

Concealed Carry Rules and Regulations for Alvin Community College

1) Introduction:

On June 13, 2015, Governor Greg Abbott signed into law Texas Senate Bill No. 11, commonly referred to as the "Campus Carry" law. SB 11 generally allows individuals who are licensed to carry a handgun by the State of Texas to carry a concealed handgun on the campus of certain institutions of higher education, including Alvin Community College. SB 11 goes into effect for two-year colleges on August 1, 2017.

The Board of Regents and Administration of Alvin Community College are committed to developing, maintaining, and implementing Concealed Carry rules and regulations that meet the requirements of the State of Texas, in particular Texas Government Code Section 411.2031 (Carrying of Handguns by License Holder on Public Institutions of Higher Education) and Texas Penal Code Section 46.035 (Unlawful Carrying of Handgun by License Holder).

A committee consisting of Alvin Community College Administrators, Faculty, Staff, and Students was formed, and will be maintained, to allow the ACC community to discuss and to develop rules and regulations regarding Concealed Carry at ACC. The committee followed the guidelines set forth in Subchapter H, Chapter 411 of the Government Code (License to Carry a Handgun) as a foundation for the development and maintenance of these rules and regulations while ensuring the rights and privileges of all who utilize College resources.

This document establishes the rules and regulations pertaining to the carry of concealed handguns by license holders on the campus of Alvin Community College, as well as any properties owned, leased, or controlled by Alvin Community College.

2) Definitions:

- a) **Handgun** - Any firearm that is designed, manufactured, made, or adapted to be fired with one hand.¹
- b) **Open Carry** - Visible possession of a handgun in public.
- c) **Concealed Handgun** - A handgun that is not in plain view of another person.²
- d) **Reveal** - To display a handgun, in whole or part, in plain view of another person in a public place.³
- e) **Gun Free Zone (GFZ)** - An area of the Campus, all or part of a building, or a room in which the possession of handguns is prohibited. Each restricted area shall have posted notice to license holders as specified under Texas Penal Code Section 30.06.
- f) **License to Carry (LTC)** - A license to carry (LTC) issued by the Texas Department of Public Safety (TXDPS), under Texas Government Code Chapter 411, Subchapter H. Includes a valid Concealed Handgun License (CHL) issued by TXDPS.⁴

¹Tex. Penal Code § 46.01(5).

²Tex. Penal Code § 46.035(a-1).

³Tex. Penal Code § 46.035.

⁴*Frequently Asked Questions*, TEX. DEPT OF PUB. SAFETY, <http://www.dps.texas.gov/RSD/CHL/faqs/> (last visited Feb. 9, 2017).

g) **Disciplinary Action** - Sanctions by the College, up to and including removal, probation, suspension, dismissal or termination.

h) **Private Office** - An office space provided by the College to be used by a single (one person) Faculty or Staff member only.

i) **Shared Office** - Office space used by more than one person. This would include office space that may have only one occupant, but is designed or intended to be used by more than one person. An Administrative Assistant's office is considered part of the Administrator's office and is a shared office.

j) **Laboratory** - A classroom or facility where experiments or assignments can be worked on using any hazardous chemicals, materials, or equipment including, but not limited to magnets and oxygen tanks.

k) **Short Term** - The duration of an event or circumstances that lead to an area or room that is otherwise not a GFZ being deemed a GFZ. Said duration is determined on a case-by-case basis.

l) **Premises** - Any Alvin Community College building, driveway, street, sidewalk, walkway, parking lot, parking garage, or other parking area.⁵

m) **Campus** - All land and buildings owned or leased by an institution of higher education or private or independent institution of higher education.⁶

3) Rules and Regulations:

a) In accordance with Government Code Section 411.0231 and Texas Penal Code Section 46.035, Alvin Community College recognizes the right of individuals licensed to carry concealed handguns to do so on campus property and in buildings, whether owned or leased by ACC, unless otherwise prohibited by these regulations.

b) In order to comply with the requirements of Texas Law, individuals may lawfully carry a concealed handgun on or about their person if they are:

i) 21 years of age or older or active duty military, and possess a current handgun license from the State of Texas, or an approved reciprocating state, or

ii) are otherwise allowed by law as stated in Texas Penal Code Section 46.15(a).

c) These rules and regulation apply to all Faculty, Staff, Students and Visitors of the College, except for the officers of Alvin Community College Police Department (ACCPD) and those other persons who are exempt by law.⁷

d) License holders who carry a handgun on campus must carry it *on or about their person* at all times except in areas that have been deemed Gun Free Zones.

e) If not on or about their person, the individual must secure his or her handgun in a locked, privately-owned or leased motor vehicle.⁸ No handguns will be stored at Campus Police for individuals.

