

\$19.95



WHEN CAN I LEGALLY SHOOT?

THE LAW OF DEADLY FORCE IN TEXAS



2019-2021 EDITION

INCLUDES CHANGES FROM THE 86TH LEGISLATURE

I'M CHARGED WITH WHAT?

IF YOU ARE IN THE UNFORTUNATE POSITION TO BE CHARGED WITH A CRIME INVOLVING A FIREARM IN TEXAS, HOW SERIOUS IS IT?



MISDEMEANORS

CLASS C MISDEMEANOR DISCHARGING A FIREARM WITHIN THE CITY LIMITS IN VIOLATION OF A MUNICIPAL ORDINANCE

DISORDERLY CONDUCT

Intentionally or knowingly discharging a firearm on or across a public road.

CLASS B MISDEMEANOR DISORDERLY CONDUCT Intentionally or knowingly discharging a firearm in a public place; OR intentionally or knowingly displaying a deadly weapon in a public place in a manner calculated to alarm.

CLASS A MISDEMEANOR RECKLESSLY DISCHARGING A FIREARM IN A CITY WITH A POPULATION OVER 100,000 PEOPLE

UNLAWFUL CARRYING OF A HANDGUN BY A LICENSE HOLDER

Intentionally displaying a handgun in plain view of another person in a public place while not in a belt or shoulder holster.

DEADLY CONDUCT

Recklessly engaging in conduct that places another person in imminent danger of serious bodily injury.

FELONIES

STATE JAIL FELONY CRIMINALLY NEGLIGENT HOMICIDE Causing the death of another person due to a gross deviation from the ordinary standard of care.

3RD DEGREE FELONY DEADLY CONDUCT: DISCHARGE OF A FIREARM Knowingly discharging a firearm at or in the direction of another person, habitation, building, or vehicle.

2ND DEGREE FELONY AGGRAVATED ASSAULT WITH A DEADLY WEAPON Intentionally, knowingly, or recklessly causing serious bodily injury to another and/or exhibiting a deadly weapon while causing or threatening bodily injury to another.

MANSLAUGHTER

Recklessly causing the death of another.

1ST DEGREE FELONY MURDER Intentionally causing the death of another.

CAPITAL FELONY CAPITAL MURDER Committing a murder while also satisfying any condition listed in Tex. Penal Code § 19.03.

PUNISHMENT

CLASS C MISDEMEANOR: UP TO A \$500 FINE.

CLASS B MISDEMEANOR: UP TO 180 DAYS IN JAIL; AND/OR A FINE UP TO \$2,000.

CLASS A MISDEMEANOR: UP TO 365 DAYS IN JAIL; AND/OR A FINE UP TO \$4,000.

PUNISHMENT

STATE JAIL FELONY: 180 DAYS TO 2 YEARS IN STATE JAIL.*

3RD DEGREE FELONY: 2 TO 10 YEARS IN PRISON.*

2ND DEGREE FELONY: 2 TO 20 YEARS IN PRISON.*

1ST DEGREE FELONY: 5 TO 99 YEARS IN PRISON OR LIFE.*

CAPITAL FELONY: LIFE WITHOUT PAROLE OR DEATH.

*AND A FINE UP TO \$10,000.



WHERE THE LAW IS LOCATED Texas Penal Code

§ 42.12 (Discharge of Firearm in Certain Municipalities)	§ 12.23 (Class C Misdemeanor Punishment)
§ 42.01 (Disorderly Conduct)	§ 12.22 (Class B Misdemeanor Punishment)
§ 46.035 (Unlawful Carrying of a Handgun by License Holder)	§ 12.21 (Class A Misdemeanor Punishment)
§ 22.05 (Deadly Conduct)	§ 12.35 (State Jail Felony Punishment)
§ 19.05 (Criminally Negligent Homicide)	§ 12.34 (Third Degree Felony Punishment)
§ 22.02 (Aggravated Assault)	§ 12.33 (Second Degree Felony Punishment)
§ 19.04 (Manslaughter)	§ 12.32 (First Degree Felony Punishment)
§ 19.02 (Murder)	§ 12.31 (Capital Felony Punishment)
§ 19.03 (Capital Murder)	



BY WHAT STANDARD WILL THE LAW JUDGE MY ACTIONS...

IF I USE DEADLY FORCE?

If you use deadly force, your conduct will be measured by what the law terms a “reasonable person” standard.

