

Waco Police Department Constitutional Carry Information

Beginning September 1, 2021, HB1927 made it legal in Texas for most people 21 or over to carry a handgun in a holster without a permit both openly and/or concealed.

This law modified the previous open carry law from 2016 by eliminating the requirement to have a license to carry. This means that most people 21 or over may carry a handgun without a license to carry.

Peace Officer Right to Disarm

Regardless of all of the other changes made to the law that allow most people to carry handguns without a permit, HB 1927 amends Article 14.03 of the Texas Code of Criminal Procedure (CCP) 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 the person is necessary for the protection of the person, the officer, or another person.

The law requires the officer to return the handgun to the person who was disarmed before allowing the person to leave if the officer determines that the person is not a threat to the person, the officer, or others, and if the person is not arrested.

Waco Police Department Recommended Citizen Actions: *If an officer deems it necessary to disarm you, please cooperate so that your weapon may be returned to you without delay.*

People and Places Restrictions

Texas Penal Code 46.02 (Unlawful Carrying Weapons) & 46.04 (Unlawful Possession of Firearm) are amended to make it lawful for most people aged 21 and older to carry a handgun in most public places without a permit. Note that laws other than Penal Code 46.02 and 46.04 may apply in some circumstances to make firearm possession or display illegal.

Basic Carry/Possession Restrictions: Penal Code 46.02 and 46.04 are amended to make it a crime for people to carry or possess a handgun in the following circumstances:

Persons who CANNOT Carry/Possess a firearm:

- A person who is younger than 21, or who has been convicted of an offense under Penal Code sections 22.01(a)(1) (Assault Causing Bodily Injury), 22.05 (Deadly Conduct), 22.07 (Terroristic Threat), or 42.01(a)(7) or (8) (Disorderly Conduct – Discharging or Displaying a Firearm) in the preceding 5 years, may not carry a handgun except on their own premises or except inside or directly en route to their motor vehicle or watercraft.
- A person who is intoxicated may not carry a handgun except on the person's own property or except while inside of or directly en route to the person's vehicle or watercraft.

- A person who is restricted from possessing a firearm under Penal Code 46.04(a), (b), or (c) (Unlawful Possession of Firearm) may not carry a handgun unless on the person's own premises or inside of or directly en route to the person's vehicle or watercraft.
- A person who is a member of a criminal street gang (as defined by Penal Code 71.01) may not carry a handgun in a motor vehicle or watercraft.

The federal law restrictions on firearm possession remain unaffected.

Waco Police Department Recommendations: Every citizen should educate themselves on Federal, State, and local weapon laws before making a decision to carry/possess any weapon. It is your RESPONSIBILITY! The Waco Police Department does not recommend persons under the influence of alcohol carry a handgun or operate a motor vehicle or watercraft under the influence of alcohol. Some statutes prohibit persons who are intoxicated from legally carrying a firearm with criminal penalties for doing so.

Display Restrictions

Penal Code 46.02 is amended to make it lawful for most people aged 21 or older to display a handgun if it is carried in a holster. A person removing their handgun from its holster in public may be guilty of a crime under 46.02(a-1) or (a5). Restrictions imposed by other laws, including 42.01(a)(7) & (8) (Disorderly Conduct – discharging or displaying a weapon), will still apply.

Texas Penal Code 46.03 (Places Weapons Prohibited) is amended to include additional locations where a person may not carry a firearm, location-restricted knife, club, or prohibited weapon.

Waco Police Department Recommendations: Research and ensure that your holster of choice is of adequate quality and allows safe retention to prevent an unintentional discharge.

Campus Carry

College Campuses have Special Rules – A person licensed to carry a handgun under Chapter 411, Subchapter H of the Texas Gov't Code is generally permitted to carry on a college campus, subject to some exceptions. **(College campuses remain prohibited places under Texas Penal Code 46.03(a)(1) for people without a license to carry).**

A licensed handgun carrier commits an offense if the person carries a handgun:

- In a manner such that the handgun is visible (even if it is in a holster). If allowed, handguns must remain concealed on college campuses. Texas Penal Code 46.03(a-2).
- On a private college campus if forbidden by written rules prohibiting license holders from carrying. Texas Penal Code 46.03(a-3).
- In certain designated areas on a college campus where concealed weapons are prohibited by written rules. Texas Penal Code 46.03(a-4).

The statutes related to carrying a handgun on public and private college campuses are unique to those facilities, but it appears that a person who carries a handgun onto a college campus must abide by that campus's rules, must be licensed to carry a handgun, and cannot openly display the handgun (even in a holster).

Texas Penal Code 46.15 (Non-applicability) provides that many of the restrictions listed above are not applicable or are limited for certain people (e.g., peace officers) in all or some circumstances.

