

**TEXAS BOARD
OF
PARDONS AND PAROLES**

Number: BPP-POL. 141.300

Date: July 27, 2023

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Supersedes: August 18, 2022

BOARD POLICY

SUBJECT: HANDGUN POLICY

PURPOSE: To establish a policy for persons who are licensed or unlicensed to carry a handgun on a state-owned or leased premises.

AUTHORITY: Texas Government Code Chapter 411, Subchapter H
Texas Labor Code Section 52.061
Texas Penal Code Sections 46.01(3) and (5), 46.02, 46.03, and 46.15
Texas Facilities Commission Tenant Manual Section VD (*Updated April 2022*)

POLICY: It is the policy of the Texas Board of Pardons and Paroles (Board) to authorize persons who are licensed or unlicensed to carry a handgun, which includes Board Members, employees, and the public, to enter and remain on a state-owned or leased premises so long as the premises are not designated by the statute as an area where weapons are prohibited.

DISCUSSION: Texas statute authorizes: (1) an individual to obtain and maintain a license to carry a handgun on their person, and (2) an individual who is 21 years of age and not otherwise prohibited by state or federal law from carrying a handgun may carry a handgun on their person. However, there are certain premises where an individual may not carry a handgun, which are identified in statute or designated by the statutorily required signage.

DEFINITIONS: Authorized to Carry – the statute authorizes an individual who is 21 years of age and not otherwise prohibited by state or federal law from carrying a handgun to carry a handgun on their person.

Firearm – any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use. Firearm does not include a firearm that may have, as an integral part, a folding knife blade or other characteristics of weapons made illegal by statute and that is:

- (A) an antique or curio firearm manufactured before 1899; or
- (B) a replica of an antique or curio firearm manufactured before 1899, but only if the replica does not use rim fire or center fire ammunition.

Handgun – any firearm that is designed, made, or adapted to be fired with one hand.

License to Carry – a license issued by the Texas Department of Public Safety, which authorizes an individual to carry a handgun under Subchapter H, Chapter 411, Government Code.

Not Otherwise Prohibited by State or Federal Law – (1) State law prohibits an individual from obtaining a License to Carry if the individual fails to meet the eligibility requirements in Section 411.172, Government Code; and (2) Federal law prohibits an individual from possessing or receiving a firearm or ammunition if the persons falls into one of the categories in Sections 922(g) and 922(n), Title 18, United States Code.

Unlicensed Individual – a person authorized to carry a handgun who is 21 years of age and not otherwise prohibited by state or federal law from carrying a handgun.

Premises – 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.

PROCEDURE:

I. Board Member or Employee

- A. License to Carry (LTC) – A Board Member or employee who possesses a valid LTC may carry a handgun pursuant to the statute and may carry the handgun on duty as authorized by this policy.

However, a Board Member or employee who displays a handgun may not wear any designation, by clothing or other insignia, of the Board. This is to prohibit the impression that the Board Member or employee is an official Board representative authorized to carry a handgun while performing official Board duties.

1. Notification – a Board Member or employee shall provide written notice to their immediate supervisor prior to their intent to carry a handgun on duty. The immediate supervisor shall verify that the Board Member or employee has a valid LTC. The appropriate supervisor shall notify the Presiding Officer who will authorize an employee with a valid LTC to carry the handgun on duty.
2. A Board Member or employee shall sign the Handgun Policy Acknowledgement Form (Attachment A) and shall keep the handgun on their person at all times while on state-owned or leased premises.

- B. Authorized to Carry (ATC) – A Board Member or employee who is 21 years of age and not otherwise prohibited by law from carrying a handgun may carry the handgun on duty as authorized by this policy.
- C. LTC Revoked or Suspended – A Board Member or employee shall fulfill all the statutory requirements to maintain a valid LTC. If a Board Member or employee’s LTC is revoked or suspended, the Board Member or employee shall immediately notify their supervisor, who shall notify the Presiding Officer. The Presiding Officer shall rescind the authorization for the Board Member or employee to carry a handgun on state-owned or leased premises unless it is determined that the Board Member or employee is ATC eligible.
- D. ATC Ineligible – A Board Member or employee shall fulfill all the statutory requirements to maintain the authority to carry a handgun. If a Board Member or employee loses authorization to carry a handgun, the Board Member or employee shall immediately notify their supervisor, who shall notify the Presiding Officer. The Presiding Officer shall rescind the authorization for the Board Member or employee to carry a handgun on state-owned or leased premises.
- E. Handgun Drawn/Discharge – A Board Member or employee shall immediately notify their supervisor if their handgun is drawn or discharged *on* state-owned or leased premises.
 - 1. The Board Member or Office Manager shall notify the Presiding Officer and the Texas Facilities Commission’s assigned property manager.
 - 2. If the discharge causes bodily injury or death, the Board Member or employee shall immediately contact emergency medical services, local law enforcement, and then their immediate supervisor, who shall notify the Presiding Officer and the Texas Board of Criminal Justice Office of the Inspector General.

II. Public

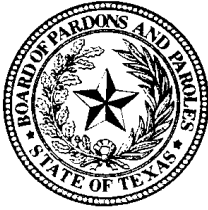
- A. A member of the public who possesses a valid LTC or an unlicensed individual may carry a handgun when they enter and remain on state-owned or leased premises.
 - 1. Notification – when a member of the public arrives at the state-owned or leased premises, they will check the box on the sign-in sheet indicating they are carrying a handgun. The member of the public shall keep the handgun on their person at all times while on the state-owned or leased premises.
 - 2. The member of the public shall receive a copy of this policy.

- B. Handgun Drawn/Discharge – If a member of the public draws or discharges a handgun while on the state-owned or leased premises, the Board staff shall immediately call law enforcement officials and notify the Presiding Officer and the Texas Facilities Commission’s assigned property manager.

ADOPTED BY MAJORITY VOTE OF THE BOARD ON THE 27TH DAY OF JULY, 2023.

DAVID GUTIÉRREZ, PRESIDING OFFICER (CHAIR)

**Signature on file.*



Texas Board of Pardons and Paroles

Handgun Policy

Acknowledgement Form

I acknowledge receipt of a copy of the Texas Board of Pardons and Paroles (Board) Handgun Policy, BPP-POL. 141.300. I further acknowledge that I have read the Handgun Policy.

I affirm that I have a valid License to Carry (LTC) issued by the Texas Department of Public Safety authorizing an individual to carry a handgun. I agree to adhere to all the laws related to carrying a handgun and the procedures outlined in the Board's Handgun Policy.

OR

I affirm that I am 21 years of age and not otherwise prohibited by law from carrying a handgun. I agree to adhere to all the laws related to carrying a handgun and the procedures outlined in the Board's Handgun Policy.

LTC Number, if applicable

Signature

Print Name

Date