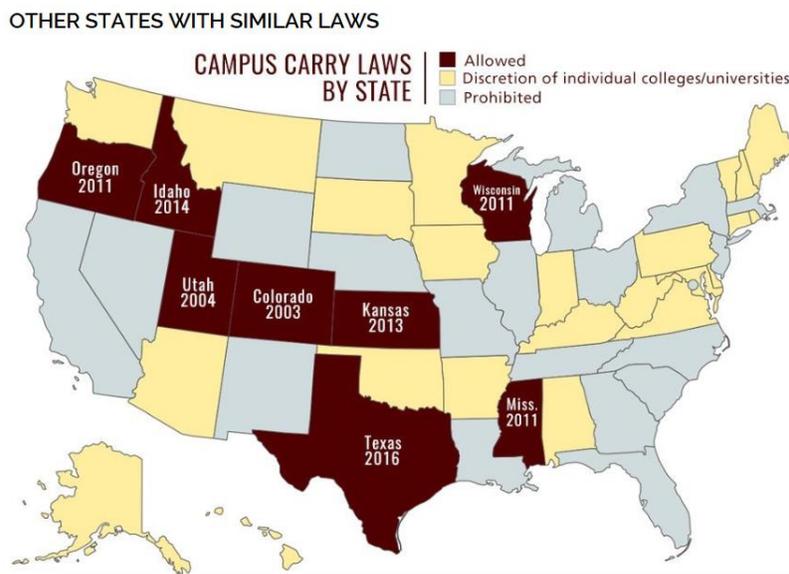


Laredo Community College Rules and Regulations for Campus Carry

I. GENERAL INFORMATION

On June 13, 2015, Texas Governor Gregg Abbott signed into law Senate Bill 11 (SB 11). It is commonly known as the “Campus Carry Law.” It permits individuals with a concealed handgun license (also referred to as “CHL” or License to Carry – “LTC”) to carry a concealed weapon on public college campuses in Texas beginning August 1, 2017. The law expands the areas on public college campuses where those with an LTC may carry concealed handguns. The law requires college presidents to develop for their institutions reasonable rules or regulations to take effect beginning August 1, 2017. They are required to consult with students, staff, and faculty regarding specific safety considerations, the nature of the student population, and the uniqueness of the campus environment when establishing these rules or regulations. The established rules or regulations may not generally prohibit or have the effect of generally prohibiting anyone who has a license to carry from carrying concealed handguns on campus. There are currently eight states that allow for carry of concealed weapons on college campuses. These are listed in the map below.



II. PURPOSE AND SCOPE

The document is intended to establish rules and regulations for the implementation of the state statute authorizing the concealed carry of handguns on the premises of Laredo Community College (LCC). LCC is committed to providing a safe environment for students, faculty, staff, and visitors, and to respecting the right of individuals who are licensed to carry a handgun where permitted by law. Individuals licensed to carry may do so on campus premises except in locations and at activities prohibited by law or by these rules and regulations.

These rules and regulations apply to all faculty, staff, students, guests, visitors, and individuals and organizations doing business on behalf of the College on the campus premises. This policy does not apply to commissioned peace officers as defined in article 2.12 of the Texas Code of Criminal Procedures.

III. DEFINITIONS

- A. Campus – all land and buildings owned or leased by LCC as lessee.
- B. Premises – a building or portion of a building.
- C. Concealed handgun – a handgun, the presence of which is not openly discernible to the ordinary observation of a reasonable person.
- D. Employee – an individual at any campus of Laredo Community College, who is hired in a full time, part-time, or temporary capacity in a faculty or staff position or in a position where the individual is required to be a student as a condition of employment.
- E. Handgun license holder – an individual licensed to carry a concealed handgun under Subchapter H, Chapter 411 of the Texas Government Code (“Chapter 411”). Generally, such an eligible individual must be at least 21 years of age, not have a criminal record as defined by the code, and meet certain education and proficiency requirements. Chapter 411 contains some exceptions to the age requirement (e.g., ex-military personnel).
- F. Exclusion by law – an activity or location excluded from the lawful carry of a concealed handgun by operation of law other than these rules and regulations.
- G. Exclusionary zone – any location in which the carry of a concealed handgun is prohibited by virtue of the rules and regulations promulgated by the college president. Such rules and regulations take effect unless subsequently amended by the board of trustees.

IV. RULES AND REGULATIONS FOR CONCEALED CARRY AT LAREDO COMMUNITY COLLEGE

1. General Provisions

- a. State law **DOES NOT ALLOW** the open carry of a firearm at Laredo Community College at any time.
- b. A person must have a state issued concealed handgun license to carry a concealed handgun at Laredo Community College.