⁵Tex. Penal Code §§ 46.035(a)-(a-1), (f)(3).

⁶Tex. Gov't Code 411.2031(a)(1).

⁷Tex. Penal Code 46.15(a).

⁸Tex. Gov't Code 411.2032.

f) Handguns must be carried in a manner that completely covers the trigger and the entire trigger guard area. The holster must have sufficient tension or grip on the handgun to retain it in the holster even when subjected to unexpected jostling, which would prevent accidental discharges.

g) A **license holder** may not carry a partially or wholly visible handgun on campus premises.⁹

h) Any employee who is not required to carry a firearm as part of his or her specific assigned duties with the College is considered to be outside the scope of his or her employment with the College when engaging in conduct related to the firearm. Therefore, any employee who chooses to use a firearm while on campus or in the course of his or her ACC duties is acting on the employee's own accord and not as an agent or representative of the College.

i) ACCPD personnel may inquire whether or not a person is carrying a concealed weapon or whether the person possesses a License to Carry. No other College employee may make such inquiry. If a License Holder is asked about his or her status as a license holder, the License Holder is not required to respond except to law enforcement personnel.

j) A person may not possess a weapon, handgun or otherwise, on campus while intoxicated.¹⁰

k) Intentionally revealing a handgun on campus (excluding the ACC gun range) is prohibited.

l) Any person accidentally discharging a weapon on campus may be prosecuted.

m) Any weapon that is prohibited under Sections 46.00 through 46.05 of the Texas Penal Code is prohibited at Alvin Community College. This includes, but is not limited to, long guns, shotguns, knives with a blade longer than 5.5", brass knuckles, clubs, and explosives.

n) Prohibiting a Licensed Holder from entering an area that has not been deemed a Gun Free Zone without sufficient reason may *be* a violation of Government Code Section 411.209 "Wrongful Exclusion of Concealed Handgun License Holder."

o) It is prohibited for an individual to carry a handgun in Alvin Community College's Gun Free Zones, unless otherwise exempt under Texas Penal Code Section 46.15(a).

p) A License Holder will not be subject to prejudice by Alvin Community College for lawfully expressing his or her right to carry.

q) A License Holder shall fulfill his or her License Holder Responsibilities, as described in Section 4, at all times.

4) License Holder Responsibilities:

It is the responsibility of each individual License Holder to know, understand, and abide by the rules and regulations for Alvin Community College, and statutes and regulations of the State of Texas as they pertain to Concealed Carry on a campus of an institution of higher education. Each License Holder is responsible for the following:

a) Having and maintaining a LTC;

b) Maintaining proper security, safety and concealment of the handgun;

⁹Tex. Penal Code §§ 46.035(a)-(a-1), (0)(3).

¹⁰Tex. Penal Code § 46.035(d).

- c) Maintaining current knowledge of and abiding by rules, regulations and laws pertaining to concealed carry; and
- d) Knowing the location of permanent Gun Free Zones.

5) Gun Free Zones:

This portion of the regulation clarifies the areas of the Alvin Community College Campus or properties owned, leased or rented by ACC, which were identified as locations deemed Gun Free Zones (GFZ), therefore prohibiting concealed carrying of a handgun at these locations.

GFZs are established by law, or determined by the Concealed Carry Committee and approved by the College President.

An appendix of all Alvin Community College Permanent GFZs is included as Appendix #1 and is incorporated by reference herein.

