

# Texas

Shall Issue

Must Inform Officer: **YES**

## Links

[State CCW Site](#)

[State CCW Pamphlet](#)

[CCW Application](#)

[State FAO Site](#)

[State Statutes](#)

[State Admin Rules](#)

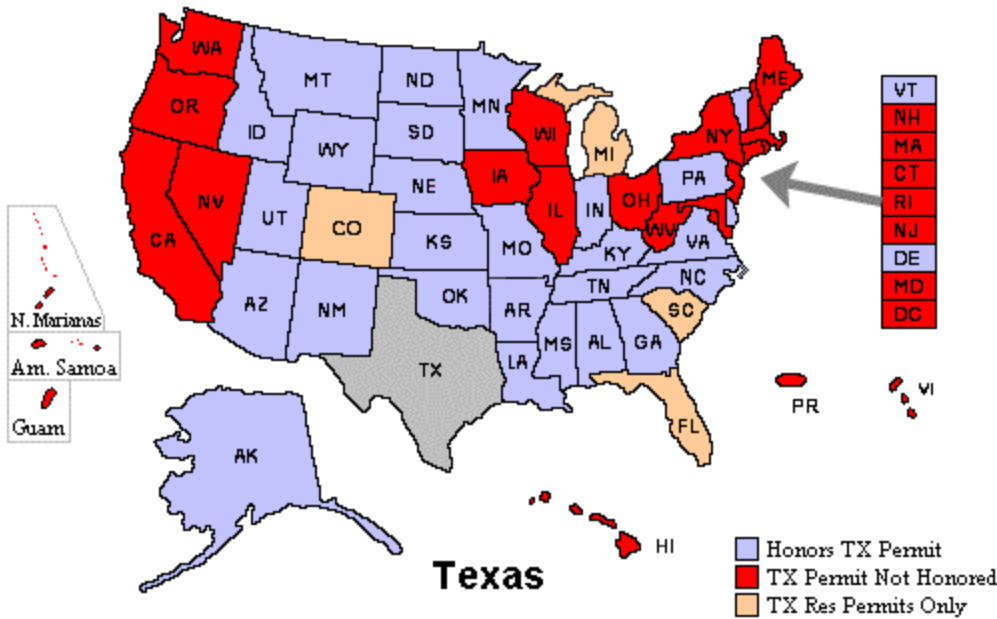
[State Reciprocity Info](#)

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Last Updated: 1/13/10



## Permits/Licenses This State Honors

Alabama	Alaska	Arizona	Arkansas	California
Colorado	Connecticut	Connecticut	Delaware	Florida
Georgia	Hawaii	Idaho	Indiana	Iowa
Kansas	Kentucky	Louisiana	Maryland	Massachusetts
Michigan	Mississippi	Missouri	Montana	Nebraska
Nevada	New Jersey	New Mexico	New York	North Carolina
North Dakota	Oklahoma	Pennsylvania	Rhode Island	South Carolina
South Dakota	Tennessee	Utah	Virginia	Washington
Wyoming				

## Texas Honors Non-Resident Permits/Licenses

### How to Apply for A Permit

#### Age Requirements:

An applicant must be 21 years of age to submit an application for a Texas Concealed Handgun License **OR** must be at least 18 years of age if the applicant:

1. is a member or veteran of the United States armed forces, including a member or veteran of the reserves or national guard;
2. was discharged under honorable conditions, if discharged from the United States armed forces, reserves, or national guard.

You can apply online for a Texas Permit/License to Carry or to become a State Certified Instructor by going [“Here”](#).

**Note:** You will then receive the application packet which will include information about materials you need to return with your application packet. These include two recent color passport photos, two sets of fingerprints taken by a law enforcement agency employee or a private entity designated by a law enforcement agency as an entity qualified to take fingerprints of an applicant for a license, a copy of your Texas driver license or identification card, and a notification of completion form (TR 100) from a DPS authorized training course. After receiving completed application packets, DPS will conduct background checks of juvenile records for the previous 10 years, and of all adult records.

## Non-Resident Permits

It looks like Non-Residents apply the same way as residents. Item (2) below specifically states that Non-Residents can apply. If the online application will not take your Non-Resident Drivers License/ID number contact the Texas DPS for instructions.