**ACTIONS ARE
LEGALLY JUSTIFIED**

IF



YOU REASONABLY BELIEVE THAT DEADLY FORCE IS IMMEDIATELY NECESSARY TO PREVENT...



**ANOTHER'S USE OF UNLAWFUL
DEADLY FORCE**



WHAT IS REASONABLE? WHO DECIDES?

The law will judge your actions (*i.e.*, use of deadly force) by using the reasonable person standard. That is—would a reasonable person under the same or similar circumstances agree that deadly force was immediately necessary? This reasonable person standard is the law’s attempt to make the concept of reasonableness an objective test. The law does not focus on whether you believed deadly force was reasonable, but whether a reasonable person in the same or similar circumstances would consider it reasonable. If the legal system (ultimately this could be a jury) determines that deadly force was immediately necessary, then you were legally justified in using deadly force. However, juries, judges, and prosecutors are simply human beings and people can have vastly different ideas of how a reasonable person should act under any given circumstances. This is particularly true if asked to decide whether deadly force was immediately necessary or not. Tex. Penal Code § 9.32; *Gamino v. State*, 537 S.W.3d 507 (Tex. Crim. App. 2017)



WHEN IS IT NOT A CRIME?

LEGAL JUSTIFICATION OF DEADLY FORCE

IN TEXAS



Legal justification is a set of circumstances that the law says is a valid excuse for a person doing something that would otherwise be a crime.

LEGAL JUSTIFICATION OF DEADLY FORCE

YOU

LEGALLY JUSTIFIED

Not Guilty of a Crime

NOT LEGALLY JUSTIFIED

Guilty of a Crime; Subject to Penalties of the Offense



As a general rule, it is illegal to shoot someone, however, if done under a particular set of circumstances (e.g., self-defense, defense of others, etc.), the law states a person is excused from the illegality or is legally justified.

WHAT IS BODILY INJURY?

■ **Bodily Injury:** A physical pain, illness, or any impairment of physical condition. Tex. Penal Code § 1.07(8)

WHAT IS SERIOUS BODILY INJURY?

■ **Serious Bodily Injury:** Bodily injury that creates a substantial risk of death or causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ. Tex. Penal Code § 1.07(46)

WHAT IS DEADLY FORCE?

■ **Deadly Force:** Force that is intended or known by the actor to cause, or in the manner of its use or intended use is capable of causing, death or serious bodily injury. Tex. Penal Code § 9.01(3)

Note: firing a gun at another person is considered a use of deadly force.



