

**Essentials of
Senate Bill 11**

Texas State University System

Essentials of Senate Bill 11 (Campus Carry)

Effective Date: August 1, 2016.

Carrying of Handguns by Concealed Handgun License Holders

1. **Campus Carry Lawful.** A concealed handgun license holder (CHH) may carry a concealed handgun on campus, meaning all lands and buildings owned or leased by an institution of higher education.
2. **Exceptions.** An institution may not pass rules prohibiting a CHH from carrying, except as follows:
 - **Storage in Dormitories.** Rules may be established regarding storage in dormitories or other residential facilities; and,
 - **May Designate No-Handgun Areas.** Reasonable rules may be established, limiting CHH's carrying in some parts of campus, provided the rules do not have the effect of generally prohibiting CHHs from carrying.

Notices Required as to Prohibited Carry Areas

3. **Oral or Written.** Oral or written notice must be given as to where CCHs may not carry.
4. **Specific Language Required.** Notice that is given on a card or document must contain the following language:

Pursuant to Section 30.06, Penal Code (trespass by holder of license to carry a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (concealed handgun law), may not enter this property with a concealed handgun.

5. **Posting Notice on a Sign.** Alternatively, notice may be posted on a sign, which must:
 - **Bilingual Notice.** Include the above italicized language in both English and Spanish;
 - **Appearance of Sign.** Use contrasting colors, block letters, at least 1 inch in height; and,
 - **Publicly Visible Sign.** Be displayed in a conspicuous manner clearly visible to the public.

President's Responsibilities

6. **Direct Oversight of Implementation.** The law specifically directs each president to:

- **Consult** with students, staff, and faculty regarding:
 - The nature of the student population;
 - Specific safety considerations; and,
 - The uniqueness of the campus environment;
 - **Establish reasonable rules** regarding the carrying of concealed handguns by CHHs;
 - **Not subvert the law** by establishing rules that prohibit or effectively prohibit carrying;
 - **Provide notice** as to where carrying is not permitted (see prior section);
 - **Widely distribute** rules, including prominent display on institution's Internet Website.
7. **Submission to Board of Regents.** Timely submit rules to Board of Regents for review and possible amendment.
8. **Report to the Legislature.** By September 1 of each even-numbered year, the institution must report to the legislature and to its standing committees on this subject:
- **Describing its rules,** regulations or other provisions on carrying of concealed handguns;
 - **Explaining the reasons** it established those provisions.

Immunities of the Institution, its Officers and Employees

9. **No Liability.** The institution, its officers and employees may not be held liable because of:
- **Their actions or omissions** under this law, including failure to pass rules, **unless** the failure was **capricious or arbitrary**; or,
 - The **conduct** of the person possessing the handgun **is the basis of a personal injury or property damage claim**; or,
 - **Actions of a CHH or an applicant** for a concealed handgun.

Offenses Under this Law

10. **Prohibited Weapons.** Carrying a firearm or other prohibited weapon on campus.
11. **No License.** Carrying a concealed handgun on campus without a license.
12. **Carrying in Prohibited Areas by CHH;** provided the institution has given notice (see above).
13. **Display by CHH.** Knowing and intentional display by a CHH of a handgun on the premises, streets, or parking facilities.
14. **Open Carry Law Not Apply.** See Item 13 above.

Senate Bill 11

1 AN ACT
2 relating to the carrying of handguns on the campuses of and certain
3 other locations associated with institutions of higher education;
4 providing a criminal penalty.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter H, Chapter 411, Government Code, is
7 amended by adding Section 411.2031 to read as follows:

8 Sec. 411.2031. CARRYING OF HANDGUNS BY LICENSE HOLDERS ON
9 CERTAIN CAMPUSES. (a) For purposes of this section:

10 (1) "Campus" means all land and buildings owned or
11 leased by an institution of higher education or private or
12 independent institution of higher education.

13 (2) "Institution of higher education" and "private or
14 independent institution of higher education" have the meanings
15 assigned by Section 61.003, Education Code.

16 (3) "Premises" has the meaning assigned by Section
17 46.035, Penal Code.

18 (b) A license holder may carry a concealed handgun on or
19 about the license holder's person while the license holder is on the
20 campus of an institution of higher education or private or
21 independent institution of higher education in this state.

