

RESOLUTION NO. _____

A RESOLUTION OF THE [Name of Local Government] PROHIBITING THE CARRYING OF A HANDGUN INTO THE ROOM OR ROOMS IN WHICH ANY MEETING OF THE GOVERNING BODY OR ANY OTHER BOARD OR COMMISSION THAT IS SUBJECT TO CHAPTER 551, TEXAS GOVERNMENT CODE (OPEN MEETINGS ACT) IS MEETING.

WHEREAS, Texas Penal Code Section 46.035(c) makes it an offense for a handgun license holder to intentionally, knowingly, or recklessly carry a handgun under the authority of Subchapter H, Chapter 411, Government Code (Handgun Licensing Law), regardless of whether the handgun is concealed or carried in a shoulder or belt holster, in the room or rooms where a meeting of a governmental entity is held and if the meeting is an open meeting subject to Chapter 551, Government Code (Open Meetings Act), and the entity provides notice as required by that chapter; and

WHEREAS, Texas Penal Code Section 46.035(i) provides that the prohibition in Section 46.035(c) does not apply unless the license holder is given effective notice under Penal Code Sections 30.06 and 30.07; and

WHEREAS, Texas Penal Code Section 30.06 requires that signage created in accordance with that section be “displayed in a conspicuous manner clearly visible to the public”; and

WHEREAS, Section 30.07 adds language that requires that signage be “displayed in a conspicuous manner clearly visible to the public *at each entrance to the property*”; and

WHEREAS, the best interpretation of that conflicting language is to display the signage at the entrance to the meeting room; and

WHEREAS, it may be difficult for a license holder, without notice provided by signage, to definitively know where he or she can lawfully carry a handgun; and

WHEREAS, the governing body of [Name of Local Government] finds that the most appropriate way to protect the attendees of meetings of the governing body or any other board or commission that is subject to Chapter 551, Texas Government Code (Open Meetings Act) is to prohibit the carrying of a handgun by a license holder in those meetings.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE [Name of Local Government] that:

1. Pursuant to Section 46.035(c), Texas Penal Code, the concealed or open carry of any firearm by a person licensed under Chapter 411, Subchapter H (Handgun Licensing Law), into the room or rooms in which any meeting of the governing body or any other board or commission that is subject to Chapter 551, Texas Government Code (Open Meetings Act) is prohibited.

2. Pursuant to Section 46.035(i), Texas Penal Code, staff is directed to prepare signage in accordance with Texas Penal Code Sections 30.06 and 30.07.
3. Staff is directed to post such signage outside the door to the room or rooms in which any meeting of the governing body or any other board or commission that is subject to Chapter 551, Texas Government Code (Open Meetings Act) is taking place prior to the meeting, and to remove the signage upon the conclusion of the meeting.

[Insert appropriate local forms clauses, such as repealed, severability, effective date, etc.]

PASSED AND APPROVED this _____ day of _____, 20__

/s/ _____
Presiding Officer

ATTEST:

/s/ _____
Secretary

APPROVED AS TO FORM:

/s/ _____
Attorney