?

Employers may prohibit their employees, whether licensed to carry or not, from bringing handguns into the workplace, and from carrying in employer-owned or leased vehicles used for work (*Texas Labor Code §52.062(a)(b)*). Note that this prohibition does not include a facility’s public or private sidewalks, parking, and other driveways or walkways. Also, institutions of public and private higher education may *not* restrict a person licensed to carry (including enrolled students or employee), from having a handgun stored in a locked personal vehicle in the employer’s parking lot (*Texas Labor Code §52.061*).

Questions about the interpretations above? Contact your own legal counsel. You may also contact the State Library at ld@tsl.texas.gov, 512-463-5465, or 800-252-9386 (toll-free for Texas). Please note: State Library staff are not attorneys and cannot provide legal advice.

For additional information about Texas laws that affect libraries, visit our [Library Laws of Texas Online](#) web links. Also, you can link directly to full information about various state bills and legislation by visiting the Texas Legislature Online site at <http://www.legis.state.tx.us/Home.aspx>.