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OPINION COMMITTEE

Erath County Attorney

Lisa Pence

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Stephenville, Texas 76401



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ML-47959-16
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RQ-0097-KP

February 11, 2016

Office of the Attorney General Via email opinion.committee@texasattorneygeneral.gov
Request for Opinion/Open Records Division
P.O. Box 12548
Austin, Texas 78701

Re: Question regarding prohibited handguns on certain property

Dear Attorney General Paxton:

I seek an opinion concerning the ability of a non-profit agency to restrict the entry onto their property by persons with a handgun pursuant to Penal Code Section 30.06/30.07 and Texas Government Code Section 411.209.

Within our county we have at least two non-profit agencies that have offices located on land owned by the City. The non-profit agency is the only entity located on that property, no governmental offices are located on the property. The City has no authority as to the operation of the non-profit and all decisions are made by an independent board of directors.

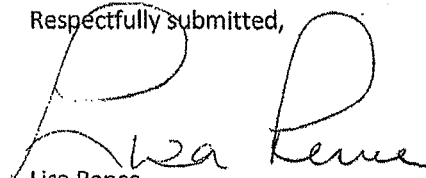
In previous Attorney General Opinions you have stated that a governmental agency can only prohibit handguns from certain areas such as courtrooms. There is some confusion over the question of whether the fact that if the land is owned by the City means that it is governmental property despite the fact that the City has no authority over the business being operated on that property. The Texas Municipal League has stated that they believe that the fact that the City owns the land makes it governmental property and you cannot prohibit the carrying of handguns onto the property. They take this position because of the language in the statute which states: "premises or other place owned or leased by the governmental entity".

Question

1. Can handguns be prohibited by a non-profit entity when that entities offices are located on property owned by a City or governmental agency?

Thank you for your attention to this matter. If you have any questions, or if you require additional information, please do not hesitate to call. 254-965-1453

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lisa Pence". The signature is written in a cursive style with large, sweeping letters.

Lisa Pence
Erath County Attorney