



TEXAS GUN LAW UPDATE 2015

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SB473 Machine Guns and other special weapons—
Penal Code §46.05 Prohibited Weapons was amended to make it clear that Type II NFA weapons (full-autos, short-

barrelled long guns, silencers and explosive weapons), are legal as long as they're properly registered with BATFE. The bad idea of "affirmative defense," where you might have to defend innocent possession of these in court was repealed. Parts of the law were renumbered.

SB273 Ban on Excluding Lawful CHL Holders—*Government Code §411.209* makes it illegal for any state agency or political subdivision to use any form of the §30.06 no-guns-allowed notices to keep CHLs out, if CHLs aren't really banned from entering (as some prejudiced bureaucrats have been doing). Violations make them liable for penalties that can exceed \$10,000 per day, under rules spelled out in the law (violators must get written notice, with evidence, time to cure the violation, the attorney general must investigate, and act, more). Any citizen can file charges, and all costs are recoverable. Basically it means officials will have to stop the vile practice of posting false signs to illegally deny your civil rights.

This is *comitatus* law, law with teeth, so it sets controls. Instead of the typical "government shall (or shall not) do X," format, which they violate with impunity, *comitatus* law says, "If you do X this is the punishment." *Comitatus* penalties can include jail and dismissal (see, for example, *posse comitatus*). Many laws should be *comitatus*. We have the Texas State Rifle Assn., and legislators they work with to thank for accomplishing this important victory.

Penal Code §46.035(c) Unlawful Carry has been amended to limit its effect, so only the room(s) where a government meeting is taking place, not the entire facility, are restricted to CHL carry, and then, only if the meeting is an open meeting subject to open-meetings law (Ch. 551), and proper notice was provided.

HB554 CHL Tolerance at Airport Gates—*Penal Code §46.03(a)(5)* has been amended to help people who show up at airports with their CHL sidearms. It is a defense to state prosecution if you show up at airport gate security carrying a firearm legally under a CHL license, if, once it's detected, you leave the gate area immediately after the screening. A peace officer cannot arrest you if you comply but can if you fail to comply. *Caution:* Doesn't affect TSA agents.

HB905 Preemption of Knives—*Local Government Code §229.001*. Knives are added to the preemption list, things municipalities have no control over the transfer, private ownership, keeping, transportation, licensing, or registration of, including firearms, air guns, ammunition, firearm or air-gun supplies and more. *LGC §§236.001, .002* definitions are updated.

SB11 Campus Carry—Effective August 1, 2016 for some institutions, details coming soon.

HB910 Open Carry—Takes effect Jan. 1, 2016, complex, contentious, and like campus carry, it will take some settling in and a shakeout period. No sense in becoming a test case.

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