22 (c) Except as provided by Subsection (d), (d-1), or (e), an
23 institution of higher education or private or independent
24 institution of higher education in this state may not adopt any

1 rule, regulation, or other provision prohibiting license holders
2 from carrying handguns on the campus of the institution.

3 (d) An institution of higher education or private or
4 independent institution of higher education in this state may
5 establish rules, regulations, or other provisions concerning the
6 storage of handguns in dormitories or other residential facilities
7 that are owned or leased and operated by the institution and located
8 on the campus of the institution.

9 (d-1) After consulting with students, staff, and faculty of
10 the institution regarding the nature of the student population,
11 specific safety considerations, and the uniqueness of the campus
12 environment, the president or other chief executive officer of an
13 institution of higher education in this state shall establish
14 reasonable rules, regulations, or other provisions regarding the
15 carrying of concealed handguns by license holders on the campus of
16 the institution or on premises located on the campus of the
17 institution. The president or officer may not establish provisions
18 that generally prohibit or have the effect of generally prohibiting
19 license holders from carrying concealed handguns on the campus of
20 the institution. The president or officer may amend the provisions
21 as necessary for campus safety. The provisions take effect as
22 determined by the president or officer unless subsequently amended
23 by the board of regents or other governing board under Subsection
24 (d-2). The institution must give effective notice under Section
25 30.06, Penal Code, with respect to any portion of a premises on
26 which license holders may not carry.

27 (d-2) Not later than the 90th day after the date that the

1 rules, regulations, or other provisions are established as
2 described by Subsection (d-1), the board of regents or other
3 governing board of the institution of higher education shall review
4 the provisions. The board of regents or other governing board may,
5 by a vote of not less than two-thirds of the board, amend wholly or
6 partly the provisions established under Subsection (d-1). If
7 amended under this subsection, the provisions are considered to be
8 those of the institution as established under Subsection (d-1).

9 (d-3) An institution of higher education shall widely
10 distribute the rules, regulations, or other provisions described by
11 Subsection (d-1) to the institution's students, staff, and faculty,
12 including by prominently publishing the provisions on the
13 institution's Internet website.

14 (d-4) Not later than September 1 of each even-numbered year,
15 each institution of higher education in this state shall submit a
16 report to the legislature and to the standing committees of the
17 legislature with jurisdiction over the implementation and
18 continuation of this section that:

19 (1) describes its rules, regulations, or other
20 provisions regarding the carrying of concealed handguns on the
21 campus of the institution; and

22 (2) explains the reasons the institution has
23 established those provisions.

24 (e) A private or independent institution of higher
25 education in this state, after consulting with students, staff, and
26 faculty of the institution, may establish rules, regulations, or
27 other provisions prohibiting license holders from carrying

1 handguns on the campus of the institution, any grounds or building
2 on which an activity sponsored by the institution is being
3 conducted, or a passenger transportation vehicle owned by the
4 institution.

5 SECTION 2. Section 411.208, Government Code, is amended by
6 amending Subsections (a), (b), and (d) and adding Subsection (f) to
7 read as follows:

8 (a) A court may not hold the state, an agency or subdivision
9 of the state, an officer or employee of the state, an institution of
10 higher education, an officer or employee of an institution of
11 higher education, a private or independent institution of higher
12 education that has not adopted rules under Section 411.2031(e), an
13 officer or employee of a private or independent institution of
14 higher education that has not adopted rules under Section
15 411.2031(e), a peace officer, or a qualified handgun instructor
16 liable for damages caused by:

17 (1) an action authorized under this subchapter or a
18 failure to perform a duty imposed by this subchapter; or

19 (2) the actions of an applicant or license holder that
20 occur after the applicant has received a license or been denied a
21 license under this subchapter.

22 (b) A cause of action in damages may not be brought against
23 the state, an agency or subdivision of the state, an officer or
24 employee of the state, an institution of higher education, an
25 officer or employee of an institution of higher education, a
26 private or independent institution of higher education that has not
27 adopted rules under Section 411.2031(e), an officer or employee of

1 a private or independent institution of higher education that has
2 not adopted rules under Section 411.2031(e), a peace officer, or a
3 qualified handgun instructor for any damage caused by the actions
4 of an applicant or license holder under this subchapter.

