

# UT Southwestern Medical Center

## A Letter to the UT Southwestern Campus Community

December 30, 2015

With the widespread attention to the implementation of House Bill 910 (the “Open Carry” law) on January 1, 2016, I am writing to clarify its implications for UT Southwestern. Although the legislation allows licensed Texans to openly carry their holstered handguns, institutions of higher education and specified medical facilities are excluded from these provisions. Accordingly, Open Carry anywhere on the UT Southwestern campus will remain a violation of law and institutional policy. Anyone seen violating this exemption should be reported to the campus police immediately.

The Open Carry law should not be confused with Senate Bill 11 (the “Campus Carry” law), which is a separate measure scheduled to take effect on August 1, 2016. That measure would permit carrying a licensed concealed handgun on university campuses. I know that this is a matter of great interest to many and concern by some on the campus, so I would like to take this opportunity to also address our planning efforts for compliance with the Campus Carry legislation at UT Southwestern.

While private universities have the option to exclude their campuses from this legislation, the law forbids campus-wide exclusions for public institutions, including UT Southwestern. The measure does enable a President to delineate specific areas of a campus where special considerations may warrant exceptions to concealed handgun carry.

In order to ensure that all points of view are considered before setting the policies for UT Southwestern, at my request, Dr. Charles Ginsburg, Senior Associate Dean, has led a process over the past several months to engage representatives of all stakeholder groups – faculty, staff, students, and trainees – working across all the different areas of our campus. We also have been discussing the issue with colleagues at other institutions and the UT System as they consider policies appropriate to their campuses.

The advice and recommendations forthcoming from this process will guide my formulation of policies that I believe best serve the needs of UT Southwestern and conform with our obligation to comply with applicable state laws. I note that our proposed policies are subject to review by the UT System Board of Regents, which may reject any aspect of the policy by a two-thirds vote. Naturally, once decided, I will share those policies with the campus community.

Each of us has a duty to be knowledgeable about all institutional policies. Compliance with these policies is essential to achieving our institutional missions and maintaining public trust. I thank each of you for all you do in support of that commitment.

Below you will find answers to some frequently asked questions prepared by the Texas Department of Public Safety concerning the pending “Open Carry” legislation for your review.

Daniel K. Podolsky, M.D.  
President, UT Southwestern Medical Center

### Frequently Asked Questions

**Who can openly carry guns?** Those eligible for a license to carry, which is needed to legally tote holstered handguns openly or concealed, must be age 21, have a clean criminal record, take a class and pay a fee. They must have lived in Texas for at least six months, pass a background check for mental and criminal histories and not be chemically dependent or delinquent on taxes or child support.

**Do people who already have a concealed handgun license have to get a new license to carry openly?** No. The CHL covers the license holder. When it is renewed, it will be a renamed License to Carry and will allow open or concealed carry.

**Is additional training needed to openly carry?** No, but new training will be added to classes that license holders will get the next time they renew their license.

**How can Texans openly carry guns?** Handguns carried openly must be in a shoulder or belt holster. Retention holsters are recommended but not required.

**What should you do if you see someone carrying a handgun and are worried for your safety?** Call your local law enforcement agency or flag down an officer. Officials recommend that you say why you feel worried or threatened.

**What are police allowed to ask or not ask when questioning someone?** Depends on whom you ask. If it's a consensual encounter, police may ask if a person has a license to carry, but if the person is free to leave, they don't have to show it. If a person is being legally arrested on a different charge, they may also be arrested for a failure to show ID. State officials say there's nothing to stop an officer from asking a person if they are licensed to carry a handgun. There's a section in the government code that requires license holders to show their license to any law enforcement official who asks for it. But there's no criminal penalty for someone who does not comply. Weatherford police say that "if you are approached by a peace officer, you are required to present your identification and handgun license to prove that you are not subject to arrest under Section 46.02 of the Penal Code."

**Can police stop and question someone they see carrying a weapon?** State officials say police can stop and ask anyone anything during a "consensual encounter." Local law enforcers say that if a person is openly carrying a handgun, but not doing anything suspicious and law enforcers have no reason to stop and question that person, then he or she should not be stopped or detained just for openly carrying.

**Where can Texans openly carry guns?** Texans may openly carry guns the same places they carry concealed guns. Guns are not allowed in several locations, including schools, election sites, racetracks, restricted areas of airports, courtrooms, rooms where government officials such as the city council and county commissioners are meeting, correctional facilities, and anywhere within 1,000 feet of an execution site on the day of an execution.

**Can Texans carry them into private businesses?** Business owners who want to stop guns from being carried openly or concealed on their premises must post two signs — 30.07 (preventing open carry) and 30.06 (preventing concealed carry). Both or either sign must be posted at any entrance to the building and list in contrasting colors, using letters at least an inch tall, a 38-word message in English and Spanish. Other businesses may post signs noting that the "unlicensed possession" of a handgun on the premises, such as convenience stores and liquor stores, is a felony.

**Can handguns carried openly or concealed be loaded?** Yes.

**What about campus carry?** Texans may carry concealed handguns on parts of some college campuses starting Aug. 1, 2016. A number of private colleges, including Texas Christian University, Rice University and the Southwestern Baptist Theological Seminary in Fort Worth, have opted out of the law, as they are allowed to do. Public universities may specify areas on campus where guns are not allowed but they cannot completely ban concealed handguns on campus. The law takes effect Aug. 1, 2017, for public junior colleges. Open carry will continue to be banned in all areas of the campus even after implementation of "campus carry."

**How many other states allow open carry?** While some portions of the law may differ, 45 states allow open carry, according to the former president of the National Rifle Association.  
*Source: Texas Department of Public Safety*