

San Jacinto College

Campus Carry: The Basics



February 9, 2017

Senate Bill 11 Background

- On June 13, 2015, Governor Greg Abbott signed into law [Texas Senate Bill No. 11 \(S.B. 11\)](#), popularly known as the “campus carry” law. S.B. 11 amends [Texas Government Code §411.2031](#) to allow the concealed carrying of handguns by license holders on the campuses of certain institutions of higher education, including the San Jacinto College.



License to Carry Requirements

- Must be at least 21 years old.
- Must be able to meet all state and federal eligibility qualifications.
- Felony convictions and some misdemeanor convictions make individuals ineligible to obtain a license.
- Must successfully pass a background investigation.
- Must successfully complete classroom training, pass a written examination and pass a proficiency demonstration (shooting).

License to Carry Facts

- As of December 31, 2015 there were 937,419 active license to carry holders in Texas.
- US census total population estimated in Texas as of July 2016, was 27,862,596. Estimated adults 21 and over 19,503,818.

https://www.dps.texas.gov/rsd/chl/reports/ActLicAndInstr/ActiveLicandIns_tr2015.pdf

<https://www.census.gov/quickfacts/table/PST045215/48>

License to Carry Facts

2015 Criminal Convictions LTC Holders vs. Texas Population

Total Convictions in Texas:	43,924
LTC Holder Convictions:	108
LTC Holder percent of Total Convictions:	0.2459%

Currently LTC Holders represent 4.8% of the Texas adult population 21 years of age or older, they account for only 0.2% of total convictions.

****2016 statistics are not yet available****

<http://www.dps.texas.gov/rsd/chl/reports/convrates.htm>

License to Carry Facts (continued)

Inquiry of LTC by College Employees:

Employees of the College, with the exception of members of San Jacinto College Police Department, **may not inquire** as to whether any person is carrying a concealed weapon or possesses a LTC.

License to Carry Limitations

The use of force or deadly force by a person (LTC holders included) is not authorized under the following circumstances:

- In response to verbal provocation alone.
- To resist arrest or search by a peace officer.
- The person consented to the exact force used or attempted by the other.
- The person provoked the other's use or force or attempted use of unlawful force.

License to Carry Liability

The Penal Code authorizes the use of force and deadly force in some specific situations for self protection and to protect a third party.

Unless an employee is required to carry a firearm as part of the employee's specific job duties, any possession or use of a firearm by an employee is not considered to be within the scope of employment with the College. As such, any employee who chooses to use a firearm is acting in the employee's individual capacity and not as an agent of the College.

Open Carry vs. Concealed Carry

Open Carry

- The handgun can be carried in the “open”, such as in a holster outside of the clothing.
- Generally prohibited by institutions.

Concealed Carry

- The handgun may not be noticeable by ordinary observation.
- Allowed for anyone who has a LTC.

Open Carry vs. Concealed Carry (continued)

Open Carry – **Visible**



Not allowed on San Jacinto College campuses

Concealed Carry – **Not Visible**



Starting August 1, 2017, **allowed** on San Jacinto College campuses

On or About Your Person

If you are an LTC holder and choose to carry a concealed handgun on campus it must be “**on or about your person**”; meaning the handgun must be close enough to you that you can grasp it without materially changing position.



For example, if you carry your handgun in a backpack, the backpack must always remain close to you, within immediate reach.

Senate Bill 11 Background

- Currently, a Concealed Handgun License holder (now called License to Carry or LTC) may carry a concealed handgun on a university or college campus in a public or private driveway, street sidewalk or walkway, parking lot, parking garage, or other parking area.
- Senate Bill 11 expanded where a LTC holder may carry a concealed handgun on campus and gave public institutions the authority to limit the locations a concealed handgun may be carried after consultation with faculty, staff and students.

Senate Bill 11 Background (continued)

- People holding a valid concealed handgun license will be able to carry concealed handguns on college campuses.
- Illegal knives and other weapons listed under Penal Code chapter 46.05 (a) remain prohibited on college campuses.
- A campus includes all land and buildings owned or leased by the university or community college.
- Private institutions will be allowed to “opt out” by adopting broad rules banning weapons on campus, after consultation with faculty, staff and students.

Senate Bill 11 Background (continued)

- Public institutions will be able to limit weapons on campus after consultation with faculty, staff and students, but those limits may not have the effect of banning weapons altogether.
- Effective for universities on August 1, 2016.
- Community colleges have until August 1, 2017.
- Open carry is specifically prohibited by this law.

Senate Bill 11 Background (continued)

- The law allows colleges to designate specific locations on campus where handguns will not be allowed.
- The intent is that colleges will be permissive and accessible as possible to handgun license holders.
- The law does not allow colleges to “generally prohibit” campus carry.
- Based on the statements made by sponsors of the law, faculty offices, libraries and classrooms are not what they intended for gun exclusion zones.