5 (d) The immunities granted under Subsections (a), (b), and
6 (c) do not apply to:

7 (1) an act or a failure to act by the state, an agency
8 or subdivision of the state, an officer of the state, an institution
9 of higher education, an officer or employee of an institution of
10 higher education, a private or independent institution of higher
11 education that has not adopted rules under Section 411.2031(e), an
12 officer or employee of a private or independent institution of
13 higher education that has not adopted rules under Section
14 411.2031(e), or a peace officer if the act or failure to act was
15 capricious or arbitrary; or

16 (2) any officer or employee of an institution of
17 higher education or private or independent institution of higher
18 education described by Subdivision (1) who possesses a handgun on
19 the campus of that institution and whose conduct with regard to the
20 handgun is made the basis of a claim for personal injury or property
21 damage.

22 (f) For purposes of this section:

23 (1) "Campus" has the meaning assigned by Section
24 411.2031.

25 (2) "Institution of higher education" and "private or
26 independent institution of higher education" have the meanings
27 assigned by Section 61.003, Education Code.

1 SECTION 3. Sections 46.03(a) and (c), Penal Code, are
2 amended to read as follows:

3 (a) A person commits an offense if the person intentionally,
4 knowingly, or recklessly possesses or goes with a firearm, illegal
5 knife, club, or prohibited weapon listed in Section 46.05(a):

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

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

14 (B) the person possesses or goes with a concealed
15 handgun that the person is licensed to carry under Subchapter H,
16 Chapter 411, Government Code, and no other weapon to which this
17 section applies, on the premises of an institution of higher
18 education or private or independent institution of higher
19 education, on any grounds or building on which an activity
20 sponsored by the institution is being conducted, or in a passenger
21 transportation vehicle of the institution;

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

24 (3) on the premises of any government court or offices
25 utilized by the court, unless pursuant to written regulations or
26 written authorization of the court;

27 (4) on the premises of a racetrack;

1 (5) in or into a secured area of an airport; or
2 (6) within 1,000 feet of premises the location of
3 which is designated by the Texas Department of Criminal Justice as a
4 place of execution under Article 43.19, Code of Criminal Procedure,
5 on a day that a sentence of death is set to be imposed on the
6 designated premises and the person received notice that:

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

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

11 (c) In this section:

12 (1) "Institution of higher education" and "private or
13 independent institution of higher education" have the meanings
14 assigned by Section 61.003, Education Code.

15 (2) "Premises" has the meaning assigned by Section
16 46.035.

17 (3) [~~2~~] "Secured area" means an area of an airport
18 terminal building to which access is controlled by the inspection
19 of persons and property under federal law.

20 SECTION 4. Section 46.035, Penal Code, is amended by adding
21 Subsections (a-1), (a-2), (a-3), and (l) and amending Subsections
22 (g), (h), and (j) to read as follows:

23 (a-1) Notwithstanding Subsection (a), a license holder
24 commits an offense if the license holder carries a partially or
25 wholly visible handgun, regardless of whether the handgun is
26 holstered, on or about the license holder's person under the
27 authority of Subchapter H, Chapter 411, Government Code, and

1 intentionally or knowingly displays the handgun in plain view of
2 another person:

3 (1) on the premises of an institution of higher
4 education or private or independent institution of higher
5 education; or

6 (2) on any public or private driveway, street,
7 sidewalk or walkway, parking lot, parking garage, or other parking
8 area of an institution of higher education or private or
9 independent institution of higher education.

10 (a-2) Notwithstanding Subsection (a) or Section 46.03(a), a
11 license holder commits an offense if the license holder carries a
12 handgun on the campus of a private or independent institution of
13 higher education in this state that has established rules,
14 regulations, or other provisions prohibiting license holders from
15 carrying handguns pursuant to Section 411.2031(e), Government
16 Code, or on the grounds or building on which an activity sponsored
17 by such an institution is being conducted, or in a passenger
18 transportation vehicle of such an institution, regardless of
19 whether the handgun is concealed, provided the institution gives
20 effective notice under Section 30.06.

21 (a-3) Notwithstanding Subsection (a) or Section 46.03(a), a
22 license holder commits an offense if the license holder
23 intentionally carries a concealed handgun on a portion of a
24 premises located on the campus of an institution of higher
25 education in this state on which the carrying of a concealed handgun
26 is prohibited by rules, regulations, or other provisions
27 established under Section 411.2031(d-1), Government Code, provided

1 the institution gives effective notice under Section 30.06 with
2 respect to that portion.

