



Legislative UPDATE

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Number 1

Licensed Handgun Carry and Cities: Another Attorney General Opinion Request

In the wake of [two confusing attorney general opinions](#) related to licensed handgun carry, court facilities, and signage, another request for “clarification” has been sent to the attorney general. The request, submitted by the district attorney for Jim Wells and Brooks Counties and labeled [RQ-0087-KP](#), asks several questions on behalf of the city attorney for the City of Alice.

The city attorney points out several inconsistencies in state law, and asks questions relating to those inconsistencies. For example, if a license holder is given written notice pursuant to Penal Code Section [30.06](#) and/or [30.07](#), the license holder may not carry into any meeting of a governmental entity that is subject to the Open Meetings Act during the meeting.

As a practical matter, this means that most attorneys advise that the signs be posted at the entrance to the meeting room. However, that advice has been based on the language in Penal Code Section 30.06, which requires a sign prohibiting concealed carry to be “displayed in a conspicuous manner clearly visible to the public.” The new language in Section 30.07, which requires a sign to prohibit open carry, requires that the sign be “displayed in a conspicuous manner clearly visible to the public *at each entrance to the property.*” Thus, where to put the sign is called into question.

Seeking clarification, the opinion request asks, among other things: (1) does the 30.07 “open carry notice” have to be posted at the entrance to the building or at the entrance to the council chambers; and (2) may the city post the 30.06 “concealed carry notice” at the entrance to the building or only at the entry to council chambers?

In addition, the city attorney questions other inconsistencies in the statutory language. It is unlikely that the attorney general’s opinion will be able to clarify the issues with any certainty. In the meantime, the League has prepared a [Q&A](#) that provides the most current information available.

Update:
General Law Cities' Sued Over Sex Offender Ordinances

Last year, 46 general law cities received a letter from a statewide criminal-justice advocacy group known as Texas Voices for Reason and Justice (TVRJ). The letters demanded that the cities repeal their sex offender residency restriction ordinances by December 19 and threatened a lawsuit against any city that had not done so.

In the face of that threat, at least 13 cities chose to repeal their ordinances. TVRJ followed through with its lawsuit threat against several of the remaining cities, including the Cities of Alvarado, Argyle, Hickory Creek, Meadows Place, Oak Point, Ponder, West Lake Hills, and Westworth Village. TVRJ has not provided reasons that those cities were chosen. The cities range in size from Ponder (population 1,484) to Meadows Place (population 4,152).

The League will continue following the cases and is keeping track of the cities that have received demand letters and notice of lawsuit. In the meantime, if your city has been sued, you should contact your city attorney, as well as the TML Intergovernmental Risk Pool if it is your liability carrier.

We ask that you please continue to keep the League updated, as well. If you have specific questions, please contact Heather Lockhart at heather@tml.org or 512-231-7400.

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