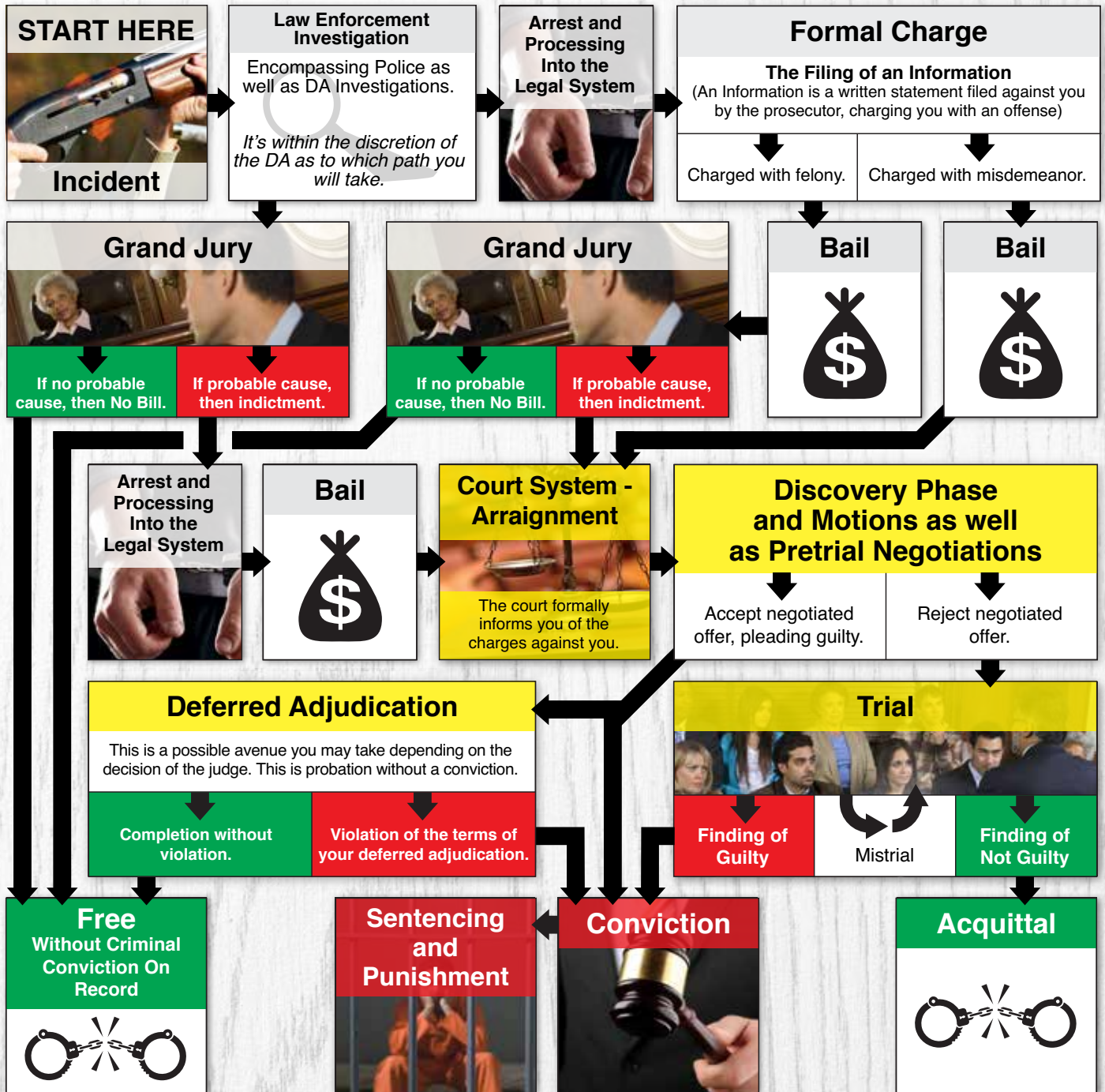
TEXAS CRIMINAL LEGAL PROCESS

LEGAL SYSTEM PROGRESSION

IN TEXAS



This is a diagram of the Texas Legal System. Look like a maze? We agree! Start in the upper left corner and follow the arrows.



INVOKE YOUR LEGAL RIGHTS!

WHAT TO DO AFTER BANG!



COUNTLESS MEN AND WOMEN HAVE SACRIFICED THEIR LIVES AND FORTUNES SO THAT WE AMERICANS MAY HAVE LEGAL RIGHTS — DON'T WAIVE THEM. IF YOU'RE INVOLVED IN A SHOOTING, YOU MAY NEED EVERY LEGAL RIGHT AVAILABLE.

- Make sure the threat has been controlled.
- Call 911.
- Return the firearm to safe keeping if possible.
- Do not disturb the scene.
- **CALL YOUR LAWYER!**
- When police arrive, comply with all commands in a non-threatening manner, keeping your hands clearly visible. The police do not know who the good guys and bad guys are when they first arrive.
- Inform police that you have been a victim of a crime. State to the police: **"I WISH TO INVOKE MY RIGHT TO REMAIN SILENT, AND I WANT TO CONSULT MY ATTORNEY BEFORE MAKING ANY STATEMENTS."**
- Make no statement to anyone about the incident; wait to talk to your attorney.
- If asked to accompany law enforcement, comply, but make no statements.
- Do not make jokes or cute remarks and say nothing, even if you believe you have done nothing wrong.



THE 911 CALL

If you use your gun, dial 911 and get medical and police assistance. However, the only information that the 911 dispatcher needs to know from YOU is your name, the location of the emergency, what assistance is needed, and that you have been a victim of a crime. **DO NOT DISCUSS WHAT HAPPENED WITH THE OPERATOR!** All calls are recorded.



DON'T GIVE A STATEMENT

Talk to your lawyer before you make any statements about a shooting. If what you say does not match the physical or material evidence at the scene, you may have a huge problem regardless of how innocent your mistake may be. Your freedom, liberty, and fortune are at risk, so invoke your right to remain silent and your right to a lawyer.



THE ROLE OF THE POLICE

Law enforcement's main job after a shooting is to investigate. Remember, what you say to the police can and WILL be used against you. *Note:* the U.S. Supreme Court, in 2010, held that a police interrogation may go on indefinitely until you invoke your legal rights - so **INVOKE YOUR RIGHTS!**



LAW OF SELF-DEFENSE

WHEN CAN YOU LEGALLY USE DEADLY FORCE?

