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OPINION COMMITTEE



FILE # ML-47925-15  
LO.# 47925

**RQ-0087-KP**

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**Yvonne Gonzalez Toureilles**  
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**Carlos Omar Garcia**  
District Attorney

**79<sup>th</sup> Judicial District of Texas**  
Jim Wells and Brooks Counties

**Antonio Vera**  
Chief Investigator

**Jaime Garza**  
Investigator

**Margarito Perez, Jr.**  
Investigator

**Tammy Hallmark**  
Investigator

28 December 2015

Office of the Attorney General  
Attention: Opinion Committee  
P.O. Box 12548

VIA Email:  
Opinion.Committee@texasattorneygeneral.gov

Dear Sirs,

I am the District Attorney for the 79<sup>th</sup> Judicial District of Texas which includes the City of Alice within its jurisdiction. The City Attorney for Alice had submitted a request for an Attorney General Opinion on December 21, 2015, and was advised that he would need to have an authorized requestor submit the request. I am submitting the request on behalf of the City of Alice. The request is attached as Exhibit A, and incorporated in this request letter for all purposes.

After reviewing the analysis and opinions in both KP-0050 and KP-0051, along with the issues set forth in Exhibit A, I believe an opinion is necessary to address the five questions set forth by the City of Alice.

Thank you for your assistance. Please do not hesitate to contact me if you need additional information.

Respectfully,

  
Carlos Omar Garcia

xc: David D. Towler, City Attorney, City of Alice

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December 21, 2015

Office of the Attorney General  
Attention Opinion Committee  
P.O. Box 12548  
Austin, Texas 78711-2548

Email:  
Opinion.Committee@texasattorney  
ygeneral.gov

Re: Carrying handguns on City  
premises.

Dear sirs,

I am the City Attorney for the City of Alice, and the City is in the process of considering what restrictions will be imposed on carrying handguns on City premises. The City of Alice has a Council Chambers (on the second floor) where the open meetings are held, and a separate room (below the first floor) where closed sessions are held. The language of the Concealed Carry Notice (Penal Code §30.06(c)(3) and the Open Carry Notice (Penal Code §30.07(c)(3) statutes appears to leave some open questions:

- a. The Open/Concealed carrying is prohibited only "in the room or rooms where a meeting of the governmental entity is held," and possibly only while the meeting is being held. Tex. Penal Code 46.035(c).
- b. However, the Open Carry Notice requires that the Notice be posted "at each entrance to the property." Tex. Govt. Code §30.07(c)(3).
- c. Although the term "premises" is defined, the term "property" is not.
- d. Tex. Govt. Code §411.209(a) prohibits an unauthorized notice under Penal Code §30.06 (but not §30.07).

Both Concealed and Open Carry Notices must be posted "on the property," (Penal Code §30.06(c)(3)(B) and Penal Code §30.07(c)(3)(B).) However, the City must post the Open Carry Notice "at each entrance to the property," but is prohibited from posting the Concealed Carry Notice unless authorized by Penal

*Exhibit A*