Permanent Gun Free Zones

There are two types of permanent GFZs. One type includes those mandated by current state and federal law prohibiting weapons in certain areas, and the second includes those having been deemed GFZs by Alvin Community College. Alvin Community College GFZs, as determined by law and the Concealed Carry Committee, include, but are not limited to:

- a) Healthcare facilities such as hospitals or nursing facilities licensed under Chapter 242 of the Health and Safety Code used for patient care, counseling and mental health services.¹¹
- b) Areas where sporting or interscholastic events are taking place.¹²
- c) Established places of religious worship.¹³
- d) Polling places.¹⁴
- e) Any room(s) used by a governmental entity for an open meeting as defined under Chapter 551 of the Texas Government Code and notice was given as required by that chapter.¹⁵
- f) Campus daycare.¹⁶
- g) Areas used for discussions of grievance or disciplinary hearings. These may be of a permanent or temporary nature.
- h) Areas for which state or federal law, licensing requirements, or contracts require exclusion exclusively at the discretion of the state or federal government. Where appropriate, signage must conform to the overriding federal or state law requirements. Otherwise, notice conforming to Texas Penal Code Section 30.06 must be provided.

¹¹ Tex. Penal Code § 46.035(b)(4).

¹² Tex. Penal Code § 46.035(b)(2).

¹³ Tex. Penal Code § 46.035(b)(6)

¹⁴ Tex. Penal Code § 46.03(a) (2).

¹⁵ Tex. Penal Code § 46.035(c).

¹⁶ Tex. Admin. Code § 746.3707.

- i) Any ticketed event or sporting event. The ticket must contain information pertaining to the event being a GFZ.

Temporary Gun Free Zones

A person or group wanting to utilize any area, room, building or space on campus which has not been identified as a Gun Free Zone and would like to have the area deemed a Temporary GFZ for the reserved time period, shall submit a written request to the President of the College or her designee no later than 60 days prior to the event. If the 60-day submission timeline has passed when the area is first reserved, the request shall be submitted in a timely manner for review. The submission form is attached to this regulation as Appendix #2.

The President of the College or her designee will approve or deny the Temporary GFZ request in his or her sole discretion, and in the best interest of the safety of the ACC community. Any Temporary GFZ may not have the effect of generally prohibiting handgun license holders from carrying concealed handguns on campus.

Signage for Gun Free Zones

All areas deemed Permanent GFZ's must have clearly visible written notice conspicuously placed at the entrance and providing notice to the public that the premise is a Prohibited Concealed Carry location (GFZ). Oral or written notice must be given as to additional locations/Temporary GFZs where concealed carry licensees may not carry. If notice is given on a card, document, or sign, it must contain the language exactly as specified in Section 30.06 of the Texas Penal Code:

"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."

If signage is posted to declare an area a GFZ, the sign must meet the minimum statutory requirements:

- Must include the above-listed language in both English and Spanish.
- Appear in contrasting colors with 1" block lettering.
- Be displayed in a conspicuous manner clearly visible to the public.¹⁷

6) Violations and Enforcement:

Failure to comply with any of rules, regulations, and statutes may result in disciplinary action, criminal prosecution, or both.

It is the primary responsibility of ACCPD to enforce these rules and regulations utilizing both policies established by the Board of Regents and State Law as appropriate.

7) Review of Rules and Regulations:

The ACC Concealed Carry rules and regulations should be considered a living document that must be reviewed by a committee bi-annually on every even-numbered year. The committee shall:

- a) Review current GFZ's on campus,

¹⁷ **Tex. Penal Code § 30.06(c).**

- b) Assess the addition or removal of GFZ's on campus, and
- c) Incorporate any changes to Subchapter H, Chapter 411 of the Government Code, or other relevant law, pertaining to Concealed Carry.

If an individual or group requests that an area be declared a Permanent GFZ, a written request must be completed and submitted to the Concealed Carry committee for review. The request will be reviewed by the Concealed Carry Committee and recommendations will be forwarded to the College President for further consideration. If approved, it will be forwarded to the Boards of Regents for review.