- c. Individuals must be 21 to obtain a concealed handgun license to carry a concealed handgun on the premises of Laredo Community College.
- d. Laredo Community College employees do not have authority to ban handguns from classrooms or offices of the college.
- e. The new law still makes it a crime for a LTC holder to carry a concealed handgun while intoxicated.
- f. Anyone carrying a firearm with them on campus must adhere to all applicable state laws related to concealed carry at Laredo Community College.
- g. An LTC holder who carries a handgun on campus must carry it in a holster that completely covers the trigger and entire trigger guard area.
- h. The college will amend policies that pertain to student discipline to provide that causing the accidental discharge of a firearm is conduct subject to disciplinary action in addition to penalties provided by law.
- i. LTC holders that bring their weapons into campus facilities may carry them in a purse or back pack so long as all regulations regarding proper holstering of a weapon are adhered to. The purse or backpack must be in control of the license holder at all times. Purses or backpacks are not allowed to be left unattended with a weapon in them unless it is in a locked car.
- j. Individuals that have a CHL and opt to bring their weapon to campus are not allowed to store the weapon in their office or other campus facilities. They are responsible for the weapon and must be on their person or in their control (purses and backpacks) at all times or in a locked vehicle.
- k. It is the responsibility of an LTC holder to be knowledgeable of the applicable laws and procedures governing the possession of concealed handguns on a college campus. As such, the burden of responsibility for possessing, carrying, and/or properly storing a concealed handgun at Laredo Community College rests with the LTC holder who must mitigate circumstances whereby a handgun may be misused or the possession of which would violate any law, regulation, or college campus carry regulations.

2. Specific Exclusions to Concealed Carry of a Handgun

- a. Exclusionary Zone

Laredo Community College has established designated no-carry zones. These include the following areas:

1. All day care facilities located at Laredo Community College;
 2. All sports complexes and fields located at Fort McIntosh and the South campuses;
 3. Maravillo Gym located at the Fort McIntosh campus;
 4. Special services center offices located at Fort McIntosh and the South campuses;
 5. Federal Water Commission building located on the Fort McIntosh campus;
 6. The concealed carry of handguns is prohibited in areas in which formal hearings are being conducted. This includes rooms 101, 102, and the Samuel A. Meyer Board room located in the Elpha Lee West administrative building at the Fort Macintosh campus and the Deans conference room located in room 215 of the Billy Hall Student Center; and
 7. Campus Ministries building located on the Fort McIntosh campus.
- b. Exclusion by law
1. Texas Penal Code, Section 46.035(a-1) provides that a LTC holder may not carry a partially or wholly visible handgun on campus premises or on any campus driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area. LTC holders who carry a handgun on campus must carry it concealed and on or about their person at all times or secure their handgun in a locked, privately owned or leased motor vehicle where it is not visible. The only exception to this policy is for LTC holders who reside in LCC housing or staffers whose employment responsibilities require them to reside in college housing. These LTC holders (those that live on campus) must store their handgun in a gun safe that meets the requirements set forth in these rules and regulations;
 2. The concealed carry of handguns by LTC holders is prohibited in areas for which state or federal law, licensing requirements, or contracts require exclusion solely at the discretion of the state or federal government, or are required by a campus accrediting authority. Where appropriate, signage will conform to the overriding federal or state law requirements. Otherwise, notice conforming to Texas Penal Code, Section 30.06, will be provided;

3. Texas Penal Code, Section 46.03(a)(2) excludes LTC holders from carrying a handgun on the premises of a polling place on the day of an election or while early voting is in progress. A sign that reads either “Polling Place” or “Vote Here” will be posted at any polling place located on campus from the commencement of early voting through Election Day when the polling place is open;
4. Texas Penal Code §46.035(b)(2) excludes LTC holders from carrying a handgun where a high school, collegiate, or professional sporting event or interscholastic event is taking place, unless the LTC holder is a participant in the event and a handgun is used in the event. Notice should be given for all collegiate sporting events. If possible, for ticketed sporting events this notice should be given by means of a written communication on the back of, or appended to, the ticket. Vendors and others who are permitted to enter the premises without a ticket should be provided written notice through other means;
5. Texas Penal Code §46.035(c) excludes LTC holders from carrying a handgun in the room or rooms where a meeting of a governmental entity is held and if the meeting is a duly noticed open meeting subject to the Texas Open Meetings Act. This includes the Samuel A. Meyer Board room located in the Elpha Lee West administrative building.
6. It is the responsibility of an LTC holder to be knowledgeable of the applicable laws and procedures governing the possession of concealed handguns on a college campus. As such, the burden of responsibility for possessing, carrying, and/or properly storing a concealed handgun at Laredo Community College rests with the LTC holder who must mitigate circumstances whereby a handgun may be misused or the possession of which would violate any law, regulation, or college campus carry regulations.

