



CAMPUS CARRY LAW EFFECTIVE AUGUST 1, 2016

On June 1, 2015, Governor Greg Abbott signed Senate Bill 11 passed by the 84th Texas Legislature and known as the “campus carry” law.

WHAT DOES THE NEW LAW DO?

S.B. 11 amends the Government Code to authorize a licensed to carry (LTC) handgun owner to carry a **concealed** handgun while on the campus of a public or private institution of higher education in Texas, beginning August 1, 2016. S.B. 11 authorizes public and private institutions of higher education to establish rules, regulations, or other provisions concerning storage of handguns in dormitories or other residential facilities owned or leased by the institution and located on the campus of the institution.

HOW DOES S.B. 11 CHANGE CURRENT LAW?

Current Texas law allows individuals with a license to carry (LTC) to bring their handgun to the parking lot of a public or private institution of higher education and to keep it securely locked in a vehicle. Texas law also currently allows public and private institutions to prohibit the carrying of concealed handguns on non-public areas of the campus of the institution.

S.B. 11 MAKES NUMEROUS CHANGES TO CURRENT LAW, INCLUDING:

- The new law gives public universities some discretion to regulate campus carry by establishing reasonable rules and regulations, although the provisions may not generally prohibit license holders from carrying concealed handguns on campus.
- S.B. 11 provides a private institution of higher education additional discretion. A private institution may, after consulting with students, staff, and faculty of the institution, establish rules, regulations, or other provisions prohibiting license holders from carrying handguns on the campus of the institution, any grounds or building on which an activity sponsored by the institution is being conducted, or a passenger transportation vehicle owned by the institution. [S.B. 11, Section 411.2031(3).]
- S.B. 11 prohibits liability for damages and cause of action in damages (unless actions were capricious or arbitrary) against public and private institutions of higher education or an officer or employee of a public or private institution of higher education [S.B. 11, Section 2. Sec 411.208(a)-(f).]

- S.B. 11 creates an offense (crime) for a LTC license holder to carry a partially or wholly visible handgun (open carry) on the premises of a public or private institution of higher education or on any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area of such an institution. [S.B. 11, section 4, Sec. 46.035(a-1)(1)-(2).]

In establishing reasonable rules and regulations regarding S.B. 11, a public or private institution is to take into consideration the uniqueness of the institution and the student body population.

In accordance with the law, the Amberton University Campus Carry Committee (CCC) appointed by the President, is to report on comments from students, faculty, and staff regarding the implementation of S.B. 11. The Committee will provide their report to the President during March of 2016. The President will make a recommendation to the Board of Trustees on any rules or regulations regarding S.B. 11.

Students, faculty, and staff are encouraged to contribute to the S.B. 11 discussion by emailing their comments to campuscarry@amberton.edu.

ADDITIONAL IMPORTANT INFORMATION

Below are: Amberton University Profile Information, Highlights of S.B. 11 and a Question and Answer Section.

Amberton University Profile

- *Amberton University student profile is the mature, working professional who seeks to complete an undergraduate degree or to begin a graduate program. No student under the age of 21 may enroll. Students' educational goals include degree attainment for career and professional advancement as well as personal achievement and fulfillment.*
- *Amberton University students commute to the Garland Campus and/or Frisco Center or opt to take courses on-line. The University has no campus housing, athletics, dining facilities, or student social clubs. No alcohol consumption is allowed on campus. All facilities are smoke-free. On-campus courses meet once a week for ten weeks for approximately four hours. There are four, ten-week sessions per academic year.*
- *The average age of the Amberton student for FY 2014/2015 was 40. Of the 2,210 unduplicated students enrolled for the 2014/15 year, approximately 80% were graduate students. 86% of all students (undergraduate and graduate) enrolled in at least one online course during the 2014/15 academic year.*

- *Average enrollment per session is approximately 1300. Between 400- 500 students enroll in campus classes each session with attendance divided between the Garland Campus and Frisco Center.*

S.B. 11 Highlights

- The law does NOT allow “open carry” on campus.

S.B. 11 deals only with the concealed carrying of handguns by people who have a license to carry (LTC). It is now, and will still be, illegal to display a firearm in campus buildings, or on campus parking areas, sidewalks, etc.

- A person MUST have a license to carry a concealed handgun on campus.

S.B. 11 authorizes concealed campus carry only by “license holders,” that is, people who received the state-mandated training and met other statutory requirements, including background checks, for a license to carry a handgun.

- A person must be 21 years of age to obtain a license to carry.

The minimum age for obtaining a license to carry a concealed handgun is ordinarily 21. (Members and veterans of the military may obtain a license before age 21.)

- License holders have been allowed to carry concealed handguns on campus (but not in buildings) for 20 years.

Since 1995, the law has allowed license holders to carry concealed handguns on campus (sidewalks, parking areas) and to keep firearms in locked, secure vehicles on campus.

