

	Effective: 10-01-2021	# 09-08
	Section: Operations	Replaces or Modifies: Special Order 10-01-2020
	Title: Enforcement Priorities – Handgun Licensing	
Issued by: Chief Deputy Mattie Provost		

Purpose:

To provide guidance to employees concerning handling and enforcing issues related to handgun licensing laws.

Policy:

The Fort Bend County Sheriff’s Office (FBCSO) is committed to providing citizens the opportunity to exercise their rights concerning the legal carrying of firearms as detailed in the Laws of the State of Texas. The FBCSO is equally committed to intervene in cases where the manner of carry or use of a firearm is not in accordance with the Law and in ensuring overall public safety for those we serve.

The FBCSO has consulted with the Fort Bend County Attorney’s Office concerning what is defined as the premises concerning a government court as it applies to Texas Penal Code Section 46.03(a)(3) “Places Weapons Prohibited” this General order incorporates the legal advice given.

Definitions:

Premises - A building or a 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. Per Texas Penal Code Section 46.035.

Court – Includes all Judicial Courts and Fort Bend County Commissioners Court. It also includes the term government court.

Procedure:

I. Concerning Courts

- A. The following described locations are to be considered as on the premises of a government court or offices utilized by the court and therefore they are Places Weapons Prohibited under Texas Penal Code Section 46.03(a)(3) - unless a Court has issued written regulations/authorization to the contrary:
 - i. The building known as the Justice Center located at 1422 Eugene Heimann Circle in Richmond, TX, excluding the portion of the building used as the offices of the District Attorney and his/her personnel unless a judge is actively utilizing an office within that area to conduct business.
 - ii. The entire building occupied by Justice of the Peace (JP) 1 – Place 1 located at 3114 Rosenberg St in Needville, TX
 - iii. Only the part of the building that houses the courtroom and offices of JP 1-Place 2, JP 2, JP 3, JP 4
 - iv. The entire building known as the Historic Courthouse located at 401 Jackson St in Richmond, TX
 - v. The entire building occupied by the Special Sanctions Court located at 117 Legion Drive in Richmond, TX
 - vi. Any office during the time a judge is actively utilizing it to conduct business regardless of what building the office is located in
- B. Enforcement directives concerning Courts

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- i. Persons will not be allowed into the premises of a court with a firearm under authority of their handgun license (unless a Court has issued a written regulation/authorization – and in these cases the authorization is limited to the Court issuing the order)
- ii. Attempts to explain and obtain voluntary compliance are to be exhausted prior to any physical arrest. Persons are to be directed that they must store their firearm in their vehicle in the parking lot
- iii. Except in cases where public safety and/or employee safety require immediate action, a Lieutenant or high ranking person will be summoned prior to any physical arrest and the contacted person will make determination on action

II. Concerning Calls for Service

A. Dispatch

- i. Upon receiving a call for service concerning a person who is in public and is carrying a weapon, dispatch is to inquire whether the person is
 - 1. Taking any actions that are putting anyone in immediate danger (examples: Pointing the weapon at persons, taking the weapon out of a holster, making threatening statements towards anyone, stopping traffic, etc...)
 - 2. On a premise where firearms are prohibited (school, business where signs are posted, court, correctional facility, etc...)
 - 3. Only appearing in public with a handgun that is in a shoulder or belt holster with no other actions being taken by the person
- ii. In cases where there is indication of dangerous activity [in 1. preceding] dispatch is to handle as with any other emergency call for service of this nature, informing the responding units not only of a person with a gun but also of the specific actions being reported.
- iii. In cases where there is indication of the person being on a premise where firearms are prohibited dispatch is to handle this as a call for service and will base the priority upon the totality of information received (example: a person reported on a school campus with a weapon will be treated as an emergency call for service).
- iv. In cases where there is no indication of dangerous activity [in 3. preceding] and there is no indication that the person is on a premise where firearms are prohibited dispatch is to inform the citizen that in Texas we have a law that allows for open carry if the weapon is in a shoulder or belt holster. Dispatch will handle this in a similar manner to other non- emergency calls for service. If the citizen wishes for a Deputy to respond dispatch is to send a Deputy.

B. Field Responding Deputies

- i. In situations where the call information relays actions on the part of a person that are putting anyone in danger or indicate a person carrying a weapon where it is prohibited as described in II.A. preceding - Deputies are to respond and take control of the scene and actor(s) in the most efficient manner in accordance with General Orders that are applicable to call response.
- ii. In situations where the call only indicates a report of someone openly carrying a handgun in a shoulder or belt holster as described in II.A. preceding, there is no indication of any other potential law violations,

and the caller indicates a desire that we respond – the responding Deputy(ies)

1. When possible will make contact with any reported person who is openly carrying informing them of the call for service and ask that they assist us in resolving the call.
2. May ask the person to produce their driver's license or state identification certificate and their handgun license. If the person refuses, they are to be reminded that they are required to produce these per Texas Government Code Section 411.205.
3. Will attempt to resolve conflicts through discussion prior to any enforcement action. If a person refuses to cooperate and will not produce items required as described in 2. immediately preceding they are to be told that their actions may subject them to arrest for Interference with Public Duties under the Texas Penal Code Section 38.15(a)(1). Except in cases where public safety and/or employee safety require immediate action, a supervisor will be summoned prior to any physical arrest and the supervisor will make determination on action.

III. Concerning on view situations

- A. Deputies are not to take any enforcement action (including but not limited to asking that a person produce DL or ID and handgun license) based solely on the fact that a person is openly carrying a handgun in a shoulder or belt holster that appears to be in compliance with standards found in the Law.
- B. If a Deputy has reasonable articulable suspicion to believe that a person is committing or is about to commit a violation of Law, or that a person's actions other than the mere fact that they are openly carrying a handgun justify an investigative stop then the Deputy is authorized to take appropriate enforcement action including but not limited to asking for items required per Texas Government Code Section 411.205 (driver's license or state identification certificate and their handgun license).
- C. If a person refuses to cooperate and will not produce items required as described in B. immediately preceding they are to be told that their actions may subject them to arrest for Interference with Public Duties under the Texas Penal Code Section 38.15(a)(1). Except in cases where public safety and employee safety require immediate action, a supervisor will be summoned prior to any physical arrest and the supervisor will make determination on action

IV. Deputies are reminded that they should always take all reasonable and appropriate steps to maintain their safety and nothing in this General order is intended to diminish or modify this duty. Further all peace officers of this agency are bound to abide by any legislative or court changes made that may impact the enforcement of handgun licensing/carry laws – any conflict with this General Order is resolved in favor of applicable binding statutory and/or case law.

V. Provisions of the General order apply to employees anytime they are acting under the authority granted by their employment and/or appointment as a peace officer whether on or off duty.

VI. Only the Sheriff or Chief Deputy may authorize exceptions to this General Order.

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