3 (g) An offense under Subsection (a), (a-1), (a-2), (a-3),
4 (b), (c), (d), or (e) is a Class A misdemeanor, unless the offense
5 is committed under Subsection (b)(1) or (b)(3), in which event the
6 offense is a felony of the third degree.

7 (h) It is a defense to prosecution under Subsection (a),
8 (a-1), (a-2), or (a-3) that the actor, at the time of the commission
9 of the offense, displayed the handgun under circumstances in which
10 the actor would have been justified in the use of force or deadly
11 force under Chapter 9.

12 (j) Subsections (a), (a-1), (a-2), (a-3), and (b)(1) do not
13 apply to a historical reenactment performed in compliance with the
14 rules of the Texas Alcoholic Beverage Commission.

15 (1) Subsection (b)(2) does not apply on the premises where a
16 collegiate sporting event is taking place if the actor was not given
17 effective notice under Section 30.06.

18 SECTION 5. Section 46.035(f), Penal Code, is amended by
19 adding Subdivision (1-a) to read as follows:

20 (1-a) "Institution of higher education" and "private
21 or independent institution of higher education" have the meanings
22 assigned by Section 61.003, Education Code.

23 SECTION 6. Section 411.208, Government Code, as amended by
24 this Act, applies only to a cause of action that accrues on or after
25 the effective date of this Act. A cause of action that accrues
26 before the effective date of this Act is governed by the law in
27 effect immediately before that date, and that law is continued in

1 effect for that purpose.

2 SECTION 7. The change in law made by this Act applies only
3 to an offense committed on or after the effective date of this Act.
4 An offense committed before the effective date of this Act is
5 governed by the law in effect on the date the offense was committed,
6 and the former law is continued in effect for that purpose. For
7 purposes of this section, an offense was committed before the
8 effective date of this Act if any element of the offense occurred
9 before that date.

10 SECTION 8. (a) Except as otherwise provided by this
11 section, this Act takes effect August 1, 2016.

12 (b) Before August 1, 2016, the president or other chief
13 executive officer of an institution of higher education, as defined
14 by Section 61.003, Education Code, other than a public junior
15 college as defined by that section, shall take any action necessary
16 to adopt rules, regulations, or other provisions as required by
17 Section 411.2031, Government Code, as added by this Act.
18 Notwithstanding any other law, the president or other chief
19 executive officer shall establish rules, regulations, or other
20 provisions under Section 411.2031(d-1), Government Code, as added
21 by this Act, that take effect August 1, 2016.

22 (c) Before August 1, 2016, a private or independent
23 institution of higher education, as defined by Section 61.003,
24 Education Code, may take any action necessary to adopt rules,
25 regulations, or other provisions as authorized under Section
26 411.2031, Government Code, as added by this Act.

27 (d) This Act does not apply to a public junior college, as

1 defined by Section 61.003, Education Code, before August 1, 2017.
2 Not later than August 1, 2017, the president or other chief
3 executive officer of a public junior college shall take any action
4 necessary to adopt rules, regulations, or other provisions as
5 required by Section 411.2031, Government Code, as added by this
6 Act. Notwithstanding any other law, the president or other chief
7 executive officer shall establish rules, regulations, or other
8 provisions under Section 411.2031(d-1), Government Code, as added
9 by this Act, that take effect August 1, 2017.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 11 passed the Senate on March 19, 2015, by the following vote: Yeas 20, Nays 11; May 28, 2015, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 29, 2015, House granted request of the Senate; May 30, 2015, Senate adopted Conference Committee Report by the following vote: Yeas 20, Nays 11.

Secretary of the Senate

I hereby certify that S.B. No. 11 passed the House, with amendments, on May 27, 2015, by the following vote: Yeas 102, Nays 44, one present not voting; May 29, 2015, House granted request of the Senate for appointment of Conference Committee; May 31, 2015, House adopted Conference Committee Report by the following vote: Yeas 98, Nays 47, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor

House Bill 910,
Section 28
(Open Carry)

Open Carry Legislation

(H.B. 910)

Takes Effect January 1, 2016

SECTION 28. Section 411.2032(b), Government Code, is amended to read as follows:

(b) An institution of higher education or private or independent institution of higher education in this state may not adopt or enforce any rule, regulation, or other provision or take any other action, including posting notice under Section 30.06 or 30.07, Penal Code, prohibiting or placing restrictions on the storage or transportation of a firearm or ammunition in a locked, privately owned or leased motor vehicle by a person, including a student enrolled at that institution, who holds a license to carry a [~~concealed~~] handgun under this subchapter and lawfully possesses the firearm or ammunition:

(1) on a street or driveway located on the campus of the institution; or

(2) in a parking lot, parking garage, or other parking area located on the campus of the institution.

