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OPINION COMMITTEE



ALLISON PALMER
DISTRICT ATTORNEY
51ST JUDICIAL DISTRICT OF TEXAS

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OPEN RECORDS DIVISION

FILE # ML-47772-15

I.D. # 47772

RQ-0040-KP

COKE, IRION, SCHLEICHER, STERLING, TOM GREEN COUNTIES

325/659-6583
FAX 325/658-6831

174 W. BEAUREGARD
COURT STREET ANNEX
SAN ANGELO, TEXAS 76903-5850

July 14, 2015

Hon. Ken Paxton
Attorney General, State of Texas
Supreme Court Building
P. O. Box 12548
Austin, TX 78711-2548
Attn: Open Records Division

RE: Request for Attorney General Opinion

To Whom it May Concern:

The 51st District Attorney's Office requests an Attorney General Opinion answering questions related to the passage of Senate Bill 273 this past legislative session. The Act amends Chapter 411 of the Texas Government Code to create a civil penalty for a state agency or political subdivision to post a notice (as described by Section 30.06, Texas Penal Code) prohibiting a licensed concealed handgun carrier to enter or remain on government premises if they are armed.

The Act seems to authorize licensed handgun carriers to enter government premises while armed, with the exception of places listed in Sections 46.03 and 46.035, Texas Penal Code. These places include schools, polling places during elections, racetracks, airports, the penitentiary when a death row inmate is being executed, bars, liquor stores, sporting events, correctional facilities, hospitals, nursing homes, amusement parks, and churches. Additionally, Article 46.03(a)(3) lists the "premises of any government court or offices utilized by the court, unless pursuant to written regulations or written authorization of the court." "Premises" is defined in Article 46.035(f)(3) to include a building or portion of a building and excludes the external grounds, such as parking lots, sidewalks, and driveways.

Currently in Tom Green County, the Sheriff secures two of the County Courthouses: the District Courthouse and the Tom Green County Justice Center, and does not allow firearms inside those buildings even if the carrier has a concealed handgun license. Notices described by Section 30.06 of the Penal Code are posted at these courthouses.

The District Courthouse building contains courtrooms, offices for district judges, offices for court personnel, the District Clerk, the County Treasurer, facilities for the grand jury, and a portion of the probation department. All of these departments could be said to be premises of a government court or offices utilized by the court. Do you interpret the Act discussed above to authorize the Sheriff to continue to exclude firearms from the Tom Green County District Courthouse, even if the possessor of the firearm has a concealed handgun license?

The Tom Green County Justice Center houses the Tom Green County Jail, courtrooms, offices for court staff, and the County Attorney and staff. Do you interpret the Act discussed above to authorize the Sheriff to continue to exclude firearms from the Tom Green County Justice Center building even if the possessor has a concealed handgun license?

Several other buildings in Tom Green County house courts in combination with other offices, including our office. My office is on the second floor of a building whose basement contains a Justice of the Peace court and offices and whose first floor houses the County Clerk. To what extent may firearms be prohibited from our building and other buildings that house courts in our jurisdiction?

Please advise at your earliest convenience.

Sincerely,

A handwritten signature in cursive script that reads "Allison Palmer". There is a small mark above the signature that looks like a less-than sign (<).

Allison Palmer
51st District Attorney

cc: Sheriff David Jones
Tom Green County Sheriff's Office