

Constitutional Carry Doesn't Mean What You Think It Does

An explanation of HB 357

Who would be able to carry?

- People 21 and over (+ 18-20 military) who can legally own a gun
- In general: no felons, domestic abusers, or adjudicated mental defective
- Specifically EXCLUDES anyone who is engaged in criminal activity (besides class C traffic misdemeanor)

What is it really?

- “If you can own it, you can carry it”
- Allows people who may legally own a handgun to carry it open or concealed without a permit
- Handguns may be covered or visible; if visible, must be in a holster (similar to current LTC law)

When & Where does it apply?

- In most of the same places where people can currently carry with a license
- Property owners can still prohibit open, concealed, or both
- Penal Code 46.03 and 46.035 prohibited places would still be prohibited
- Does NOT change campus carry — that would still require a license & only concealed

Why should we do this?

- Jump on board with other states! 17 states recognize Constitutional Carry¹; over 30 allow at least open carry without a permit.
- Doctrine of “innocent until proven guilty.” Don't make people prove first that they are worthy of exercising a constitutional right.
- Don't put criminal penalties on people who aren't causing harm. Carrying a gun peacefully, for self defense, doesn't harm anyone. In fact, it may end up saving your life!

How do we do it?

- Repeal the gun ban (Penal Code 46.02).
- Texas law has a default “YES” on long gun carry: you can mostly carry anywhere unless there's a specific prohibition. But handgun law is opposite — it's a default “NO” unless you have a special non-applicability clause (ex., LTC holder, judge, law enforcement).
- HB 357 makes handgun law line up with longstanding laws on long guns (rifles, shotguns).

¹ Alaska, Arizona, Arkansas, Idaho, Kansas, Kentucky, Maine, Mississippi, Missouri, Montana w/ some stipulations, New Hampshire, North Dakota (concealed only), Oklahoma, South Dakota, Vermont, West Virginia, Wyoming