Frequently Asked
Questions About
Campus Carry

**TSUS OFFICE OF GENERAL COUNSEL
RESPONSES TO CHANCELLOR'S
CAMPUS CARRY TASK FORCE QUESTIONS
October 7, 2015**

The following responses are for the purpose of providing legal guidance and statutory interpretation. The responses are not intended and should not be viewed as commentary on campus carry policy. Please keep in mind that each campus will have to provide its justification for implementation of gun-free zones to the legislature in the next even-numbered calendar year.

- 1. Under SB 11 (codified as Government Code § 411.2031), what constitutes a school bus or "passenger transportation vehicle" – where concealed carry is prohibited?**

RESPONSE: This section does not apply to public institutions of higher education but only to private or independent institutions. Even if it were applicable to a TSUS component, the section does not prohibit concealed weapons on passenger transportation vehicles.

Additionally, Texas law does not define the term "passenger transportation vehicle."

- 2. What does "on premises" mean in legislation where concealed carry is prohibited? (SB 11 References -Penal Code - Title 10 Chpt. 46 Sec. 46.03)**

RESPONSE: SB 11 provides or incorporates by reference the following definitions:

- "Premises" means a building or a portion of a building. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area. (See Penal Code § 46.035(f) (3).)
- "Campus" means all land and buildings owned or leased by an institution of higher education (See Government Code §411.2031(a)(1).)

Making reference to both statutes, "premises" means land or a building or portion of a building owned or leased by an institution of higher education. Excluded from the definition are streets, sidewalks, and parking areas.

- 3. Does the law prohibit guns (concealed carry) in university owned parking lot areas when lot is being used for tailgating prior to an athletic sporting event?**

RESPONSE: No, as stated in our response to Item 2 above, the law defines premises as a building or portion of a building, specifically excluding parking lots, parking garages, or other parking areas.

4. Can the university require expert gun training (or make it voluntary for students with CHL?)

RESPONSE: A university may not require expert gun training. The law places responsibility on the director of DPS to establish the minimum requirements for handgun proficiency. OGC's best advice is not to offer essentially duplicate voluntary training. (See *Government Code § 411.188*.)

5. Is there a reporting mechanism under the CHL laws that will allow and/or require the university to report students that have substance abuse issues, mental health issues, or are involved in some sort of judicial proceeding on-campus?

RESPONSE: Neither *SB 11* nor *Texas Government Code §411* contains a reporting requirement that would permit a university to report students with substance abuse problems, mental health issues or who are involved in judicial proceedings. University disclosure of such information would likely violate federal and state privacy laws and judicial rulings, including the *Family Educational Rights and Privacy Act (FERPA)* and the *Health Insurance Portability and Accountability Act (HIPAA)*.

6. What is the obligation of the CHL permit holders to properly store their weapons? Should the University take on the storage of weapons responsibility since it is already the responsibility of the license holder?

RESPONSE: *Government Code §411.188 (b)(4)* requires instruction for conceal carry applicants on handgun proficiency which includes:

proper storage practices for handguns with an emphasis on storage practices that eliminate the possibility of accidental injury to a child.

SB 11 allows a university to provide storage for weapons, but it does not require a university to do so. If a university decides to provide for such storage, it *may* be exposing itself to certain legal risks that it would not otherwise have if it did not provide the storage. For example, the doctrine of sovereign immunity protects every TSUS component from certain personal injury and property damage claims. There is a *possibility* that this protection would be waived by a university that provides a faulty or defective storage unit and an injury or property damage ensued as a result.

If a university decides to provide storage facilities, OGC's recommendation is that such storage be in a central location on campus with 24/7 access.

7. As the University begins to carve out areas where guns will not be allowed, may the University carve out areas where a program accreditation requires a no guns policy (like a state or federal grant that requires no guns; or the Child Development Center that is classified as a school and its accreditation requires no guns)?

RESPONSE: Yes, but the university should cite the specific language in the accreditation documents prohibiting guns and refrain from suggesting to accrediting agencies that a gun prohibition be included in their accreditation requirements.