Penalty

Penal Code 30.06 Trespass by a License Holder with a Concealed Handgun

- A violation under this section is a Class C misdemeanor punishable by a fine only not to exceed \$200.00 unless;
- The license holder was personally given the notice by oral communication after entering the property and failed to depart, the offense then becomes a Class A misdemeanor punishable by up to one year in jail; a fine of up to \$4,000 or both jail and fine.

Reasonable Rules, Regulations, Other Provisions of SB 11

- Develop reasonable rules, regulations and other provisions based on consultation with faculty, staff, students and stakeholders.
- Requires the governing board, not later than 90 days after establishment of rules by Chancellor to review. May amend or approve with 2/3 vote.
- Rules adopted must be widely distributed to students, staff, and faculty including prominently publishing the provisions on the college's website.
- If limits on certain areas, the college must give notice as described under Penal Code section 30.06 .

Reasonable Rules, Regulations, Other Provisions of SB 11 (Continued)

- By September 1 of even years, college must submit a report to the legislature and standing legislative committees – describe rules and reasoning for provisions.

Signage

Penal Code 30.06

- A license holder must receive notice that entry on the property with a concealed handgun is forbidden.
- The college may provide notice to the license holder by oral or written communication.
- Written communication means:
 - a) A card or other document on which is written language identical to the following: "Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun"; or

Signage (continued)

Penal Code 30.06

- Written communication means:
 - b) a sign posted on the property that:
 - (i) includes the language described by Paragraph (a) in both English and Spanish;
 - (ii) appears in contrasting colors with block letters at least one inch in height; and
 - (iii) is displayed in a conspicuous manner clearly visible to the public.

Signage

Proper signage
that complies
with Texas Penal
Code 30.06



**“PURSUANT TO SECTION 30.06, PENAL
CODE (TRESPASS BY HOLDER OF
LICENSE TO CARRY A CONCEALED
HANDGUN), A PERSON LICENSED
UNDER SUBCHAPTER H, CHAPTER 411,
GOVERNMENT CODE (CONCEALED HANDGUN
LAW), MAY NOT ENTER THIS PROPERTY WITH
A CONCEALED HANDGUN”**

**“DE ACUERDO CON LA SECCIÓN 30.06 DEL
CÓDIGO PENAL (INGRESO SIN AUTORIZACIÓN DE
UN PORTADOR DE UNA LICENCIA PARA LLEVAR UN
ARMA CORTA OCULTA), UNA PERSONA CON LICENCIA
SEGÚN EL SUBCAPÍTULO H, CAPÍTULO 411 DEL
CÓDIGO DEL GOBIERNO (LEY PARA PORTAR
ARMAS CORTAS OCULTAS), NO PUEDE INGRESAR
A ESTA PROPIEDAD CON UN ARMA CORTA OCULTA”**

Revised 1/10/11 www.CampanaSigns.com

Definition

Gun Exclusion Zone: An area of campus, building, or room where the possession of a handgun is prohibited by current Texas statute; or

An area of campus, building, or room designated and approved by the SLT and Board of Trustees in which the possession of a handgun is prohibited. Each area restriction requires that notice be given to license holders as specified under [Texas Penal Code § 30.06](#).

Statutory Gun Exclusion Zones

- Schools (pre – K-12 schools)
- The physical premises of a school or educational institution, any grounds or building on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution (temporary).
- The premises of a polling place on the day of an election or while early voting is in progress (temporary).
- Board of Trustee Meetings open to the public (when notice is given Penal Code 46.035).

Statutory Gun Exclusion Zones (Continued)

- The premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place, unless the license holder is a participant in the event and a handgun is used in the event (Penal Code 46.035).
- The premises of a church, synagogue, or other established place of religious worship.

Campus Carry Taskforce Members

Team Leader: [Bruce Caldwell](#), Chief of Police

SLT Sponsor: [Chet Lewis](#), Vice Chancellor, Fiscal Affairs

The taskforce consists of 33 members and is divided into three subcommittees:

- Survey Development and Analysis
- Communication and Training
- Safety/Security and Policy

Survey Development and Analysis

Lead: [Marco Lozano](#), Sr Research Analyst, Inst. Research & Effectiveness

[Teri Crawford](#), Vice Chancellor, Marketing, PR, and Gov. Affairs, College-Wide

[Rebekkah Aguilar](#), SGA Representative Central Campus

[Merrily Hoffman](#), Professor, Accounting/Business, Central Campus

[Ron Johnston](#), Police Lieutenant

[Abigail Payne](#), Professor, Math, South Campus

[Steven Pena](#), Professor, Philosophy, Central Campus

[Ali Shah](#), Professor, Emergency Medical Technician, North Campus

[John Stauffer](#), Associate Vice Chancellor Maritime

[Imelda Umansor](#), Financial Aid Specialist, South Campus

[Jerrel Wade](#), Dean, Administration, North Campus

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Communication and Training

Lead: [Amanda Fenwick](#), Vice President, Marketing & PR, College-Wide

[Karen Blankenship](#), Library Director, Central Campus

[James Braswell](#), Dean, Administration, Central Campus

[Jahmal Clemons](#), Social Media Coordinator, College-Wide

[Janice DiFalco](#), Professor, Associate Degree Nursing, Central Campus

[Norma Gonzalez](#), SGA Representative North Campus

[David Lemaster](#), President Elect, Faculty Organization

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[Amanda Rose](#), Coordinator Student Engagement and Activities