IN TEXAS 

DEADLY FORCE IS LEGALLY JUSTIFIED IF YOU REASONABLY BELIEVE IT IS IMMEDIATELY NECESSARY TO PREVENT:



1
MURDER/
DEADLY FORCE



2
AGGRAVATED
KIDNAPPING



3
SEXUAL ASSAULT
AND
AGGRAVATED
SEXUAL ASSAULT



4
ROBBERY
AND
AGGRAVATED
ROBBERY




5
HOME INVASION
AND CARJACKING



Tex. Penal Code § 9.32 provides, “a person is justified in using deadly force” when and to the degree you reasonably believe deadly force is immediately necessary to protect yourself from the commission or attempted commission of:

- Murder/Deadly Force
- Sexual Assault and Aggravated Sexual Assault
- The unlawful and forcible entrance or attempted entrance into a person’s occupied habitation, vehicle, or place of business
- The unlawful and forcible removal or attempted removal of a person from an occupied habitation, vehicle, or place of business
- Aggravated Kidnapping
- Robbery and Aggravated Robbery

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LAW OF DEFENSE OF OTHERS

WHEN CAN YOU LEGALLY USE DEADLY FORCE?

IN TEXAS 

DEADLY FORCE IS LEGALLY JUSTIFIED IF YOU REASONABLY BELIEVE IT IS IMMEDIATELY NECESSARY TO PREVENT:

YOU

VICTIM

1
MURDER/
DEADLY FORCE

2
AGGRAVATED
KIDNAPPING

3
SEXUAL ASSAULT
AND
AGGRAVATED
SEXUAL ASSAULT

4
ROBBERY
AND
AGGRAVATED
ROBBERY

5
HOME INVASION
AND CARJACKING



Tex. Penal Code § 9.33 provides, "a person is justified in using force or deadly force" against another to protect a third person, if you reasonably believe that the intervention is immediately necessary to protect the third person from the commission or attempted commission of:

- Murder/Deadly Force
- Sexual Assault and Aggravated Sexual Assault
- The unlawful and forcible entrance or attempted entrance into a person's occupied habitation, vehicle, or place of business
- The unlawful and forcible removal or attempted removal of a person from an occupied habitation, vehicle, or place of business
- Aggravated Kidnapping
- Robbery and Aggravated Robbery

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PROTECTION OF YOUR PROPERTY

WHEN CAN YOU LEGALLY USE DEADLY FORCE?

IN TEXAS



TRESPASSER

DON'T SHOOT! Deadly Force is NOT Legally Justified!

YOU



■ TRESPASSING

■ INTERFERENCE WITH PROPERTY



■ Deadly Force is **NOT** Legally Justified



Tex. Penal Code § 9.41 allows for the use of force, **NOT** deadly force, to terminate a trespass or interference with property.

TRESPASSER

Deadly Force IS Legally Justified!

YOU

Commits *or* Attempts to Commit...



■ ARSON

■ ROBBERY/BURGLARY/
AGGRAVATED ROBBERY

■ THEFT DURING
THE NIGHTTIME /
CRIMINAL MISCHIEF
DURING THE NIGHTTIME



■ Nighttime is defined as 30 minutes after sunset until 30 minutes before sunrise.



Tex. Penal Code § 9.42 provides, if you reasonably believe deadly force is immediately necessary to prevent another's "fleeing immediately after committing burglary, robbery, aggravated robbery, or theft during the nighttime, from escaping with the property, and you reasonably believe that "the land or property cannot be protected or recovered by other means" or the use of "force other than deadly force" would expose you to "substantial risk of death or serious bodily injury," then you are legally justified to use deadly force.



WHEN CAN YOU PROTECT SOMEONE ELSE'S PROPERTY...

WITH DEADLY FORCE?



PROTECTION OF A THIRD PARTY'S PROPERTY



Tex. Penal Code § 9.43 provides that you may protect a third person's property to the same extent that the law allows you to protect your own property if you reasonably believe:

- The third person has requested protection of their land or property;
- You have a legal duty to protect the third person's property;
- The third person's land or property is that of your spouse, parent, child, person residing with you, or person under your care; **OR**
- You reasonably believe the unlawful interference constitutes an attempted or consummated theft of or criminal mischief to the tangible, movable property.



