

Reduce Off-Limits Areas for Texas CHL's

By Charles L. Cotton

History of Concealed Handgun Licensees in Texas

The time has come for the Texas legislature to reduce the number of locations that are “off-limits” to holders of a Texas Concealed Handgun License (CHL). At the time Senate Bill 60 passed in 1995, it was considered by some as both a revolutionary and radical concept. This opinion was even by some of the Bill's supporters in the Texas Legislature. Due to this uncertainty, SB 60 contained many provisions that were ultimately determined to be unnecessary. These provisions included the designation of various locations as being off-limits to CHL's carrying self-defense handguns.

The media-created hysteria that followed the passage of Texas' first CHL's statute in 1995 resulted in thousands of Texas businesses posting generic “no guns” decals. Typically, they were either 2“X2” or 3“X3” clear decals placed on the lower corner of the business' door. The decals were easily missed by a CHL holder meaning they would unwittingly enter posted property.

Beginning with the 1997 Texas Legislative Session, the Texas CHL statute has been systematically amended to remove many of the unnecessary provisions. A critical change came with the passage of HB 2909 in 1997. This Bill made a number of amendments to Texas law, including the creation of Texas Penal Code Section 30.06 that established strict criteria to be followed by anyone wishing to exclude a CHL from their property. As a result, very few businesses posted what became known as the “big ugly sign” greatly reducing the number of locations that were off-limits to CHL's.

Over the following 15 years, the Texas concealed handgun license statute became a non-issue. Texas was not reduced to a ghost town, there was no blood in the streets, and all of the other parade of horrors fervently preached by the news media did not come to pass. Texans learned that CHL holders did not pose a threat to their safety and Texas peace officers have come to view the Texas Concealed Handgun License as a “good guy card.”

CHL's Excellent Track Record

The Texas Dept. of Public Safety (DPS) publishes data setting out the conviction rates for the general public in Texas as well as CHL's. For several years, this writer has used this and other data to create a statistical analysis comparing crime rates on an annual basis. The sixteen year track record achieved by Texas CHL's is astounding. Every year since SB 60 was passed in 1995, CHL's have been far less likely to commit a crime than is the general public in Texas. Over the years, this already excellent track record improved dramatically to the point that CHL's are almost sixteen times less likely to commit a crime than is the general public in Texas. Not only is this an astounding statistic, it is far better than that achieved by Texas law enforcement.

Off-Limits Areas

Most Texans are aware that Texas peace officers can carry their handguns virtually everywhere in the State, whether they are on duty or off duty. Understandably, most people do not have a problem with having very few off-limits areas applicable to peace officers, but they are unaware of the large group of people who are classified as “peace officers” under Texas law. A full discussion of the people that are legally defined as “peace officers” is beyond the scope of this article, but suffice it to say it is far more than police officers, deputy sheriffs, and constables. (For more information, go to <http://www.statutes.legis.state.tx.us/Docs/CR/htm/CR.2.htm#2.12>.)

Peace officers are not the only Texans who enjoy very few off-limits areas. Parole officers, juvenile probation officers, community supervision officers, judges (including city/municipal court judges and J.P. Court judges), district and county attorneys and their attorney employees are all treated as though they were peace officers in terms of where they can and cannot carry their handguns. It is enlightening that many of the above-referenced people enjoy reduced off – limits locations only if they also have a Texas Concealed Handgun License. So it is not their job title that reduces the number of off-limits locations, it is the combination of their job title and the fact that they have a CHL.

Time to Level the Playing Field for All Texas CHLs

We are no longer dealing with an unknown quantity as we were sixteen years ago when SB 60 passed in 1995. We have the benefit of the sixteen year track record that clearly proves all Texas CHL holders are trustworthy, not merely those who happen to be judges or attorneys. Indeed, CHL's have proven themselves far less likely to commit a crime than even peace officers who are subject to a very few off-limits restrictions.

There is no compelling reason to exclude CHL's from most of the existing off-limits areas; indeed, thousands of CHL holders who are not peace officers are legally allowed to carry in those areas under current Texas law. For sixteen years, it has been the public policy of this State to empower honest, law-abiding citizens who have obtained a Texas Concealed Handgun License to carry a self-defense handgun to protect themselves and their loved ones. In 1995, it was unknown how well this program would work, so the list of off-limits locations was unnecessarily long. Now that we have proof that Texas CHL's are the most law-abiding Texans, it is time to extend that public policy by reducing the number of off-limits locations applicable to CHL's.

A proposed bill is under consideration and may be filed during the 2013 Texas Legislative Session. If the bill passes, locations that are off-limits to CHL's will be reduced, but they still will not be able to carry in bars (51% locations), while intoxicated, or in locations that are made off-limits by federal law. Private property owners will still be able to prevent CHL's from carrying a concealed handgun on their property, pursuant to Texas Penal Code Section 30.06.

Over the years during discussions of off-limits locations, one would often hear the question asked, “*why would you need a gun in _____*[?].” That question misses the mark because it ignores the area between the CHL's car in the off-limits locations. For example, I seriously doubt that my wife would ever need to use her self-defense handgun while watching a Houston Texans football game in Reliant Stadium. However, over the years there have been several people murdered,

assaulted, robbed and raped in the parking lot surrounding Reliant Stadium, so she could well need her handgun going to and from her car. The question should not be “*why would you need a handgun,*” it should be “*is there a compelling reason to exclude handguns?*” In view of the excellent track record CHL’s have earned over the past sixteen years, the unequivocal answer is “no.”

We must also remember that every time a CHL is forced to remove his or her handgun and leave it in their car, we are increasing the likelihood that a criminal will see the CHL disarming and will target that vehicle for a burglary. It is ironic that the greater the likelihood of this happening, the more likely the CHL would need their handgun walking to and from the off-limits location.

Conclusion

The fear of the unknown that existed sixteen years ago and prompted the creation of numerous off-limits areas applicable to Texas CHL’s no longer exists. Empirical evidence proves that Texas CHL’s are honest, law-abiding responsible citizens who have earned our trust. Every time we require a CHL to remove their self-defense handgun before entering an off-limits location, we are rendering defenseless the most law-abiding of our citizens. It is time to recognize CHL’s for their outstanding record over the last sixteen years and give them equal standing with other CHL’s who have been singled out for preferential treatment.