

No Shoes, No Shirt, No Guns? Steps Businesses Must Take to Prevent Open Carry by Employees and Customers

01.05.16

Effective January 1, 2016, Concealed Handgun License (CHL) holders are now allowed to carry their guns in visible holsters on their hips or shoulders. Previously, CHL holders were required to conceal their weapon completely from the view of others. Although many employers are aware of the new Open Carry law, many have questions about what has changed and how they can continue to regulate firearms in their workplace.

Changes to the Employee Parking Lot Law

Since 2011, employees who are CHL holders have had the right to store firearms in their vehicles while parked in their employer's parking lot, as long as the weapon was concealed in a locked, privately-owned vehicle. Under the Open Carry law, this right is expanded to permit those firearms to now be stored in plain sight.

Employer's Right to Restrict Employees' Right to Carry

Employers may continue to restrict an employee's right to carry, whether concealed or open, on all other areas of the business premises. This includes banning guns in their entirety, allowing concealed weapons, or allowing employees to openly carry. Further, for employers who have employees conducting business away from the business premises, such as operating company vehicles or traveling while on duty, employers may also restrict an employee's right to carry while in the course and scope of employment. Regardless of what policy an employer wishes to proceed with, all employers should update their current gun policies to specifically address open carry or create a gun policy addressing both concealed and open carry. Subsequently, employers should give written notice of the updated or new policy to each of its employees. This will help alleviate any confusion employees may have about their rights under the new Open Carry Law.

Restricting Individual's Right to Carry

Property owners who want to make a legally-enforceable ban against all firearms on their premises must display two separate signs: one banning concealed carry and the other banning openly-carried firearms. For employers who do not own the property on which they operate, the statutes also allow someone "with apparent authority to act for the property owner" to prohibit individuals from carrying weapons onto their premises, provided that signs with the following specifications are displayed **in both in English and Spanish**:

Concealed Handguns:

- A sign posted on the property that states: "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.";
- The sign appears in contrasting colors with block letters at least one inch in height; and
- The sign must be displayed in a conspicuous manner clearly visible to the public.

Openly Carried Handguns:

- A sign posted on the property that states "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.";
- The sign appears in contrasting colors with block letters at least one inch in height; and
- The sign is displayed in a conspicuous manner clearly visible to the public **at each entrance to the property**.

Disclaimer: Content contained within this news alert provides information on general legal issues and is not intended to provide advice on any specific legal matter or factual situation. This information is not intended to create, and receipt of it does not constitute, a lawyer-client relationship. Readers should not act upon this information without seeking professional counsel.