- 8. As the University begins to carve out areas where guns will not be allowed, can the university make one area of a building a gun-free zone or part of a building a gun-free zone? For example, the 1st floor of the Education building houses the CARES clinic where minor autistic children receive assessment and treatment.**

RESPONSE: Yes, but the carve-out area must be workable. For example, strong justification may exist for declaring an entire floor of a multi-story building as a gun-free zone; however, this would not be workable if the gun-free floor is the entire first floor of the building as this would effectively deny access to the floors in the building that are not so designated.

Also, carving out portions of buildings throughout the campus may make it difficult for Concealed Handgun Holders (CHLs) to know which areas are prohibited and may have the effect of rendering it difficult to navigate the campus, effectively impeding the right to carry.

- 9. What is the definition of a "child," "school" as relates to concealed carry of handguns?**

RESPONSE: With exceptions, a "child" or "minor" is "a person under 18 years of age." (See *Education Code* §33.051, adopting *Family Code* §101.003(a) definition.)

School is not defined in the *Education Code* but it is defined in *Texas Penal Code* §46.11 (c)(2) as "a private or public elementary or secondary school."

- 10. In a survey, can we ask a survey participant to self-identify as a CHL holder if it is an optional response?**

RESPONSE: Yes, but the optional language of the survey should be prominent and conspicuous, informing those who are being surveyed that the law does not require self-identification.

- 11. Can we penalize the *unintentional* display by the license holder through the student code of conduct or employee regulations? The penal code makes such conduct an offense only if engaged in intentionally. Can we subject a student, faculty member, or staff person who is a license holder to administrative discipline for reckless or negligent display?**

RESPONSE: No, especially for negligent display. However, should this become a routine problem with a singular individual and there are documented warnings, the

institution may conclude that grounds exist to consider the individual's actions to be intentional and institute appropriate disciplinary proceedings.

- 12. Can the President declare the Coliseum, Stadium, and similar sporting venues, along with the Gaertner Performing Arts Center and other UIL event venues permanently off limits to license holders and provide notice of same under § 30.06 of the Texas *Penal Code*? Or does the statute only allow such prohibition while such sporting or UIL events are underway?**

RESPONSE: Yes, however, in OGC's opinion, doing so is inadvisable unless the institution can provide persuasive reasons justifying the total ban at times the facilities are closed to students, faculty, staff, or members of the general public. It is advisable to keep in mind that the legislature will expect reasons justifying the creation of all campus gun-free zones. We believe the better practice is not to focus upon the venues but instead upon the nature of the activities that take place in these venues.

- 13. If the statute does allow for prohibition only while such events are underway, is adequate notice given to license holders if they are informed such an event is underway? (Or do they have to receive the notice outlined in § 30.06?)**

RESPONSE: As currently written, the statute prohibits carrying a weapon on the premises of an institution of higher education while a sponsored event is taking place. However, *SB 11* creates an exception for licensed CHLs. What the president must decide is which activities or venues will be prohibited to CHLs and provide appropriate notice as follows.

Oral or written notice must be given as to where CHLs may not carry. Notice that is given on a card or document must contain the following language:

Pursuant to Section 30.06, Penal Code (trespass by holder of license to carry a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (concealed handgun law), may not enter this property with a concealed handgun.

Alternatively, notice may be posted on a sign at the entrance of a gun-free zone. The sign must conform to the requirements of the *Penal Code*, in format and content, as follows:

- Include the above italicized language in both English and Spanish;
- Use contrasting colors, block letters, at least 1 inch in height; and
- Be displayed in a conspicuous manner clearly visible to the public.

- 14. The College of Education operates a Charter school. Although the physical schools housing the children are not on SHSU campuses, administrative offices are on the main campus. Those administrative offices may be visited by parents and students. Can they be declared off limits to license holders?**

RESPONSE: Yes, but see Response 8 regarding the workability of carve-out locations in academic buildings.

- 15. Can the President declare all of the following locations off limits without “hav[ing] the effect of generally prohibiting license holders from carrying concealed handguns on the campus....?”**

RESPONSE: Yes, assuming a valid justification exists for designating each of the areas as gun-free zones. See below for specific responses to each identified location. As a qualifier, OGC is not taking a position as to each proposed location but is simply assessing the proffered reason(s) for legal persuasiveness.

- a. The Student Health Center

The health center serves students in crisis who should not have ready access to weapons and also has students disrobing and robing as part of medical examinations increasing the risk a gun may be left behind or dropped and accidentally discharged.