The President of the College may also amend the rules as necessary for campus safety.¹⁸

8) Reporting:

Not later than September 1 of each even-numbered year, the College President shall submit a report to the Texas Legislature and to standing committees of the legislature with jurisdiction over the implementation and continuation of Texas Government Code Section 411.2031 describing Alvin Community College's rules, regulations, or other provisions regarding the carrying of concealed handguns on the campus of ACC; and explaining the reasons the institution has established these provisions.¹⁹

Alvin Community College will make available copies of the institution's rules, regulations and Texas state law as they pertain to concealed carry at Alvin Community College, including by prominently posting the provisions on ACC's website.²⁰

¹⁸Tex. Gov't Code § 411.2031(d-1).

¹⁹Tex. Gov't Code § 411.2031(d-4).

²⁰Tex. Gov't Code § 411.203I(d-3).

Appendix #1

Alvin Community College Permanent Gun Free Zones

A - Building

Testing Center

Rooms - A 144a, 144b, 144c, 145, 146, 148, 150 as well as any unnumbered rooms

C-Building

Childcare

Rooms - C-104, 105, 106, 107, 108, 112, 115, 116, 116a, 116b, 116c, 116d, 116e, 116f, 116g, 116 h, 116i, 119, 122, I 22a, I22b, 123, 124, 125, 125b, 125c, I25d, 126, 126a, 127, 128, 129 as well as all work rooms, classes rooms, lobby's, hallways and playgrounds numbered and unnumbered.

D - Building

Human Resources

Rooms - D-102A, 102D

H- Building

Campus Police

Rooms H-128, I28a, I28b, 128c, 128d 128e, 132, 134, 135, 135a

N – Building

Police Academy Classroom

Room N- 112

Baseball field

Rooms Field, Fieldhouse and Venue during sporting or interscholastic event

Softball Field

Rooms - Field, Fieldhouse and Venue during sporting or interscholastic event

Note: On a case-by-case basis, any location, or specific time period, a Gun Free Zone can be modified by the College President if he or she determines that it creates a unique situation that poses a threat to the safety of the campus community so long as the area is not regulated by State or Federal law.

Appendix #2

Request for Temporary Gun Free Zone

Date of Event: _____ Date Submitted: _____

Applicant Name: _____ Title: _____

Telephone Number: _____ Cell: _____

Department: _____

Building/area requested as Temporary Gun Free Zone:

Type of event: _____

1) Minors Present: Y or N If "Yes" How many:

2) Area to be used for Grievances/disciplinary proceedings: Y or N

3) Other -

Reason for request:

Approved: Yes or No

Requestor's Signature

Date

Reviewer's Signature

Date

Committee Meetings and Forum Dates for Campus Carry (August 1, 2017 Implementation)

Committee Members - Jim Simpson, Debra Fontenot - Degree Nursing, Stephanie Havemann - Anatomy & Physiology, Deborah Kraft - Business Office, Ronald Phillips - Criminal Justice, Stephanie Stockstill - Counseling, Roger Bell - Library, John Matula Anatomy & Physiology, Howard Hamrick - Campus Police, Bill Lewis - Communications & Athletics, Joseph Lozano - Member of Student Government

Fall 2015 - Began posting informational signs pertaining to Campus Carry throughout the campus

Campus Carry Forums /Presentations (All forums held in C-227)

October 9, 2015

October 27, 2015

January 13, 2016

February 19, 2016

August 29, 2016

September 30, 2016

October 31, 2016

November 3, 2016

November 28, 2016

Campus Carry Committee Meetings

May 2, 2016

September 15, 2016

October 10, 2016

November 28, 2016

December 12, 2016

Any future meetings will be added as needed

Campus Carry Survey for Faculty, Staff, Students and Community

Posted August 22, 2017 through Survey Monkey

October 5, 2016 - Received results of survey

Application for Gun Free Zone

Opened for submission - 11/30/2016

Closed - 12/05/2016

Campus Carry Rules and Regulations

12/12/16 - Campus Carry rules and regulations presented to Dr. Albrecht for review.

2/23/17 - Campus Carry rules and regulations presented to ACC's Board of Regents

5/25/17 - 90 day comment period completed

Implementation of S.B. 11 (Campus Carry) at the Alvin Community College

August 1, 2017