c. Campus Housing

LTC holders who reside in college housing or on campus that are staff whose employment responsibilities require them to reside on campus must store their handguns either in a locked, privately owned or leased motor vehicle or in a gun safe. The student wishing to have a firearm on campus is also responsible for ensuring that their guests comply with all such rules and regulations. On average, there are less than five students each term that are over 21 years of age and would qualify to hold a LTC that live in student housing. A student living on Laredo Community College housing that meets all LTC state laws and Laredo Community College guidelines for campus carry and wants to have a firearm with them must provide a safe in which to store the firearm and the safe must be installed with direction from physical plant.

d. **Carrying of Concealed Handguns by Employees of Laredo Community College**

A college employee who lawfully holds an LTC may carry a concealed handgun into his or her work area, unless prohibited under this policy, but is not authorized to use the weapon in the course and scope of performing his or her duties. An employee whose possession, storage, or use of a handgun results in personal injury or property damage is personally liable for the injury or damage, and is not entitled to immunity under section 411.208 of the Government Code or any other immunity the individual may otherwise be entitled to as an employee of the Laredo Community College district. Campus employees that do have LTC and bring their weapons to campus are not allowed to take their weapons with them into all areas of campus that are designated as no-carry zones. If an employee of the campus has their weapon with them and is licensed to carry, but has to go to one of the no carry zones he/she must at that point store the weapon in their locked vehicle. They are not allowed to leave the weapon in their office or other campus area. The only place for an LTC holder to have their weapon with them is in their possession or in locked vehicle.

3. Amending the Rules and Regulations

- a. The President of Laredo Community College may amend these guidelines as necessary for campus safety, to include permanently designating new or additional locations where the carrying of concealed handguns on campus premises is prohibited. Any prohibition must be based on specific safety considerations, the nature of the student population, and the uniqueness of the campus environment and may not generally prohibit or have the effect of generally prohibiting license holders from carrying concealed handguns on campus premises. The college president is the only person with the authority to declare a specific premise or venue as a permanent exclusionary zone. Therefore, except as provided herein, without the express written consent of the president, no faculty member, staff member, student, or student group may exclude a specific premise or venue as “off limits” to the carrying of handgun by an individual that is adhering to campus policies and Texas State law. The President or President’s designee may prohibit the carrying of concealed handguns for up to seven (7) days in order to promote safety on the campus premises:
1. When the activity has a history for violence; or
 2. Where a large-scale activity, due to the presence of alcohol, uniqueness of the campus environment, specific threat of violence, or other safety considerations present a reasonable threat to health or safety.
- b. The Chief of Police may prohibit the carrying of concealed handguns on the campus premises:

1. When it reasonably appears there is threat of injury to human life, destruction to college property, or a threat of willful disruption of orderly operation of the college as defined in section 51.231 of the Education Code; or
2. Upon receipt of credible information of imminent injury to human life or destruction to college property.

4. Obligation to Provide Notice Where Concealed Handguns are Prohibited.

Laredo Community College shall provide notice at all locations activities where concealed handguns are prohibited under this policy and may post notice where handguns are expressly prohibited but where notice is not required to be posted by law.

- a. The language of the notice, which is set out in section 30.06 of the Texas Penal Code, shall not be altered in any way unless revised by state law. Any individual who without authorization, tampers with, defaces, modifies or removes a notice provided pursuant to this policy is subject to disciplinary action, including trespass from campus, suspension, termination of employment or a business relationship, and is subject to criminal prosecution.
- b. A notice required under this policy shall read:

“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.”

- c. Notices shall be provided in writing and on a card or other document in both English and Spanish. When notice is posted at a location, the sign shall appear in contrasting colors with block letters at least one (1) inch in height, displayed in a conspicuous manner that is clearly visible to the public, and at a sufficient distance from the location or activity to inform a license holder that entry on the property or presence at the activity with a concealed handgun is prohibited

V. FREQUENTLY ASKED QUESTIONS

1. Does a handgun currently have to be concealed when it is being carried on campus?

Yes. If a:

- LTC holder intentionally or knowingly displays the handgun in plain view of another person in a public place, it is a Class A misdemeanor;

- Handgun is in an individual's locked motor vehicle, it must not be in plain view;
- Open carry of a weapon at Laredo Community College is expressly prohibited.