**Title 37** Public Safety and Corrections

**Part 1** Texas Department of Public Safety

**Chapter 6** License to Carry Handguns

**Subchapter B** Eligibility and Application Procedures

**Rule §6.12** Basic Information to be Submitted with Application

In addition to the information required by the Act, an application must contain all the following items:

(1) Proficiency certificate. The applicant must submit a handgun proficiency certificate (TR 100) issued upon successful completion of a handgun proficiency course approved by the department and taught by a certified handgun instructor. A proficiency certificate submitted by an original applicant will not be accepted by the department if it is more than two years old. A proficiency certificate submitted by a renewal applicant will not be accepted by the department if it is more than six months old.

(2) Driver License Number. An applicant shall provide a valid driver license number or identification certificate number issued by the department or by the issuing agency in the state of residence for non-resident applicants. Non-resident applicants and license holders must submit color photocopies of the front and back of their valid driver license or identification card issued by the appropriate state agency in their home state.

## Places Off-Limits Even With A Permit/License

### [Title 10 Chpt. 46 § 46.03](#)

- A place of business that derives 51% or more of its income from the sale or service of alcoholic beverages for on premises consumption
- On premises of a correctional facility
- On the physical premises of a school or educational institution, any grounds or building on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution, whether the school or educational institution is public or private,
- On the premises where a high school, collegiate or professional sporting event of interscholastic event is taking place, unless the license holder is a participant in the event and a handgun is used in the event
- On the premises of a polling place on the day of an election or while early voting is in progress.
- racetrack; secured area of an airport

- In any government court or offices utilized by the court, unless pursuant to written regulations or written authorization of the court.
- \*on the premises of a church, synagogue, or other established place of religious worship.
- \*On the premises of a Hospital licensed under the Health and Safety Code
- \*On the premises of a nursing home licensed under the Health and Safety Code
- \*Amusement parks. Amusement Parks means a permanent indoor or outdoor facility or park where amusement rides are available for use by the public that is located in a county with a population of more than one million, encompasses at least 75 acres in surface area, is enclosed with access only through controlled entries, is open for operation more than 120 days in each calendar year, and has security guards on the premises at all times. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area.
- Public or private premises conspicuously posted with [this sign](#) do
- Items above marked \* Do not apply if the actor was not given effective notice under Section 30.06.

### [30.06\(e\)](#)

It is an exception to the application of this section that the property on which the license holder carries a handgun is owned or leased by a governmental entity and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Section [46.03](#) or [46.035](#).

In order to provide notice that entry on property by a license holder with a concealed handgun is forbidden, Penal Code Section [30.06\(c\)\(3\)\(A\)](#) requires that a written communication contain the following Language: [30.06 Sign](#).

[30.06\(c\)\(3\)\(B\)](#) further states that a sign must meet the following requirements:

- i. includes the language described by Paragraph (A) in both English and Spanish;
- ii. appears in contrasting colors with block letters at least one inch in height; and
- iii. is displayed in a conspicuous manner clearly visible to the public.

**Note:** From the Texas DPS FAQ's

**Q:** What does "concealed" mean?

**A:** "Concealed" means that the weapon cannot be visible, and that its presence cannot be discernible through ordinary observation. It is a criminal offense for a license holder to carry a handgun in plain view, or to intentionally fail to conceal the weapon.

## Carry In State Parks/State & National Forests/WMA/Road Side Rest Areas

### Carry Allowed in these Areas:

**State Parks:** **YES** TX Park & Wildlife Dept. Exec. Dir. Order No. 98-001

**State/National Forests:** **YES** TX Park & Wildlife Dept. Exec. Dir. Order No. 98-001

**WMA's:** **YES** TX Park & Wildlife Dept. Exec. Dir. Order No. 98-001

**Road Side Rest Areas:** **YES** 21 § 1277.

### Title 10 . Section 1

#### Section 46.02

- (a) A person commits an offense if the person [he] intentionally, knowingly, or recklessly carries on or about his or her person a handgun, illegal knife, or club if the person is not:
- (1) on the person's own premises or premises under the person's control; or
  - (2) inside of or directly en route to a motor vehicle that is owned by the person or under the person's control.
- (a-1) A person commits an offense if the person intentionally, knowingly, or recklessly carries on or about his or her person a handgun in a motor vehicle that is owned by the person or under the person's control at any time in which:
- (1) the handgun is in plain view; or
  - (2) the person is:
    - (A) engaged in criminal activity, other than a Class C misdemeanor that is a violation of a law or ordinance regulating traffic;
    - (B) prohibited by law from possessing a firearm; or
    - (C) a member of a criminal street gang, as defined by Section 71.01
- (a-2) For purposes of this section, "premises" includes real property and a recreational vehicle that is being used as living quarters, regardless of whether that use is temporary or permanent. In this subsection, "recreational vehicle" means a motor vehicle primarily designed as temporary living quarters or a vehicle that contains temporary living quarters and is designed to be towed by a motor vehicle. The term includes a travel trailer, camping trailer, truck camper, motor home, and horse trailer with living quarters.

