



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

November 10, 2016

The Honorable Woodrow W. "Woody" Gossom, Jr.  
Wichita County Judge  
900 7th Street, Rm 260  
Wichita Falls, Texas 76301

RE: Wrongful Exclusion of Handgun License Holder Complaint  
Wichita County Courthouse and Annex  
OAG Complaint No. 29

Dear Judge Gossom:

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 Wichita County Courthouse and Annex. After reviewing the citizen complaint, the OAG has determined Wichita County is in 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 sign ("30.06") or a sign referring to that law or to a concealed handgun license in order to warn handgun license holders against trespassing on a 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."

Additionally, Attorney General Opinion KP-0047 stated "the responsible authority that would notify license holders of their inability to carry on respective premises must make the determination of which government courtrooms and offices are essential to the operation of the government court." The OAG acknowledges that decisions such as this are for the governmental entity in the first instance, subject to review for abuse of discretion. Tex. Att'y Gen. Op. Nos. KP-0007 at 2 (2015), GA-0843 at 2 (2011), GA-0271 at 3 (2009), GA-0472 at 3 (2006); *see also Comm'rs Ct. of Titus Cnty. v. Agan*, 940 S.W.2d 77, 80 (Tex. 1997) (recognizing district court's supervisory control over a commissioners court that abuses its discretion).

In this instance the original citizen complaint stated that, outside the entrances to the Wichita County Courthouse, located at 900 7th Street, Wichita Falls, Texas 76301 (the "courthouse"), and the Wichita County Courthouse Annex, located at 600 Scott Street, Wichita Falls, Texas 76301 (the "courthouse annex"), there were signs referencing 30.06 and warning handgun license holders not to enter the premises with a handgun. In subsequent correspondence, the complainant notified the OAG that the signs referencing 30.06 had been removed from the entrances to the courthouse and the courthouse annex and were replaced with signs stating that the courthouse and courthouse annex had been designated as "the premises of the government court and offices utilized by the courts." The complainant further notified the OAG that uniformed officers with authority to act for Wichita County (the "county") provided notice by oral communication that handgun license holders are prohibited from entering the courthouse while in possession of a handgun.

After reviewing the complaint, the OAG notes the courthouse is a multi-story, multipurpose building that houses the district courts, district attorney, and district clerk, as well as the county courts-at-law, justices of the peace, county clerk, sheriff, and treasurer, among others. The courthouse annex is a county government administration building that houses the county public defender, appraisal district, tax office, and adult probation, among other offices.

Although the courthouse contains several courts, such as the district courts and the county courts-at-law, not all of the offices located in the courthouse are offices essential to the operation of those government courts. For example, the district attorney, the county clerk, and the county treasurer are non-judicial county administrative offices that are not identified as places where weapons are prohibited under sections 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. Moreover, the courthouse annex houses non-judicial county administrative offices that are not identified as places where weapons are prohibited under sections 46.03 or 46.035 of the Penal Code, and the OAG is unaware of any government court or office utilized by a government court located within the building. Consequently, the OAG has determined the signs at the entrances to the courthouse and courthouse annex, as well as the oral communications utilized by the courthouse security officers, are in violation of the Government Code.

The OAG is currently involved in litigation concerning legal issues relevant to a number of section 411.209 complaints related to government courts, including the complaint against the county. Accordingly, the OAG will abate immediate enforcement of this particular ruling. Should the

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OAG decide to seek a penalty or other equitable relief against the county, we will first issue a written notice stating the amount of any proposed penalty in compliance with Tex. Gov't Code § 411.209(f)(2). At that time the county will be allowed the statutory 15 days to cure the violation.

Sincerely,



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cc: Complainants