

ALERTS

Labor And Employment Law Alert - Don't Be Caught Unarmed – Texas' New Open Carry Law Takes Effect January 1

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Beginning Jan. 1, 2016, the firearms laws in Texas are set to undergo a significant change. After that date, individuals will be eligible to apply for a license to openly carry firearms on their person. Previously, licenses could only be obtained to carry a concealed weapon.

While the distinction may seem subtle, companies should be aware of how these new laws will be enforced and the impact the very specific requirements will have on their workforce. They should also be prepared to address advocates well-versed in the laws' requirements looking to catch business owners, and employees, unaware and uncompliant. If companies choose to prohibit employees from carrying firearms (openly or concealed) on company property, they should consider adding specific directives in their employee manuals

The new law provides two avenues through which private businesses may prevent individuals from carrying firearms on their premises. The first is by orally informing each individual that firearms are not permitted. The second is by placing written notifications notifying individuals that both concealed weapons and open-carry weapons are prohibited. The language written by lawmakers is re-printed below. Companies should note that both notices need to be posted and that the language, which was previously effective to prevent individuals from carrying concealed weapons, has been changed. The law now requires that the posted language:

1. be included in both English and Spanish;
2. appear in contrasting colors with block letters at least one inch in height; and
3. be displayed in a conspicuous manner clearly visible to the public at each entrance to the property.

Note that this means there will be a total of four statements posted at each location:

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.

De conformidad con el artículo 30.06 del código penal de Texas (sobre el ingreso ilícito de un individuo con licencia de portación de armas cortas ocultas) una persona con licencia, según lo establecido en la ley sección H, capítulo 411 del código gubernamental de Texas (sobre la ley de

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expedición de licencia de armas cortas), tiene prohibido ingresar en esta propiedad con armas cortas ocultas.

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.

De conformidad con el artículo 30.07 del código penal de Texas (sobre el ingreso ilícito de portación de armas exhibidas públicamente) una persona con licencia, según lo establecido en la sección H, capítulo 411 del código gubernamental de Texas (sobre ley de expedición de licencia de armas cortas), tiene prohibido ingresar en esta propiedad con armas exhibidas públicamente.

To obtain more information, please contact the Barnes & Thornburg Labor & Employment attorney with whom you work, or Mark Bayer at 214-258-4101 or Mark.Bayer@btlaw.com; Doug Haloftis at 214-258-4137 or DHaloftis@btlaw.com; or Thomas Haskins at 214-258-4111 or THaskins@btlaw.com of the Dallas office

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