

Who is Prohibited from Firearms Purchase, Ownership, & Carry?

Federal Law on Firearms Possession & Transfers

If you . . .	Federal law says:
are under 21 years old	A dealer may not sell you a handgun
are under 18 years old	A dealer may not sell you a rifle or shotgun; you may not purchase a handgun
are under <u>indictment for</u> a crime punishable by imprisonment for more than 1 year	You may not purchase a firearm; a dealer may not sell you a firearm
have been <u>convicted</u> in any court of a crime punishable by imprisonment for more than 1 year	<p>A dealer may not sell you a firearm</p> <p>and <u>you may not purchase or possess a firearm</u></p> <p><i>(specific language: it shall be illegal for such a person to “ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce”</i></p>
are a fugitive from justice	
<p>are an unlawful user of or addicted to any controlled substance (<i>Section 102 of Controlled Substances Act, 21 U.S.C. 802</i>)</p> <p><u>Addict</u>: “any individual who habitually uses any narcotic drug so as to endanger the public morals, health, safety, or welfare, or who is so far addicted to the use of narcotic drugs as to have lost the power of self-control with reference to his addiction”</p> <p><u>Controlled Substance</u>: “a drug or other substance, or immediate precursor, included in schedule I, II, III, IV, or V of part B of this subchapter.”</p>	
have been adjudicated as a mental defective or been committed to any mental institution	
are an illegal alien or in the US under a nonimmigrant visa (<i>exceptions in 18 U.S.C. 922 (y) (2); definition in 8 U.S.C. 1101(a)(26)</i>)	
are dishonorably discharged from the US Armed Forces	
have renounced your US citizenship	
<p>are subject to a court order for family violence <i>(many specific provisions, including that the accused must have received notice of and been able to participate in the hearing)</i></p>	
<p>have been convicted in any court of a misdemeanor crime of domestic violence.</p>	

Source: 18 United States Code Section 922 (b) (1), (d), and (g)



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Not intended or to be construed as legal advice.
It is your responsibility to know, read, and understand all applicable statutes.
Consult an attorney if you require clarification.

Texas State Law on Firearms Possession and Carry

Firearm Possession: YES by default, except if prohibited person

Rifle & Shotgun Carry: YES by default, except in prohibited places, and as long as you don't "display it in a public place in a manner calculated to cause alarm"

Handgun Carry: NO by default, except in certain places (on your property, in your vehicle if concealed, etc.); or by certain people (law enforcement, etc.); or if you have a license to carry. License holders may not carry in prohibited places or while intoxicated. (*Intoxication is defined in TX Penal Code 49.01 as either one of the following: (A) not having the normal use of mental or physical faculties by reason of the introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or any other substance into the body. (B) having an alcohol concentration of 0.08 or more.*)

If you . . .	TX law prohibiting possession:
have been <u>convicted</u> of a <u>felony</u>	You may not possess a firearm until it's been five years since release from any confinement, supervision, or parole. After that, you may not possess a firearm outside of the premises where you live. You may never apply for an LTC. If you have one, it will be revoked.
have been <u>convicted of family violence punishable as Class A misdemeanor</u>	You may not possess a firearm until it's been five years since release from confinement and from community supervision after the conviction.
are subject to a magistrate's temporary Protective Order	You may not possess firearms if the magistrate chooses to forbid firearms possession. <i>(Texas Code of Criminal Procedure 17.292 -- after an arrest for an offense usually involving family violence, and by request of specified individuals)</i>
are subject to a Family Violence Protective Order	You may not possess firearms <i>(Texas Family Code, Title 4 -- with a ruling that family violence has occurred and is likely to occur again)</i> You may not apply for an LTC. If you already have one, it will be suspended.
are charged with Class A or B misdemeanor or Disorderly Conduct	You may not apply for an LTC. If you already have one, it will be suspended.

Additional Requirements for Applying for a Texas License to Carry a Handgun

- Legal resident of Texas for 6 months preceding application (or eligible for non-resident license)
- At least 21 years old (or military - current or honorably discharged)
- Not made any material misrepresentation, or failed to disclose any material fact, in an application for a license to carry a handgun
- Not a fugitive from justice
- Not a chemically dependent person (*defined as "a person who frequently or repeatedly becomes intoxicated by excessive indulgence in alcohol or uses controlled substances or dangerous drugs so as to acquire a fixed habit and an involuntary tendency to become intoxicated or use those substances as often as the opportunity is presented."*)
- Not incapable of exercising sound judgment with respect to the proper use and storage of a handgun
- Not been convicted in the previous five years of a Class A or Class B misdemeanor or Disorderly Conduct
- Not late on paying child support or taxes
- In the past ten years, not been adjudicated as having engaged in delinquent conduct violating a penal law of the grade of felony
- Not under a protective order or restraining order affecting spousal relationship

Note: a sentence of deferred adjudication is the same as a conviction, except that a felony deferred adjudication is a disqualifier for only 10 years unless it is for a crime under Title 5, robbery, burglary of a habitation, or felony violation of a protective order.

Sources:

Prohibited Persons: Texas Penal Code 46.04; Prohibited places & other weapons-related laws: Texas Penal Code Ch. 46; License Eligibility: Government Code 411.172; License Revocation & Suspension: Government Code 411.186 & 411.187; Protective Orders: Code of Criminal Procedure 17.292; Texas Family Code, Title 4