PROTECTION AGAINST ANIMALS

Texas law does not provide a general statutory justification for using deadly force against an animal outside the ***defense of necessity***; however, this does not mean you and your loved ones are at the mercy of the animal kingdom. The laws for legally using deadly force against animals are located in many different statutes; the following are some of the most relevant.

- Texas law specifically allows you to use deadly force against a dog or coyote that is attacking or has immediately attacked your: livestock, fowl, or domestic animal.
- Texas law allows for the killing of raccoons, opossums, skunks, and other small mammals if they are damaging crops or other property.
- In addition, it is specifically a defense to the crimes of Animal Cruelty and Disorderly Conduct Discharge of a Firearm if the firearm was discharged in response to a reasonable fear of bodily injury from a "dangerous wild animal."
- It is a defense to the Animal Cruelty charge of killing or injuring an animal if it is discovered on the person's property killing or injuring the person's livestock or damaging the person's crops.
- Dangerous Wild Animals, as defined by Section 822.101 of the Texas Health And Safety Code, refers to animals such as: lions, tigers, cougars, hyenas, gorillas, and several others.



LEGAL FACTOID: You can claim a defense of necessity if your action was urgently and immediately necessary to avoid imminent harm, and the desirability and urgency of your action clearly outweighed the harm which was prevented.



THEFT AND ROBBERY

EXPLANATION OF SELECT CRIMES

IN TEXAS



THEFT

THE CRIME OF THEFT



Tex. Penal Code § 31.03

Theft occurs when a perpetrator:

“UNLAWFULLY APPROPRIATES” ANOTHER’S PROPERTY WITH INTENT TO “DEPRIVE.”

APPROPRIATES:

- Bringing about a transfer or purported transfer of title; **OR**
- To acquire or otherwise exercise control.

DEPRIVE:

- To withhold property from the owner permanently or for an extended period;
- To return only on payment of reward; **OR**
- To dispose of property in a manner that makes recovery unlikely by the owner.

ROBBERY

THE CRIME OF ROBBERY



Tex. Penal Code § 29.02

A robbery occurs when, in the course of a theft, a perpetrator:

INTENTIONALLY, KNOWINGLY, OR RECKLESSLY...

OR

INTENTIONALLY OR KNOWINGLY...

CAUSES...



BODILY INJURY

THREATENS OR PLACES ANOTHER IN FEAR OF IMMINENT...



BODILY INJURY OR DEATH

AGGRAVATED ROBBERY

THE CRIME OF AGGRAVATED ROBBERY



Tex. Penal Code § 29.03

Aggravated robbery occurs when, in the course of a robbery, a perpetrator:

CAUSES ANOTHER...

OR

USES OR EXHIBITS...

OR

THE PERSON INJURED OR THREATENED IS...

SERIOUS BODILY INJURY



A DEADLY WEAPON



65 YEARS OR OLDER OR IS A DISABLED PERSON



BURGLARY

THE CRIME OF BURGLARY

IN TEXAS 



BURGLARY OCCURS WHEN A PERPETRATOR:

Enters Without Consent Of The Owner...



OR

Remains Concealed In...



A Habitation, or



Any Portion of a Building



With Intent to Commit or Does Commit:

A FELONY
OR
A THEFT
OR
AN ASSAULT

DOES THEIR WHOLE BODY HAVE TO ENTER?

No, for purposes of determining if a burglary has occurred, Texas law provides, a person **enters** a building or habitation when:

Any Part of Their Body



OR


Any Physical Object Connected To Their Body



Intrudes Into A Building or Habitation



 **Tex. Penal Code § 30.02**

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ASSAULT & AGGRAVATED ASSAULT

THE LAW OF ASSAULT

IN TEXAS



AN ASSAULT OCCURS WHEN A PERPETRATOR:



Tex. Penal Code § 22.01

1
Intentionally, Knowingly, or Recklessly Causes Another:



BODILY INJURY

OR

2
Intentionally or Knowingly, Threatens or Causes Another Fear of Imminent:



BODILY INJURY OR DEATH

OR

3
Intentionally or Knowingly Causes Physical Contact to Another:

When the perpetrator knew or should have reasonably believed that the person would regard the contact as **offensive** or **provocative**.

