

In The News

How Landlords, Employers Should Prepare for Open Carry of Handguns in Texas

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Concealed handgun license owners will be able to openly carry handguns in belt or shoulder holsters beginning Jan. 1, making Texas the 45th state in the U.S. to pass a similar law.

But the move to ease the handgun law could shoot employers and landlords of public buildings in the foot if they don't follow the related requirements for signs and notification, Kitty Henry, an attorney for Dallas-based Munsch Hardt, told me in an interview.

"From the perspective of a building owner, the signage that was sufficient under the old law is no longer sufficient under the new law," said Henry, who specializes in negotiating leases for landlords and tenants.

Henry said most building leases she sees do contain a weapons prohibition.

With Gov. Gregg Abbott's signature on June 13, 2015, Texas broadened the rights of residents holding a concealed handgun license. Before enactment of HB 910, people with a concealed handgun license were required to keep their handguns out of sight.

The new law, which gives private property owners the right to prohibit open carry, has left business owners and landlords wondering what to do. Iconic Texas restaurant chain Whataburger announced early this month that it will not allow the open carrying of guns on its properties, and industry experts predict other restaurants will likely do the same. Whataburger was praised by some, including the group Moms Demand Action For Gun Sense in America, but also caught flak for the decision from groups including Open Carry Texas.

Whichever way a business leans, it's important that employers and building owners get the signs right, Henry told me.

In order for a landlord or employer to completely ban handguns from its property or workplace — as opposed to banning only the open-carry of handguns — HB 910 requires two notices be posted at each entrance to the property or workplace — one prohibiting concealed carry of handguns and the other prohibiting open carry of handguns. Each notice must be written in both English and Spanish, appear in contrasting colors with block letters at least one inch high, and be clearly visible to the public.

The open carry prohibition must read exactly as follows:

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

These "30.07 signs" are only enforceable against persons openly carrying handguns. Although many landlords and employers currently display pre-HB 910 signs prohibiting the concealed carry of handguns, the current signs do not meet the new requirements and will no longer be enforceable.

As of Jan. 1, signs prohibiting concealed carry of handguns must read:

"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."

In addition, Henry advises that landlords and employers that desire to prohibit the open carry of handguns do the following:

- Prepare and post proper signs
- Revise, distribute and communicate changes in existing policies
- Educate and train tenants and employees on the policy revisions.

By: Bill Hethcock

Primary Contacts



Kathleen "Kitty" Henry

Dallas
214.855.7506
khenry@munsch.com

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