#### SECTION 2.

- (b) Section 46.02 does not apply to a person who:
- (1) is in the actual discharge of official duties as a member of the armed forces or state military forces as defined by Section 431.001, Government Code, or as a guard employed by a penal institution;
  - (2) [is on the person's own premises or premises under the person's control unless the person is an employee or agent of the owner of the premises and the person's primary responsibility is to act in the capacity of a security guard to protect persons or property, in which event the person must comply with Subdivision (5);
  - [(3)] is traveling;
  - (3) [(4)] is engaging in lawful hunting, fishing, or other sporting activity on the immediate premises where the activity is conducted, or is en route between the premises and the actor's residence or motor vehicle, if the weapon is a type commonly used in the activity;
  - (4) [(5)] holds a security officer commission issued by the Texas [Board of Private Investigators and] Private Security Board [Agencies], if:
    - (A) the person is engaged in the performance of the person's duties as a security officer or traveling to and from the person's place of assignment;
    - (B) the person is wearing a distinctive uniform; and
    - (C) the weapon is in plain view;
  - (5) [(6)] is carrying a concealed handgun and a valid license issued under Subchapter H, Chapter 411, Government Code [Article 4413(29ee), Revised Statutes], to carry a concealed handgun of the same category as the handgun the person is carrying;

- (6) [(7)] holds a security officer commission and a personal protection officer authorization issued by the Texas [Board of Private Investigators and] Private Security Board [Agencies] and [who] is providing personal protection under Chapter 1702, Occupations Code [the Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes)]; or
- (7) [(8)] holds an alcoholic beverage permit or license or is an employee of a holder of an alcoholic beverage permit or license if the person is supervising the operation of the permitted or licensed premises.

**SECTION 3.** The following provisions are repealed:

- (1) Section 46.15(h), Penal Code; and
- (2) Section 46.15(i), Penal Code, as added by Chapter 288, Acts of the 79th Legislature, Regular Session, 2005.

**SECTION 4.** The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

**SECTION 5.** This Act takes effect September 1, 2007.

<http://www.statutes.legis.state.tx.us/?link=PEhttp://tlo2.tlc.state.tx.us/statutes/pe.toc.htm> Texas Statutes

## State Preemption

### **Local Government Code § 229.001.** Firearms; Explosives

(a) A municipality may not adopt regulations relating to the transfer, private ownership, keeping, transportation, licensing, or registration of firearms, ammunition, or firearm supplies.

(b) Subsection (a) does not affect the authority a municipality has under another law to:

- (1) require residents or public employees to be armed for personal or national defense, law enforcement, or another lawful purpose;
- (2) regulate the discharge of firearms within the limits of the municipality;
- (3) regulate the use of property, the location of a business, or uses at a business under the municipality's fire code, zoning ordinance, or land-use regulations as long as the code, ordinance, or regulations are not used to circumvent the intent of Subsection (a) or Subdivision (5) of this subsection;
- (4) regulate the use of firearms in the case of an insurrection, riot, or natural disaster if the municipality finds the regulations necessary to protect public health and safety;
- (5) regulate the storage or transportation of explosives to protect public health and safety, except that 25 pounds or less of black powder for each private residence and 50 pounds or less of black powder for each retail dealer are not subject to regulation; or

(6) regulate the carrying of a firearm by a person other than a person licensed to carry a concealed handgun under Subchapter H, Chapter 411, Government Code, at a:

- (A) public park;
- (B) public meeting of a municipality, county, or other governmental body;
- (C) political rally, parade, or official political meeting; or
- (D) nonfirearms-related school, college, or professional athletic event.

(c) The exception provided by Subsection (b)(6) does not apply if the firearm is in or is carried to or from an area designated for use in a lawful hunting, fishing, or other sporting event and the firearm is of the type commonly used in the activity.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987.  
Amended by Acts 1995, 74th Leg., ch. 229, § 7, eff. Sept. 1, 1995;  
Acts 1997, 75th Leg., ch. 165, § 10.07, eff. Sept. 1, 1997.

