

AGENDA ITEM BRIEFING

Submitted by: Michael K. Young, President
Texas A&M University

Subject: Review and Potential Amendment of Rule *34.06.02.M1, Carrying Concealed Handguns on Campus*, Texas A&M University

Proposed Board Action:

Review and potentially amend Rule *34.06.02.M1, Carrying Concealed Handguns on Campus*, Texas A&M University, to become effective August 1, 2016.

Background Information:

On June 13, 2015, Governor Abbott signed SB 11, the campus concealed carry bill. Effective August 1, 2016, SB 11 (Act) generally authorizes a handgun license holder to carry a concealed handgun on the campus of an institution of higher education, subject to an institution’s rules adopted in accordance with the Act. The term “institution of higher education” in the Act includes all A&M System universities, agencies and System Offices.

Following consultation with students, faculty and staff in accordance with the Act, this rule regarding the carrying of concealed handguns by license holders on the member’s land and buildings, including premises on which license holders are prohibited from carrying concealed handguns, has been recommended by the CEO, reviewed by the Office of General Counsel for legal sufficiency, and approved by the chancellor for submission to the Board.

A&M System Funding or Other Financial Implications:

Not applicable.

Respectfully submitted,

[ORIGINAL SIGNED BY]

Michael K. Young, President
Texas A&M University

Approval Recommended:

[ORIGINAL SIGNED BY]

John Sharp
Chancellor

[ORIGINAL SIGNED BY]

Billy Hamilton
Executive Vice Chancellor and
Chief Financial Officer

Approved for Legal Sufficiency:

[ORIGINAL SIGNED BY]

Ray Bonilla
General Counsel

UNIVERSITY RULE

34.06.02.M1 **Carrying Concealed Handguns on Campus**
Approved April 27, 2016 (Effective August 1, 2016)
Next scheduled review: April 27, 2021

Rule Statement

A license holder may carry a concealed handgun on the campus of Texas A&M University or in a university vehicle, unless prohibited by state or federal law, or this rule.

Reason for Rule

This rule is required by state law.

Definitions

Assigned office - means an office assigned solely for the use of the employee and not generally open to the public.

Campus - means all land and buildings owned or leased by Texas A&M.

Campus housing - means dormitories or other residential facilities located on campus that are: (1) owned by Texas A&M; or (2) leased and operated by Texas A&M.

Premises - means a building or portion of a building. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area.

Significant Risk – means a high probability of harm, not just a slightly increased, speculative, or remote risk.

Substantial harm – means serious injury or death to a person or persons, or destruction of valuable property.

Official Procedure/Responsibilities/Process

1. The university president established this rule after consulting with Texas A&M students, staff and faculty about the nature of the student population, specific safety considerations, and the uniqueness of the campus environment. This rule was reviewed by the system board of regents as required by law.

2. A license holder under Chapter 411, Texas Government Code, may carry a concealed handgun on or about the license holder's person while the license holder is on the campus of Texas A&M or in a university vehicle, unless prohibited by state or federal law, or this rule. Employees who are license holders are permitted to store a handgun in their office space so long as the gun is secured in a locked drawer or compartment. All license holders must secure their handgun when it is not on or about their person
3. The open carrying of handguns is prohibited everywhere on campus. Licensed peace officers are authorized by law to carry firearms at all times.
4. Storage of Handguns in Residential Facilities
 - A. This section applies to dormitories or other residential facilities located on campus that are: (1) owned by Texas A&M; or (2) leased and operated by Texas A&M.
 - B. Any resident of campus housing who is a license holder and wants to store a handgun in his/her room must securely store it in a safe that is purchased or rented from the Department of Residence Life.
5. Third-parties that lease a premise from the university have the authority to determine the concealed carry rights on the portion of the premise subject to the lease. If concealed carry is prohibited, lessee must provide effective notice under Section 30.06, Penal Code.
6. Rules Applicable to Carrying a Concealed Handgun on Campus
 - A. State Law Prohibitions

A license holder is responsible for complying with the applicable state law prohibitions. See Appendix.