The exceptions provided by this section are too numerous to list entirely, but some important changes include:

- 46.15(p) – Sections 46.03(a)(7), (11), and (13) (restrictions on carrying in bars, hospitals, and amusement parks) do not apply if the person holds a license to carry a handgun under Chapter 411, Subchapter H of the Texas Gov't Code and was not given notice that handguns are forbidden on the premises with signage under Penal Code 30.06 or 30.07.
- 46.15(q) – Section 46.03(a)(8) does not apply if the person carries a handgun on the premises where a collegiate sporting event is occurring, if the person holds a license to carry a handgun issued under the Texas Gov't Code, and the person did not receive notice under Penal Code [30.06](#) or [30.07](#).

Waco Police Department Recommendations: Baylor University allows concealed carry in a citizens vehicle ONLY and restricts any carry on a person and in a building on the campus.

Firearms on Private Property

HB 1927 amends Texas Penal Code §§ 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.

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. Note that it is a defense to prosecution under these provisions (but not necessarily a prohibition on arrest or citation) if the person is carrying a concealed handgun in a holster and is licensed to carry a handgun under the Texas Gov't Code.

Waco Police Department Recommendations: Citizens need to be on the watch for signs prohibiting the carrying of weapons on private property.

Secure Law Enforcement Facility

Changes made by HB 1927 to CCP 14.03 also permit a peace officer discharging the officer's official duties to temporarily disarm a person entering a nonpublic, secure portion of a law enforcement facility if there is a gun locker or secure area where the person's handgun can be stored. The person's handgun must be returned when leaving.

Waco Police Department Recommendations: Before visiting the Waco Police Department or other law enforcement facility, secure your weapon.

The following is allowed by law for handgun owners:

Allowed:

- Public areas of city facilities, like libraries and recreation centers
- Outside in public (walking down the street)
- Concealed gun anywhere on the body. Concealing a gun is still allowed.
- Handgun in shoulder holster
- Handgun in belt holster
- Places of business with no visible signage prohibiting handgun

Please be advised that handguns and other weapons are prohibited in these places:

Guns Not Allowed:

- Secured areas of the Airport
- Courthouse
- Polling places on any voting days
- Schools
- Places of business with visible signage prohibiting handguns
- Business permitted by TABC that derives 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
- Amusement park
- A room(s) where an open governmental meeting is occurring

Other Frequently Asked Questions:

Where is it legal to open carry?

- Anyplace you could previously carry concealed, you may now carry openly.

Where is it not legal to openly carry?

- Any place that is prohibited under the concealed handgun law applies to open carry.

What weapons are not allowed to be carried openly?

- Any weapon prohibited by law (Texas Penal Code, Prohibited Weapons)

Do public schools have to post "no carry" signs or are they just understood "no carry" zones?

- No signage is required. ([see Texas Penal Code, Places Weapons Prohibited](#))

What should citizens do if a business tells them they cannot have their gun exposed but they don't have the prohibited sign posted?

- Any time a License Holder is asked to leave a property by a person with apparent authority to do so, the License Holder must leave the premises.

Have Waco Police Department officers been trained on the new permitless carry law?

- Yes, all Waco Police Department officers have been trained on the new law.

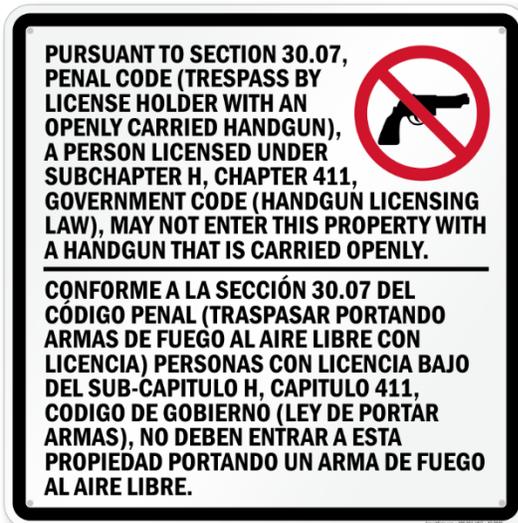
Have 911 call takers been trained on the new permitless carry law?

- Yes, 911 call takers have been trained on the new law.

Can private businesses opt out of concealed, open and permitless carry?

- Yes, by having appropriate signage (30.05, 30.06, 30.07)





Can city employees open carry on the job?

- No. City policy does not allow employees to carry a weapon except for police officers, which includes fire marshals.

Does this change the law for open carrying of Long Guns (shotguns and rifles)?

- No

Under what circumstances should citizens call law enforcement when they see someone carrying a handgun?

- While not every circumstance can be foreseen and addressed, anytime a citizen is carrying a handgun unholstered, or on a property where such carrying is prohibited, police may be called to investigate potential criminal offenses.

Find more information about [Handgun Licensing in Texas](#) from the Texas Department of Public Safety.