Renumbered from § 215.001 by Acts 2001, 77th Leg., ch. 1420,  
§ 12.002(10), eff. Sept. 1, 2001.

## Deadly Force Laws

### Chapter 9. Justification Excluding Criminal Responsibility

- Section 9.01.** Definitions
- Section 9.02.** Justification as a Defense
- Section 9.03.** Confinement as Justifiable Force
- Section 9.04.** Threats as Justifiable Force
- Section 9.05.** Reckless Injury of Innocent Third Person
- Section 9.06.** Civil Remedies Unaffected
- Section 9.21.** Public Duty
- Section 9.22.** Necessity
- Section 9.31.** Self-Defense
- Section 9.32.** Deadly Force in Defense of Person
- Section 9.33.** Defense of Third Person
- Section 9.34.** Protection of Life or Health
- Section 9.41.** Protection of Ones Own Property
- Section 9.42.** Deadly Force to Protect Property
- Section 9.43.** Protection of Third Persons Property
- Section 9.44.** Use of Device to Protect Property
- Section 9.51.** Arrest and Search
- Section 9.52.** Prevention of Escape From Custody
- Section 9.53.** Maintaining Security in Correctional Facility
- Section 9.61.** Parent-Child
- Section 9.62.** Educator-Student
- Section 9.63.** Guardian-Incompetent

## Knife Laws State/Cities

To access State/Local Knife Laws Click [“Here”](#)

## Carry in Restaurants That Serve Alcohol

**YES**

**Note:** What is defined as carry in a restaurant that serves alcohol is a place like Friday’s or Red Lobster. This does not mean a bar or the bar area of a restaurant. Handgunlaw.us believes you should never consume alcohol when carrying your firearm. In some states it is illegal to take even one drink while carrying a firearm.

## Chemical Sprays/Stun Gun/Higher Capacity Magazine Laws

### [Sec. 46.01](#)

(14) "Chemical dispensing device" means a device, other than a small chemical dispenser sold commercially for personal protection, that is designed, made, or adapted for the purpose of dispensing a substance capable of causing an adverse psychological or physiological effect on a human being.

**Sec. 46.05. PROHIBITED WEAPONS.** (a) A person commits an offense if he intentionally or knowingly possesses, manufactures, transports, repairs, or sells:

(8) a chemical dispensing device;

**Note:** A man was just recently arrested and charged with a felony for having a 4 oz chemical spray that said Police on it. He was found not guilty but still racked up lawyer fees. Small to some is large to others. Something with Police Grade etc may get you in trouble. Stay with what is small and is sold for personal safety.

## LEOSA State Information

[Texas LEOSA Information 1](#)

[Texas LEOSA Information 2](#)

[Texas LEOSA Information 3](#)

## Attorney General Opinions/Court Cases

- [Texas AG - Carry in Parks or Transit](#)
- [Texas AG - Park Carry](#)

## Airport Carry/Misc. Information

**Airport Carry:** Buildings Must be Posted. Parking Lot OK 30.06(c)(3)(A)

**Training Valid for:** No set time period.

**Time Period to Establish Residency:** Upon obtaining Texas Drivers License/ID.

**Minimum Age for Permit/License: 21**

An applicant must be 21 years of age to submit an application for a Texas Concealed Handgun License **OR** must be at least 18 years of age if the applicant:

1. is a member or veteran of the United States armed forces, including a member or veteran of the reserves or national guard;
2. was discharged under honorable conditions, if discharged from the United States armed forces, reserves, or national guard.

**Permit/License Info Public Information: NO**

**State Fire arm Laws: PC 46.01 thru 46.15 & PC 30.06 & Admin Code TAC 37-6.1 thru 37-6.5 & Texas Gov Code TGC 411.205**

**State Deadly Force Laws: Penal Code 9.21 thru 9.44**

**State Knife Laws: Penal Code 46.01 thru 46.06**

**Chemical/Electric Weapons Laws: 46.01 (14) & 38-14 (2)**

**Body Armor Laws: No laws found.**

**Does Your Permit Cover Other Weapons Besides Firearms? NO Rule 37-1-6.11**

## Updates to this Page

**2/22/09** – LEOSA Information #3 Added

**6/30/09** – Reciprocity Map updated with change in KS and Non Resident Permit/Licenses

**8/23/09** – All links checked and repaired if needed.

**8/31/09** - NE now honors a TX permit.

**11/22/09** - Law on Chemical Sprays added.

**1/13/10** – Permit Info Public Updated