[Becky Shuttlesworth](#), Coordinator, Simulation Lab, South Campus

Safety/Security and Policy

Lead: [Angela Perkins](#), Chair, Staff Organization

[Wilfred Alequin-Perea](#), SGA Representative South Campus

[Amy Austin](#), President, Faculty Organization

[Pamela Campbell](#), Dual Credit Representative

[Debra Clarke](#), Program Director, Eye Care Technology, Central Campus

[Brienne Crumpler](#), Professor, Criminal Justice, North Campus

[Joseph Hebert](#), Dean, Administration, South Campus

[Dan Maser](#), Police Sergeant

[Lamar McWaine](#), Professor Learning Frameworks, North Campus

[Kelly Saenz](#), Professor/Softball Coach, PE, South Campus

[Sonia Townsend](#), Director EPC, North

[Danessa Trahan](#), Compliance Officer, Compliance and Judicial Affairs

[David Ray](#), Professor, Government, South Campus

Campus Carry Task Force - Purpose

- Conduct and/or analyze research primarily through surveys, to employees, students, and key community stakeholders.
- Based on the tenants of the laws and the surveys, determine reasonable rules, regulations, or other provisions to recommend to the SLT and then Board of Trustees by March, 2017.
- Communicate progress to employees, students, and key stakeholders.
- Ensure appropriate signage is available throughout the College district.

Completed Task Force Highlights

- Analyzed Student Government Association Campus Carry Survey results from May of 2016.
- Analyzed Employee Campus Carry Survey results from last Spring.
- Reviewed and revised Campus Carry Fact Sheet.
- Reviewed and revised Campus Carry Video.
- Identified statutory gun exclusion zones at San Jacinto College.

Completed Task Force Highlights (Continued)

- Reviewed the latest opinions from the Texas Attorney General regarding campus carry;
- Established a detailed communication plan;
- Reviewed the campus carry policies from local universities and compiled a list of policy recommendations for San Jacinto College.

Campus Carry Committee

Proposed Gun Exclusion Zones

- Counseling and Mental Health (Patient Care) Areas.
- Specific areas in which formal student, faculty or staff disciplinary hearings are being conducted.
- Laboratories – areas where the presence of high hazard materials or operations creates a significant risk of catastrophic harm due to a negligent discharge.
- Critical Infrastructure.
- Events where alcoholic beverages are served.
- Marine vessels leased, owned or operated by San Jacinto College.

Campus Carry Committee

Proposed Gun Exclusion Zones (continued)

- Early College High School (could be particular rooms within a building or a whole building if it is occupied solely by minors).
- All pre-K-12 school sponsored activities.
- Premises in which a ticketed sporting event is taking place.
- Private offices not open to the public with a sole occupant – occupants discretion to prohibit concealed carry.
- Events at the Central Slocumb Auditorium, Powell Arena Theatre, Corbin Recital Hall, North Fine Arts Center, South Flickinger Proscenium Theatre, Blackbox Theatre where the introduction of firearms is inconsistent with the safety and security of the event.

Campus Areas Where an LTC Holder May Carry

- Any area that is not designated as a gun exclusion zone.
- Examples:
 - Public or private driveway
 - Streets
 - Sidewalk or walkway
 - Parking lot, parking garage, or other parking area
 - Hallways
 - Classrooms
 - Offices open to the general public

Campus Areas Where an LTC Holder May Carry (continued)

- Financial Aid
- Nursing Labs
- Culinary Labs
- Gym/Wellness Centers

Next Steps

- Complete research regarding university best practices that encompass policies and procedures for employees licensed to carry.
- Finalize a list of recommended gun exclusion zones for San Jacinto College.
- Ensure appropriate signage once recommended exclusion zones are approved.
- Research recommendations of revisions to student handbook/college policy for campus carry violations.

Reporting

It is the responsibility of the LTC holder to conceal any handgun so that it is not partially or wholly visible to another person.

If you see someone with a handgun on campus:

- Do not confront them!
- Call San Jacinto College Police Department immediately at 5555 from college phones or 281- 476-9128
- Hearing impaired text 713-469-1071

What the Police need to know

When reporting any type crime or suspicious person we need the following information:

- The exact location of the incident.
- The type of incident.
- A description (race, gender, clothing, etc.) of the person(s) / suspect(s) / vehicle or weapon involved.

Conclusion

Questions?

If you have additional questions please contact Chief Bruce Caldwell at bruce.caldwell@sjcd.edu or 281-542-2064