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Open Carry of Firearms- TPWD Volunteer Policy

Date: December 2015

General Policy- Members of the public are authorized to carry firearms in accordance with state law in the areas of the Department that are generally accessible to the public. Department volunteers will not take actions to discourage members of the public from the lawful carrying of firearms in areas of the Department that are generally accessible to the public.

On-Duty Prohibition for Volunteer Open Carry- Volunteers shall not openly carry firearms either on Department premises or while on-duty for the Department unless the volunteers has specific volunteer duties that require firearms handling and the volunteer is handling firearms in the manner required for performing those volunteer duties. A non-commissioned volunteer holding a handgun license under Government Code Chapter 411 may possess a handgun on department property if carried in a manner in which the presence of the handgun is not openly discernible to the ordinary observation of a reasonable person.

Prohibition Relating to Department Clothing and Weapons- A volunteer whether on or off-duty, shall not wear any clothing, identification card, or other items identifying the volunteer as a Department volunteer while openly carrying a firearm. A volunteer with a job duty that requires the handling or transportation of firearms or other firearms equipment may possess that equipment while wearing an approved uniform or Department identification in a manner approved by a volunteer supervisor.

Visitors to Non-Public Secure Portions of Department Facilities- The Department may post signs designating non-public secure areas of Department facilities pursuant to Government code 411.207. Non-commissioned visitors to the designated non-public secure areas shall be directed to secure any personally owned weapons in their locked personal vehicle prior to entering a Department secure area.

FAQs- Open Carry of Firearms- TPWD Volunteer Policy

Q: Beginning on January 1st, can everyone open carry in the State of Texas?

A: No, only those holding the proper license.

Q: Can TPWD make a policy so people cannot open carry at our facilities?

A: No, the law specifically addresses that, and provides for a penalty to the agency.

Q: The new TPWD policy states...Volunteers shall not openly carry firearms either on Department premises or while on-duty for the Department unless the volunteer has specific job duties that require firearms handling and the volunteer is handling firearms in the manner required for performing those job duties....what are some examples of a specific job duty that requires firearms?

A: These would include volunteers acting as guides for hunts and providing hunter education to name a few.

Q: Are there certain types of guns that are legal to open carry and certain kinds that are not?

A: The law states a person with a license to carry may openly carry a handgun. A handgun is defined as any firearm that is designed, made or adapted to be fired with one hand. There are no handguns that are prohibited by law.

Q: What is legal for open carry and what is not (ie- does the gun have to be holstered, does the person carrying the gun have to carry their license or present their license?)

A: The handgun must be in a belt or shoulder holster. The law does not specify what that holster has to look like. There is specific provision in the law that requires the person to carry the license on them. Common sense indicates most people would have it with them just as they do their driver's license or hunting/fishing license. There is no requirement under the law absent a peace officer's reasonable suspicion or probable cause to present their license

Q: What actions should I take if I am concerned or think someone is acting inappropriately when they are in the building carrying a gun?

A: Contact a law enforcement officer.

Q: TPWD has some facilities that are used for educational purposes can those facilities get an official designation and ban guns?

A: Certain places are listed in the penal code as places where a firearm cannot be carried at all – even by someone with a license to carry. Facilities like Sea Center Texas are not an educational institution as that term is used in statutes.

Q: Can I ask someone to see the license to carry?

A: A peace officer may however it is advised to only do so in situations where the officer has probable cause or reasonable suspicion to believe the person is committing some offense. Volunteers should not ask to see the license as it would be a violation of the new firearms policy. (Volunteers will not take actions to discourage members of the public from the lawful carrying of firearms in areas of the Department that are generally accessible to the public.)

Q: Can I open carry a gun during while volunteering?

A: No, TPWD policy regarding the carrying of firearms applies to persons who are volunteers on behalf of the department.