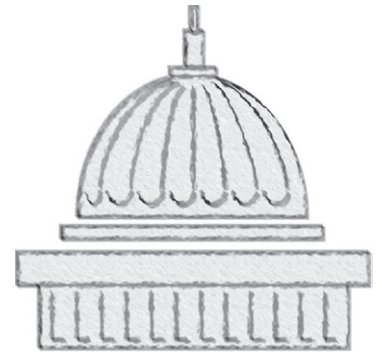


NRA / ILA Firearms Laws for

TEXAS

(As of May, 2009)



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A SYNOPSIS OF STATE LAWS ON PURCHASE, POSSESSION AND CARRYING OF FIREARMS.

QUICK REFERENCE CHART

	Rifles and Shotguns	Handguns
Permit to Purchase	No	No
Registration of Firearms	No	No
Licensing of Owners	No	No
Permit to Carry	No	Yes

STATE CONSTITUTIONAL PROVISION

“Every citizen shall have the right to keep and bear arms in the lawful defense of himself or the State; but the Legislature shall have power, by law, to regulate the wearing of arms, with a view to prevent crime.” Article 1, Section 23.

PURCHASE

A Texas resident, if not otherwise precluded by law, may purchase rifles and shotguns, ammunition, reloading components, or firearms accessories in contiguous states.

It is unlawful to sell, rent, loan or give a handgun to any person if it is known that the person intends to use it unlawfully. It is unlawful to knowingly sell, rent, give or offer to sell, rent or give any firearm to a person under 18 years of age, without the written consent of his parent or guardian. It is unlawful to knowingly or recklessly sell any firearm or ammunition to any person who is intoxicated.

POSSESSION

No state license is required to possess a rifle, shotgun or handgun. There are restrictions on possession by a person: convicted of a felony or a Class A misdemeanor involving the person's family or household; or subject to certain orders issued under the Family Code or Code of Criminal Procedure.

CARRY

A person commits an offense of unlawfully carrying a weapon if the person intentionally, knowingly, or recklessly carries a handgun on or about his or her person unless the person is on one's own premise or premises under the person's

control or inside of or directly en route to a motor vehicle that is owned by the person or under the person's control. It is unlawful to intentionally, knowingly or recklessly carry on or about one's person a handgun in a motor vehicle if the handgun is in plain view or the person is engaged in criminal activity (other than a misdemeanor traffic violation), prohibited by law from possessing a firearm or is a member of a street gang.

A person applying for a license to carry a concealed handgun must apply by obtaining a request for application materials from a handgun dealer, the Department of Public Safety, or any other person approved by the department. The Department of Public Safety shall review all applications materials and make a preliminary determination as to whether or not the individual is qualified to receive a handgun license. The Department will forward application materials to qualified applicants, or send written notification with the reasons that that the preliminary review indicates the individual is not qualified to receive a license. On receipt of the application materials a criminal history record check is conducted by the Department of Public Safety. The Department must issue or deny the license within 60 days of receipt of the completed application. The Department must be notified within 30 days of a name or address change.

A new license expires on the first birthday of the license holder occurring after the fourth anniversary of the date of issuance. A renewed license expires on the license holder's birthday, five years after the date of expiration of the previous license.

The applicant must submit: a completed application form; two recent color passport photographs; fingerprints; proof of age (at least 21); proof of residency in Texas; a handgun proficiency certificate from a qualified handgun instructor; an affidavit stating that applicant has read and understands the law concerning a license to carry and the laws on use of deadly force and that the applicant fulfills all eligibility requirements; and an authorization to access records. The Department shall issue a license to carry a concealed handgun to an applicant if the applicant meets all the eligibility requirements and submits all the application materials. Eligibility requirements include no record of felonies, certain misdemeanors, addictions,

mental illness or delinquency in child support payments or tax payments.