2. What do I do if I see someone with a handgun on campus?

The safest course of action is to call the LCC Police Department by dialing 111 from any LCC campus phone. Individuals calling from a cell phone can contact LCC campus police by calling 956-721-5303. Individuals that do not have phone may use any of the Emergency Talk-A-Phones located throughout campus to reach campus police. They will respond and make contact with the individual to determine if that person is an authorized LTC holder and is legitimately carrying a firearm.

3. What are the requirements to obtain a concealed handgun license in Texas?

In general, individuals are eligible for licenses to carry concealed handguns, if they:

- At least 21 years of age;
- Have been a legal resident of the state for a six-month period preceding the date of the application;
- Have not been convicted of a felony;
- Are not currently charged with commission of a Class A or B misdemeanor or equivalent offense, or of an offense under Section 42.01 of Texas Penal Code, or equivalent offense, or of a felony under an information or indictment;
- Have not, in the five years preceding the date of the application, been convicted of a Class A or Class B misdemeanor or equivalent offense under Section 42.01 of the Texas Penal Code, or equivalent offense;
- Are not fugitives from justice for a felony or a Class A or Class B misdemeanor or equivalent offense;
- Are not chemically dependent;
- Are capable of exercising sound judgment;
- Are not currently restricted under a court protective order or subject to a restraining order affecting a spousal relationship;

- Have not been finally determined to be delinquent in making a child support payment administered or collected by the attorney general;
- Are qualified under federal and state law to purchase a handgun;
- Have not been finally determined to be delinquent in the payment of a tax or other money collected by the comptroller, the tax collector of a political subdivision of the state, or any agency or subdivision of the state;
- Are current on child support payments or other monies collected by a state agency; and
- Take and pass a course that has a written test and a shooting proficiency test.

Full eligibility requirements are explained in Texas Government Code § 411.172.

4. What will the new law on campus carry allow that is currently prohibited?

Current law allows LTC holders to carry a concealed handgun on a college campus only in parking lots, parking garages, driveways, streets, sidewalk or walkway and other outdoor areas. Beginning August 1, 2017, public two-year colleges must allow concealed carry of handguns in buildings by handgun LTC holders. Public Texas community colleges are allowed to designate certain areas on campus where carrying of concealed handguns by LTC holders is prohibited, subject to system and legislative review.

5. How many people have a concealed handgun license in Texas?

As of December 31, 2014, the Texas Department of Public Safety reported that there were 825,957 active concealed handgun license holders. The population of Texas was 26.96 million in 2014; 2.7% held a CHL. Reports and statistics for concealed handgun licenses can be found on the Texas Department of Public Safety website under Concealed Handgun, Reports and Statistics, Demographics.

6. What is “open carry” and when did it take effect?

On June 13, 2015, Governor Abbott also signed into law House Bill 910. This law permits LTC holders to openly carry (no duty to conceal) a handgun in areas where it is not prohibited by law. This law became effective on January 1, 2016.

7. Will the new open carry law allow license holders to openly carry a handgun on campus?

No. HB 910, the open carry law provides a LTC holder *cannot* carry a partially or wholly

visible handgun, regardless if it is holstered, and intentionally or knowingly display the handgun in plain view of another person on the premises [building] of a community college, or any driveway, street, or parking area of a community college.

8. What kind of rules can be established regarding carrying concealed handguns on campus and what is the process for establishing rules?

The President, after consulting with the campus carry committee and with feedback from students, faculty, and staff regarding the nature of the student population, specific safety considerations, and the uniqueness of the campus environment, will establish reasonable rules regarding the carrying of concealed handguns by license holders on campus. Not later than 90 days after the rules and regulations are established, the Board of Trustees must review them, and may amend the provisions, in whole or in part, if approved by at least two-thirds of the Board. The President may amend the rules as necessary for campus safety.

9. Can I personally make a rule that someone who has a license to carry a handgun cannot carry it into my office, classroom, or laboratory?

No. Effective August 1, 2017, concealed carry is allowed on college campuses, including all offices, classrooms, and laboratories by anyone holding a valid handgun license, unless carrying a handgun is prohibited by state law, federal law, or college rules. SB 273 prohibits the university and its employees from imposing restrictions greater than those imposed by law. Violations of SB 273 can result in a fine to the college or university as high as \$10,500 per day.

