MEMORANDUM

To: City of Seguin Mayor and Council

From: Andy Quittner, City Attorney

Date: October 12, 2015

Re: Firearm Policy

During the 2015 legislative session a number of changes were made to the laws governing the carrying of firearms. Three of the changes could directly affect the operation of city facilities.

One of the changes that directly effects municipalities (and other political subdivisions) is that beginning September 1, 2015, the Legislature made it an offense to prohibit, or even providing a notice that prohibits, someone who is licensed to carry a handgun from so doing unless state law actually prohibits carrying a firearm on the premises. That means that people who are licensed to carry handguns may do so in City Hall, with one exception: During all meetings subject to the open meetings act, a political subdivision may ban all firearms, including licensed carry (by posting proper notification).

A second change begins January 1, 2016. On and after that date a person may "open carry" a handgun if that person possesses a concealed carry license. As a result of this change, the concealed license carry disappears and becomes just a "licensed" carry. Thus a license holder may either open or conceal carry.

Except during Council meetings, and other board and commission meetings, the City cannot prohibit a licensed carry holder from exercising their right to carry a firearm in any city facility other than the municipal court (and secure areas of the police department). The City may post a sign to prohibit all firearms from Council and other board meetings. The City may also prohibit the carrying of all other, unlicensed firearms, at all times and in all city facilities.

The proposed policy places a "firearms prohibited" sign at all city hall entrances, and at the entrance to the Coliseum (recommended because of alcohol sales). It is understood that this would not prohibit persons who hold a license to carry from doing so in city hall. The policy also restricts all carry, including licensed carry, from city council meetings and other meetings subject to the Texas Open Meetings Act. The policy does not change rules pertaining to employees (who, other than licensed peace officers, may not carry a firearm while working).