A person applying for a concealed carry license must successfully complete both the classroom and range components of the handgun proficiency course to receive a handgun proficiency certificate. The handgun proficiency certificate must be no more than two years old and shall specify if it is valid for a revolver or semi-auto pistol based on the proficiency certificate.

The Department will issue a license to carry only for the categories of firearms listed on the handgun proficiency certificate. A person who is renewing a license to carry a concealed handgun must renew their handgun proficiency certificate.

The Department of Public Safety by rule shall establish a procedure for a person who is a legal resident of a state that does not provide for the issuance of a license to carry a concealed handgun, to obtain a Texas license. A non-resident applicant is required to pay a fee for the criminal history record check and investigation. Such permits remain valid until expiration and can be renewed until the other state issues a license recognized as a valid license in Texas

It is unlawful for a handgun license holder to carry a handgun on the premises of: a government court; a business that derives 51 percent or more of its income from the sale of alcohol for on-premises consumption; a school or educational institution, high school, collegiate, or professional sporting event or interscholastic event that is taking place; a hospital or nursing home; an amusement park; a place of religious worship; a polling place on the day of an election; a meeting of a governing body; a race track; a secured area of an airport; a correctional facility; a correctional facility or within 1000 feet of such, on the day of an execution; the property of another after receiving notice that concealed handguns are forbidden on that property. It is unlawful to possess a firearm in a penal institution.

It is unlawful for a handgun license holder to carry a handgun while intoxicated. It is unlawful for a handgun license holder to carry a handgun and intentionally fail to conceal the handgun.

ANTIQUES AND REPLICAS

Antique or curio guns manufactured before 1899 and replicas thereof which do not use rim fire or center fire ammunition are not included in the definition of "firearm" as it is used in Texas Penal Code Title 10, Chapter 46, which governs weapons.

MACHINE GUNS

It is unlawful to possess, manufacture, transport, repair or sell a machine gun, explosive weapon, short-barreled firearm, or silencer. Federal registration of such an item under the National Firearms Act is a defense to this prohibition.

MISCELLANEOUS

A violation of the state's firearms laws that occurs within 300 feet of a school or on premises where a school function is taking place shall result in an increased punishment.

It is unlawful to display a firearm in a public place in a manner calculated to alarm.

It is unlawful to discharge a firearm in a public place or on or across a public road.

It is unlawful to possess, manufacture, transport, repair or sell handgun ammunition that is designed primarily for the purpose of penetrating metal or body armor and to be used principally in pistols and revolvers.

A municipality may not adopt regulations relating to the transfer, private ownership, keeping, transportation, license or registration of firearms, ammunition, or firearms supplies.

It is unlawful to possess, manufacture, transport, repair or sell a zip gun (i.e. a device not originally a firearm that is adapted to expel a projectile using an explosion or burning substance.)

A person commits an offense if a child under 17 gains access to a readily dischargeable firearm and the person with criminal negligence failed to secure it or left it in a place to which the person knew or should have known the child would gain access. It is an affirmative defense if the access was supervised by a person older than 18 and was for hunting, sporting, or other lawful purposes; consisted of lawful defense of people or property; was gained by entering property unlawfully; or occurred during a time when the actor was engaged in an agricultural enterprise.

A municipality, county or other subdivision of the state may not bring suit against a firearms or ammunition manufacturer, trade association, or seller for recovery of damages resulting from, or injunctive relief or abatement of a nuisance relating to, the lawful design, manufacture, marketing, or sale of firearms or ammunition to the public.

SOURCES: Tex. Penal Code § 46.01 et seq. and Tex. Gov't. Code § 411.171 et seq.

CAUTION: Firearm laws are subject to frequent change and court interpretation. This summary is not intended as legal advice or restatement of law. This summary does not include federal or local laws, ordinances or regulations. For any particular situation, a licensed local attorney must be consulted for an accurate interpretation. **YOU MUST ABIDE WITH ALL LAWS: STATE, FEDERAL AND LOCAL.**

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