AN AGGRAVATED ASSAULT OCCURS WHEN A PERPETRATOR:



Tex. Penal Code § 22.02

1
Intentionally, Knowingly, or Recklessly Causes Another:



SERIOUS BODILY INJURY

OR

2
Uses or Exhibits a Deadly Weapon During an Assault.



OR

3
While in a Motor Vehicle, Knowingly Discharges a Firearm at a Habitation, Building or Vehicle, Causing Another:



SERIOUS BODILY INJURY



DO I HAVE TO RETREAT?

NO LEGAL DUTY TO RETREAT!



“I shall never surrender or retreat.”
William Travis, Commander of the Alamo
February 24, 1836

■ The words “Stand Your Ground” are not found in the Texas Penal Code. “Stand Your Ground” is the popular name for a legal doctrine referred to in the law as “No Duty to Retreat.” If you qualify under the statute, a prosecutor or law enforcement officer cannot argue that you had a reasonable “escape route” or that you had to “fall back” before justifiably using force or deadly force.

★ **TEXAS** ★
LAW PROVIDES

NO RETREAT
IS LEGALLY NECESSARY

IF ALL FOUR OF THE
FOLLOWING ARE MET:



Your use of deadly force is justified under the law;



You have a legal right to be at the location where deadly force is used;



You did not provoke the person against whom deadly force was used; and



You were not engaged in criminal activity at the time deadly force was used.



Tex. Penal Code §§ 9.31(e) and 9.32(c)

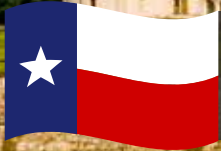
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THE CASTLE DOCTRINE

USE OF DEADLY FORCE UNDER THE CASTLE DOCTRINE



The words “Castle Doctrine” are not found in the Texas Penal Code. The “Castle Doctrine” is the popular name for a legal philosophy that every person, as the “King” or “Queen” of their own home, never has to flee the castle before using deadly force against an intruder. The Texas version of the Castle Doctrine can be found in **Tex. Penal Code § 9.32**.

WHEN DO I GET THE PROTECTION OF THE “CASTLE DOCTRINE”?

IF

You reasonably believe deadly force is immediately necessary to use against:

someone who has forcefully and unlawfully entered, or is attempting to enter, your occupied...

OR

someone who has forcefully and unlawfully removed, or is attempting to remove, you from your occupied...



Tex. Penal Code § 9.32



HABITATION



VEHICLE



PLACE OF BUSINESS/EMPLOYMENT

THEN



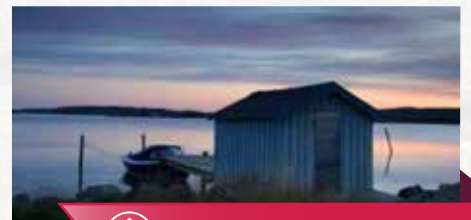
Texas law gives you the legal presumption that your belief that deadly force was immediately necessary is reasonable and justified.

! IMPORTANT NOTE

Under Texas law, a habitation is limited to a structure or vehicle that allows for overnight accommodation of persons; therefore, other structures NOT ATTACHED to the habitation (e.g., unattached sheds, barns, boat houses, etc.) are not covered under the Castle Doctrine, although they may be covered and protected elsewhere in the law.



Tex. Penal Code § 30.01(1)



NOT A HABITATION!



WHERE AM I LEGALLY ALLOWED TO CARRY?



LOCATION	WITH LTC		WITHOUT LTC	
	Concealed	Open	Concealed	Open
Owner's premises; or premises under a person's control.	✓	✓	✓	✓
Owner's motor vehicle or watercraft; or motor vehicle watercraft under a person's control.	✓	✓*	✓	✗
Public places (not licensed to sell alcohol) that do not have posted a TPC 30.06 sign prohibiting concealed carry, or a TPC 30.07 sign prohibiting open carry.	✓	✓*	✗	✗
Established place of religious worship, including churches and synagogues, that do not have posted a TPC 30.06 sign prohibiting open carry, or a TPC 30.07 sign prohibiting open carry.	✓	✓*	✗	✗
Grocery store or convenience store that sells alcohol or liquor store.	✓	✓*	✗	✗
A business receiving 51% or more of its income from serving alcohol for consumption on premises.	✗	✗	✗	✗
On another person's property without consent, where there is a TPC 30.06 or TPC 30.07 sign prohibiting handguns (or a TPC 30.05 "No Trespassing" sign) posted.	✗	✗	✗	✗
Elementary or secondary school premises (not including parking lots, sidewalks and walkways outside of buildings) or school-sponsored events without written authorization.	✗	✗	✗	✗
Premises of an institution of higher education where a TPC 30.06 sign is not posted.	✓	✗	✗	✗
Polling place on election day, including during early voting.	✗	✗	✗	✗
The premises or office of a court, without permission.	✗	✗	✗	✗
Secure area of an airport (inside the metal detectors).	✗	✗	✗	✗
Correctional or civil commitment facility.	✗	✗	✗	✗
Hospital or nursing home, amusement park, or meeting of a governmental entity where a TPC 30.06 sign prohibiting concealed carry, or TPC 30.07 sign prohibiting open carry is not posted.	✓	✓*	✗	✗
Premises of a pari-mutuel race track: horse or dog racing.	✗	✗	✗	✗
Professional sporting event.	✗	✗	✗	✗
National park (outside buildings and facilities), state park, and state forest.	✓	✓*	✗	✗
U.S. Post Office, V.A. Hospital, or other place not permitted by federal law, including parking lots and sidewalks.	✗	✗	✗	✗
Employee parking lots.	Generally YES, however, some employers are lawfully allowed to exclude all firearms. See Texas Labor Code §52.061-.062 for details. (e.g., secured petrochemical plants, etc.)			