RESPONSE: The articulated justification, which focuses on the mishandling or misplacement of a gun, would not appear to be more likely here than at any other location.

- b. The student Counseling Center

The student counseling center serves students in crisis who should not have ready access to weapons.

RESPONSE: Because of the student population served by the counseling center, fear of injury to self or others seems reasonable. We suggest that your counseling professionals assist in writing your justification.

- c. The Psychological Services Center

The psychological services center not only serves students in crisis who should not have access to weapons, but also conducts evaluations of offenders who are actively in police custody (i.e., wearing belly chains and in stripes with a custody officer nearby).

RESPONSE: Because of the student and other populations served by the psychological services center, fear of injury to self or others seems reasonable. We suggest that your psychological professionals assist in writing your justification.

- d. The Jack S. Staggs Counseling Center
The Jack S. Staggs Counseling Center serves students in crisis who should not have access to weapons.

RESPONSE: Because of the student population served by the counseling center, fear of injury to self or others seems reasonable. We suggest that your counseling professionals assist in writing your justification.

- e. The Community Counseling Center (The Woodlands Center)
The Community Counseling Center serves students in crisis who should not have access to weapons.

RESPONSE: Because of the student population served by the counseling center, fear of injury to self or others seems reasonable. We suggest that your counseling professionals assist in writing your justification.

- f. A specific laboratory in Lee Drain which houses particularly hazardous materials/dangerous substances which would significantly jeopardize public safety if activated by gunfire.

RESPONSE: The articulated justification assumes that firing a weapon will trigger an explosion, which appears to beg the question. Additional justification should be provided.

- g. The sporting and UIL venues identified in question 2, above (at all times or while those events are underway).

RESPONSE: Designation of such venues as gun-free zones should be permitted only while events are occurring. Statutory notice should be given.

- h. The Charter School Offices referenced in question 3, above.

RESPONSE: If the Charter School Offices are not on university owned or leased property, the campus should not be implementing a gun-free designation. Such a decision would be the Charter school's responsibility and concern.

- i. Residence halls during certain times of the summer when they are occupied chiefly by children without parental supervision attending various summer camps.

RESPONSE: Yes, but only during the limited period of the summer camps for minors. Because of the student population being served during the summer camps, fear of injury to self or others seems reasonable justification.

- j. Any other areas of campus which you believe should be given consideration by the Concealed Carry Committee as “off limits” to licensees.

Other possible gun free areas might include offices where cash or negotiable instruments are stored or handled; Board of Regents meetings; student, faculty, or staff disciplinary hearings, President’s house (including grounds). Each Component that selects one or more of these restrictions should provide a justification. To start, OGC notes that, except for the cash handling areas, each of the areas listed involve situations in which people may be angry, agitated, perturbed, depressed, or stressed out by decision(s) made by the individuals or entities listed.

**The Texas State University System
Chancellor's Campus Carry Task Force
Members' Recommended Actions / Issues Identified
Following the April 15, 2015 Meeting**

- Develop educational materials targeted at different audiences
 - Active shooter procedures for the unarmed
 - What to do if a weapon is spotted
 - How to respond to police if you are armed
 - Possible mental health issues that may be encountered
- Establish System-wide best/suggested practices on meeting requirements of law
- Prepare scripted responses to common scenarios (what should I do if . . .)
- Host Concealed Handgun License licensure classes to ensure key issues are covered
- Communicate law and policy changes to faculty, students and staff
- Make stakeholders aware of their protections and remedies under the law
- Train faculty, staff and campus security personnel in de-escalation and judgment
- Support requests for additional personnel/funding necessary
 - Additional administrative staff and police officers
 - Define measurement to determine number of police officers needed
 - Expenses relating to creating storage, staffing metal detectors
 - Changes necessary to secure areas of concern
- Install gun safes and lockers for weapons storage in residence halls and locker rooms
- Anticipate concerns about concealed carry to subside over time
- Notify CHHs that storage will not be provided at sporting events
- Recognize time needed to retrain all UPD officers
- Identify areas/occasions to be restricted
 - Residence halls of minors (including summer camps)
 - Cash rooms
 - Sporting events
 - High school graduations
 - Labs with dangerous/controlled substances
 - Health centers where medical/mental health services are provided
 - Student recreation, athletics, and physical education areas where concealed carry is impractical