

PC §30.07. TRESPASS BY LICENSE HOLDER WITH AN OPENLY CARRIED HANDGUN

- (a) A license holder commits an offense if the license holder:
 - (1) openly carries a handgun under the authority of Subchapter H, Chapter 411, Government Code, on property of another without effective consent; and
 - (2) received notice that entry on the property by a license holder openly carrying a handgun was forbidden.
- (b) For purposes of this section, a person receives notice if the owner of the property or someone with apparent authority to act for the owner provides notice to the person by oral or written communication.
- (c) In this section:
 - (1) "Entry" has the meaning assigned by Section 30.05(b).
 - (2) "License holder" has the meaning assigned by Section 46.035(f).
 - (3) "Written communication" means:
 - (A) a card or other document on which is written language identical to the following:
"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"; or
 - (B) a sign posted on the property that:
 - (i) includes the language described by Paragraph (A) in both English and Spanish;
 - (ii) appears in contrasting colors with block letters at least one inch in height; and
 - (iii) is displayed in a conspicuous manner clearly visible to the public at each entrance to the property.
- (d) An offense under this section is a Class C misdemeanor punishable by a fine not to exceed \$200, except that the offense is a Class A misdemeanor if it is shown on the trial of the offense that, after entering the property, the license holder was personally given the notice by oral communication described by Subsection (b) and subsequently failed to depart.
- (e) It is an exception to the application of this section that the property on which the license holder openly carries the handgun is owned or leased by a governmental entity and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Section 46.03 or 46.035.
- (f) It is not a defense to prosecution under this section that the handgun was carried in a shoulder or belt holster.

Added by Acts 2015, 84th Leg., R.S., Ch. 437 (H.B. 910), Sec. 44, eff. Jan. 1, 2016.