



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

April 29, 2016

The Honorable Rudy Madrid  
Kleberg County Judge  
Kleberg County Courthouse  
P.O. Box 752  
Kingsville, Texas 78364

RE: Wrongful Exclusion of Handgun License Holder Complaint  
Kleberg County Courthouse  
OAG Complaint No. 9

Dear Judge Madrid:

The Office of the Attorney General (“OAG”) received a citizen complaint, pursuant to section 411.209 of the Government Code, concerning the wrongful exclusion of handgun license holders from the Kleberg County Courthouse. After investigating the citizen complaint, the OAG has determined there is a violation of section 411.209.

Section 411.209(a) of the Government Code states as follows:

A state agency or a political subdivision of the state may not provide notice by a communication described by Section 30.06, Penal Code, or by any sign expressly referring to that law or to a concealed handgun license, that a license holder carrying a handgun under the authority of this subchapter is prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity unless license holders are prohibited from carrying a handgun on the premises or other places by Section 46.03 or 46.035, Penal Code.

TEX. GOV'T CODE § 411.209(a).

Generally, a political subdivision may post a Penal Code section 30.06 (“30.06”) or concealed handgun sign to warn handgun license holders against trespassing on the premises where weapons are prohibited by section 46.03 or 46.035 of the Penal Code.

Section 46.03 of the Penal Code prohibits a person, including a handgun license holder, from bringing weapons on certain premises. Violation of this section constitutes a third degree felony. Specifically, section 46.03(a)(3) allows the exclusion of weapons from “the premises of any government court or offices utilized by the court, unless pursuant to written regulations or written authorization of the court[.]” Further, Attorney General Opinion KP-0047 (2015) stated “[t]he premises of a ‘government court or office utilized by the court’ means a government courtroom or those offices essential to the operation of the government court.”

The Honorable Rudy Madrid  
April 29, 2016  
Page 2

In this instance the citizen complaint states that, at the entrance of the Kleberg County Courthouse (the "courthouse") located at 700 East Kleberg Avenue, Kingsville, TX 78363, there is a general "no weapons" sign warning that handgun license holders may not enter the premises with their handguns. After investigating this complaint, the OAG notes the courthouse is a multi-story, multipurpose building that houses various Kleberg County (the "county") offices, including the district court, county court-at-law, county clerk, the county and district attorney, and the county motor vehicle department, among others. Further, the OAG understands the courts are located on the second floor of the courthouse.

Although the courthouse contains several government courts, such as the district court and the county court-at-law, not all of the offices located in the courthouse are offices essential to the operation of the courts. For example, the county attorney, district attorney, and motor vehicle department, located within the courthouse, are non-judicial county administrative offices that are not included in the specific premises listed under section 46.03 or 46.035 of the Penal Code. Section 46.03(a)(3) of the Penal Code does not allow a political subdivision to prohibit licensed handgun holders from entering into an entire building simply because the courts or the offices of the courts are located in a portion of that multipurpose building. Consequently, the OAG has determined the sign located at the entrance of the courthouse is in violation of the Government Code and the Penal Code.

The county has fifteen (15) days from the receipt of this written notice to remove the sign and cure this violation. Please send proof that the sign has been removed and the violation has been cured to the OAG by mail, fax or email. If the OAG does not receive proof by the close of business on the fifteenth (15<sup>th</sup>) day, the OAG may proceed to file suit in district court for civil penalties pursuant to section 411.209(g) of the Government Code. The county may be liable for a civil penalty of:

- Not less than \$1,000 and not more than \$1,500 for the first violation; and
- Not less than \$10,000 and not more than \$10,500 for the second or a subsequent violation.

Be advised that each day of a continuing violation constitutes a separate violation according to section 411.209(c) of the Government Code.

If you do not think that the county is in violation of section 411.209 of the Government Code, please submit detailed information explaining why you are not in violation for the OAG for review. Any such information must be received by the OAG not later than the close of business on the fifteenth (15<sup>th</sup>) day from the receipt of this written notice. Once we have received this information, the OAG will review and reconsider whether there is a violation.

The Honorable Rudy Madrid  
April 29, 2016  
Page 3

If you have any questions, feel free to email me at [matthew.entsminger@texasattorneygeneral.gov](mailto:matthew.entsminger@texasattorneygeneral.gov)  
or call me at 512-475-4186.

Sincerely,

A handwritten signature in blue ink, appearing to read 'M. Entsminger', with a long horizontal flourish extending to the right.

Matthew R. Entsminger  
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Administrative Law Division  
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cc: Complainant