- The laws authorizing concealed handguns on campus also place many restrictions and requirements on handgun licensees. For specific information please consult: www.txdps.state.tx.us/RSD/CHL/Legal/newlegislation.htm

For example, handguns may not be carried on the premises of any collegiate sporting event, and it is a crime for a license holder to carry a handgun while intoxicated (see Title 10, Chpt 46 & 46.03)

**Amberton University has no athletics or sporting events. It is also a violation of the University’s Student Code of Conduct and Ethics to consume alcohol while on campus or to be intoxicated or under the influence of drugs or alcohol while on campus.*

FAQ – Frequently Asked Questions

- ❖ What responsibility do LTC holders have to keep a handgun absolutely concealed? Are they violating the terms of their permit if someone gets a glimpse of their handgun?

A person with a LTC permit must take reasonable measures to conceal the handgun. For example, if a person's coat opens in the act of raising his/her arm to ask a question and a gun is seen, it is not a violation. A violation would be a person taking a gun out of concealment or otherwise displaying/brandishing it. Additionally, seeing the imprint or outline of a gun through someone's clothing, backpack, or purse is not a violation. Also, if a handgun is in an individual's vehicle, it must not be in plain view.

- ❖ Can I personally make a rule that someone who has a license to carry a handgun cannot carry into my office or classroom?

No. Effective August 1, 2016, concealed carry is allowed on university campuses, including all offices, classrooms, and laboratories by anyone holding a valid handgun license, unless carrying a handgun is prohibited by state law, federal law, or university rules. In accordance with S.B. 11, only the president of the university can designate areas to be gun-free. University community members cannot designate their own gun-free areas. Amberton University does not authorize any member of the Amberton community to post their own signage or individually choose an area to post signage.

- ❖ What if I feel threatened?

Anyone who feels threatened should notify the campus security officer, a University official, or call 911.

- ❖ How will I know if my classmates or students are carrying guns? Will I be able to find out which students, faculty, or staff have a concealed gun on-campus? Will Amberton publish a list of LTC handgun license holders?

If a LTC holder is in compliance with the law, you should be unaware that the individual has a gun. The law prohibits licensed holders from carrying a handgun that is partially or wholly visible, or displaying the handgun intentionally and knowingly in plain view of another person while on campus.

Information about persons who are licensed to carry a handgun is considered confidential and may only be disclosed by the Department of Public Safety to a criminal justice agency, upon proper request, and not to any individual other than the licensee. Consequently, Amberton will not have a list of LTC holders at the university.

- ❖ Will faculty and staff be allowed to carry guns?

Any individual who holds a valid handgun license (LTC) may carry a concealed handgun where permitted on university property and buildings.

- ❖ What are the requirements to obtain a license to carry in Texas?

The Texas Department of Public Safety website provides details:

<http://www.txdps.state.tx.us/RSD/CHL/LicenseRegistration/applInstrInfo.htm>

Full eligibility requirements are explained in Texas Government Code § 411.172.

In general, individuals are eligible for licenses to carry handguns, if they:

Are over 21 years of age;

Have been a legal resident of the state for a six-month period preceding the application;

Have not been convicted of a felony;

Are not currently charged with commission of a Class A or B misdemeanor;

Are not chemically dependent;

Are capable of exercising sound judgment;

Are not currently restricted under a court protective order or subject to a restraining order affecting a spousal relationship;

Are qualified under federal and state law to purchase a handgun;

Are current on child support payments or other monies collected by a state agency; and

Take and pass a course that has a written test and a shooting proficiency test.

- ❖ How many people have a license to carry in Texas?

As of December 31, 2014, the Texas Department of Public Safety reported that there were 825,957 active LTC handgun license holders. The population of Texas was 26.96 million in 2014; 2.7% held a LTC. Projections for 2015 are 3.4% based on a population of 27.69 million.

Reports and statistics for concealed handgun licenses can be found on the Texas Department of Public Safety website under Concealed Handgun>Reports and Statistics>Demographics

<http://dps.texas.gov/rsd/chl/reports/demographics.htm>

- ❖ If someone does not have a license to carry a handgun, can s/he carry a handgun on campus under the new law?

No. Carrying a concealed handgun on campus is only legal if an individual has a valid handgun license. State law does permit those without a handgun license to carry a handgun in their vehicle if the handgun is concealed and the person can legally possess a firearm. See Texas Penal Code 46.02(a)(2).

- ❖ What happens if someone violates the University's campus carry policy?

If the person is a student, faculty member, or staff member, they can be sanctioned according to the rules applicable to their status. It may also be a violation of criminal law. The offense can be a misdemeanor or a felony, depending on where the handgun was carried. Under S.B. 11, a person who fails to comply with the concealed handgun rules and regulations prescribed by the University and in accordance with the law, will be in violation of the Texas Penal Code and criminal charges can be brought against the violator.

- ❖ Is a handgun license holder required to display identification if asked to do so by a magistrate or a peace officer.

Yes. The license holder shall display both the license holder's driver's license or identification certificate issued by DPS, and the license holder's handgun license. Texas Government Code §411.205.

- ❖ Is a handgun license holder required to respond if someone other than a peace officer or magistrate asks them if they have handgun license?

No. A handgun license holder is not required to disclose s/he has a license to anyone except a magistrate or peace officer. A person engaged in lawful activity (i.e., applying for and obtaining a handgun license) is not required to provide information to any person, including a university official, about their personal choices, beliefs, or practices.