Texas law prohibits the possession of handguns in the following campus locations or under the following circumstances.

 - 1) A license holder may not carry a handgun if he/she is intoxicated.
 - 2) A license holder may not intentionally or knowingly display his/her handgun in plain view of another person, even if holstered, on campus, including on any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area.
 - 3) A license holder may not intentionally, knowingly, or recklessly carry a handgun on or about the license holder's person on the following premises:
 - a) a place of religious worship if effective notice under 30.06 Penal Code is provided,
 - b) professional or high school sporting event or collegiate interscholastic event is taking place,
 - c) where a collegiate sporting event is taking place if effective notice under 30.06 is provided,
 - d) polling location,
 - e) government court or offices utilized by the court,

- f) in the room or rooms where a meeting of a governmental entity is held and if the meeting is an open meeting subject to chapter 551, Government Code, and the entity provided notice as required by that chapter, or
- g) secured area of an airport.

B. Federal Law Prohibitions

A license holder is responsible for complying with the applicable federal law prohibitions. This includes, but is not limited to, the following facilities:

- 1) George Bush Presidential Library;
- 2) Nuclear research reactors; and
- 3) Multi-Program Research and Education Facility.

C. Other Prohibited Campus Premises

A license holder is also prohibited from carrying a concealed handgun on the following premises. Effective notice under Section 30.06, Penal Code shall be provided for each of these premises. Guidelines for posting approved signage must be followed as established through a TAMU Standard Administrative Procedure (SAP).

- 1) The premises in this section are determined by the president to be categorically prohibited from licensed carry of a handgun.
 - a) Becky Gates Child Care facility;
 - b) counseling centers where licensed practitioners receive patients and protected health information is generated (including those for faculty, staff, and students);
 - c) health care facilities – limited to those where protected health information records are generated;
 - d) research areas and laboratories in which research subjects are minors (17 years of age or younger);
 - e) premises where formal administrative hearings/investigations are being conducted;
 - f) clinical facilities associated with the School of Law; and
 - g) marine vessels, such as those owned or operated by Texas A&M University at Galveston.
- 2) Premises that fall within one of the categories in this section, if specifically approved by the president, may be prohibited from licensed carry of a handgun. A process for making requests as well as the process for review and approval of such requests under this section is established in a SAP.
 - a) assigned offices for which the employee has demonstrated that the carrying of a concealed handgun by a license holder in the office presents a significant risk of substantial harm due to a negligent discharge;
 - b) high hazard research areas and laboratories where the presence of high hazard materials or operations creates a significant risk of catastrophic harm due to a negligent discharge, for example, BioSafety Level 3 laboratories, animal care/use facilities, and areas having high magnetic fields, such as MRI research facilities; and
 - c) research areas and laboratories in which research subjects are high risk (e.g., binge drinkers, subjects with diagnosed psychological

disorders, subjects diagnosed with Post-Traumatic Stress Disorder), or where the integrity of psychological research could be compromised.

- 3) Any premises where the university, as directed or approved by the president as necessary for campus safety, gives effective notice on a temporary basis pursuant to Section 30.06, Penal Code. For this rule, the phrase “owner of the property” in Section 30.06(b) means the president of the university. No university employee is “someone with apparent authority to act for the owner” for purposes of 30.06(b). All notices under 30.06 will be institutional notice, conform to Penal Code sections 46.03 and 46.035, and apply equally to all license holders.
 - 4) A violation of these specific prohibitions is considered an offense under Section 46.035(a-3), Penal Code.
7. An advisory committee, appointed by the president, shall be established and tasked, at a minimum, with the following:
- A. support the consistent implementation of this rule and associated SAPs;
 - B. provide a review process for recommendations to the president;
 - C. provide periodic review of premises approved under section 6.C.2 of this rule; and
 - D. compile and maintain a list of campus premises where license holders are prohibited from carrying a handgun.

Related Statutes, Policies, or Requirements

[System Regulation 34.06.02, Weapons](#)

Appendix

[Texas Statutory Prohibitions](#)

Contact Office