10. If someone does not have a license to carry a handgun, can they carry a handgun on campus under the new law?

No. Carrying a concealed handgun is only legal if an individual has a concealed handgun license. State law does permit those without a license to have a handgun or long rifle in their vehicle if the handgun is concealed and the person can legally possess a firearm. See Texas Penal Code 46.02(a)(2).

11. If someone without a license carries a handgun on campus, what are the penalties?

If the person is a student, faculty member, or staff member they can be sanctioned according to the rules applicable to their status. It may also be a violation of the criminal law. The offense can be a misdemeanor or a felony, depending on where the handgun was carried.

12. Can an international student legally in Texas on a student visa obtain a Concealed Handgun License?

No. To obtain a Texas Concealed Handgun License you must be qualified under state and federal law to purchase a handgun. See Texas Government Code 411.172. An international student here on a student visa is prohibited under federal law from purchasing or possessing a firearm or ammunition unless they meet certain exceptions; for example, they are admitted to the U.S. for lawful hunting or sporting purposes. There are other exceptions. See 18 U.S.C. 922(g)(5)(B) and 922(y)(2) (text of the code and legal opinions provided by the Cornell University Law School, Ithaca, New York).

13. Can an undocumented international student obtain a Concealed Handgun License?

No. Undocumented students are not legal residents of the state. To obtain a Concealed Handgun License, a person must be a legal resident of the state for a 6-month period preceding the date of the application.

14. Is a LTC holder required to display identification if asked to by a magistrate or a peace officer?

No. The license holder is not required to provide identification unless asked for by a peace officer that has probable cause to ask.

15. Is a LTC holder required to respond if someone other than a peace officer or magistrate asks them if they have a handgun license?

No. A LTC holder is not required to disclose he has a license to anyone except a magistrate or peace officer. A person engaged in lawful activity (i.e., applying for and obtaining a handgun license) is not required to provide information to any person, including a college official, about their personal choices, beliefs, or practices.

16. What states have a reciprocity agreement with Texas so handgun license holders from other states can lawfully carry in Texas?

There are 42 states that have a reciprocity agreement with Texas.

<ul style="list-style-type: none"> • Alabama • Alaska • Arizona • Arkansas • California • Colorado • Connecticut • Delaware • Florida • Georgia • Hawaii 	<ul style="list-style-type: none"> • Idaho • Indiana • Iowa • Kansas • Kentucky • Louisiana • Maryland • Massachusetts • Michigan • Mississippi 	<ul style="list-style-type: none"> • Missouri • Montana • Nebraska • Nevada • New Jersey • New Mexico • New York • North Carolina • North Dakota • Ohio • Oklahoma 	<ul style="list-style-type: none"> • Pennsylvania • Rhode Island • South Carolina • South Dakota • Tennessee • Utah • Virginia • Washington • West Virginia • Wyoming
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When in Texas, license holders from other states must follow Texas gun laws, not their home state's gun laws.

17. What states do not have a reciprocity agreement with Texas?

Illinois, Maine, Minnesota, New Hampshire, Oregon, Vermont, and Wisconsin.

18. What will happen if a minor gains access to my handgun?

It is a violation of criminal law if a child (person younger than 17) gain access to a readily dischargeable firearm and the person with criminal negligence failed to secure the firearm; or left the firearm in a place to which the person knew or should have known the child would gain access. (Texas Penal Code §46.13). It is an affirmative defense to prosecution that the child's access to the firearm was supervised by a person older than 18 years of age and was for hunting, sporting, or other lawful purposes; or that access was gained by the child trespassing on the firearm owner's property. (Texas Penal Code §46.13).

19. What will happen if an adult gains access to my handgun?

It is not a violation of Texas law for a handgun owner to permit an adult to gain access to a handgun, provided no other laws regarding the use or possession of a handgun are violated.

20. Does the college offer a concealed handgun license course?

No. Courses are available locally from various gun shops, sporting goods stores, and individuals licensed as a Qualified Handgun Instructor.

21. Will the college track handgun license holders on campus?

No.

22. Where does a handgun need to be in order to be legally considered "concealed"? Can a handgun be in a backpack or purse, or does it need to be directly on a person's body or within reaching distance of the person?

The law does not expressly state where a handgun needs to be in order to be considered "concealed." However, the handgun cannot be in plain view or discernable by ordinary observation and the LTC holder must take reasonable measures to conceal the weapon. Further, the handgun must be on the license holder's person and/or control at all times.

23. Can an individual wear a holster that is empty with no visible firearm?

Yes. The wearing of an openly visible firearm holster without a weapon present is permissible. However, open carry of a holster with a weapon is strictly prohibited on the LCC campus and is a violation of state law.