

**46.035 Unlawfully Carrying a Handgun by License Holder—Usually A Class A Misdemeanor**

1. Person, county, and date
2. Who is a license holder under concealed gun statute
3. ie. Tx. Govt. Code 411.171 et seq.

A. Generally

1. Intentionally
2. Displays handgun to another
3. In a public place

Exception: If in a holster

B. Institution of Higher Learning

1. 1-3 above plus
4. Intentionally
5. Carries a handgun on the campus
6. Institution has provided rules governing and
7. Provided Institution has given notice of the rules under 30.06

C. Carrying in Other Places

1. 1-3 plus
4. Intentionally, knowingly or recklessly
5. One of the following places:
  - a.) Business that derives 51% or more of income from alcoholic beverages for on site consumption 3<sup>rd</sup> degree felony
  - b.) High school, collegiate, or professional sporting event, or interscholastic event (unless handgun is used in the event)
  - c.) Correctional facility 3<sup>rd</sup> degree felony

d.) Hospital or nursing facility

e.) Amusement park

f.) Church, synagogue or other established place of religious worship

Note: For b, d, e, and f to apply notice must be given as set out in 30.06

#### D. Government Meetings

1. 1-3 plus

4. Intentionally, knowingly or recklessly

5. At any meeting of a government entity

6. Regardless of whether concealed or in holster

#### E. While Intoxicated

1. 1-3 above plus

4. While intoxicated

#### F. Security Guard

1. 1-3 above plus

4. Security guard while performing his duties

5. Violates gun statute i.e. Tx. Govt. Code 4111.171 et seq.

#### **Defenses**

1. To A & B if justified in using force or deadly force under Chapter 9.

2. Effective June 15 2016 C & D do not apply to active judicial officers, their bailiffs escorting the officer or district attorneys, criminal district attorneys county attorneys or their assistants.