* Partially or wholly visible handgun must be carried in a shoulder or belt holster.



LEGAL SIGNAGE FOR GUN OWNERS

WHERE YOU CAN AND CAN'T CARRY



LEGALLY EFFECTIVE SIGNAGE IN TEXAS

Tex. Penal Code §§ 30.06 & 30.07 establish strict requirements for signs to give legally effective notice to exclude LTC holders who are carrying in Texas in places not otherwise governed by statute. If an establishment sells alcohol by the drink and receives 51% or more of its income from alcohol sales, it must display a 51% sign to legally give notice to LTC holders.

HANDGUNS PROHIBITED

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.

CONFORME A LA SECCIÓN 30.06 DEL CÓDIGO PENAL (TRASPASAR PORTANDO ARMAS DE FUEGO) PERSONAS CON LICENCIA BAJO DEL SUB-CAPITULO H, CAPITULO 411, CODIGO DE GOBIERNO (LEY DE PORTAR ARMAS), NO DEBEN ENTRAR A ESTA PROPIEDAD PORTANDO UN ARMA DE FUEGO.

- NOTICE -

IT IS UNLAWFUL FOR A PERSON TO CARRY A HANDGUN ON THIS PREMISE, INCLUDING A PERSON LICENSED UNDER SUBCHAPTER H, CH. 411, GOVERNMENT CODE

HANDGUNS PROHIBITED

PURSUANT TO SECTION 30.07, PENAL CODE (TRESPASS BY LICENSE HOLDER WITH AN OPENLY CARRIED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A HANDGUN THAT IS CARRIED OPENLY.

CONFORME A LA SECCIÓN 30.07 DEL CÓDIGO PENAL (TRASPASAR PORTANDO ARMAS DE FUEGO) PERSONAS CON LICENCIA BAJO DEL SUB-CAPITULO H, CAPITULO 411, CODIGO DE GOBIERNO (LEY DE PORTAR ARMAS), NO DEBEN ENTRAR A ESTA PROPIEDAD PORTANDO UN ARMA DE FUEGO.



NO NOTICE UNDER TEXAS LAW

Non-conforming signs such as these do not provide effective legal notice under Texas law.



DOES NOT APPLY TO LTC HOLDERS

A business that sells alcoholic beverages must conspicuously display a sign that states: the unlicensed possession of a weapon on the premises is a felony. This sign is referring to Tex. Penal Code § 46.02(c) and applies to handguns, but not handguns carried by LTC holders.

NOTICE
The unlicensed possession of a weapon on these premises is a felony with a maximum penalty of 10 years imprisonment and a fine not to exceed \$10,000.

Texas Alcoholic Beverage Commission
P.O. Box 13127 - Austin, Texas 78711-3127
TOLL FREE 1-888-THE-TABC



CIVIL LIABILITY

YOU'RE NOT OUT OF THE WOODS YET

TWO INDEPENDENT LEGAL SYSTEMS

CRIMINAL SYSTEM



THE STATE
vs.
YOU

Seeking
to Deprive Freedom



CIVIL SYSTEM

ANOTHER
vs.
YOU



Seeking
Monetary Compensation



§ THE LAW

If you have used legally justified force or deadly force, the law protecting you from civil liability is contained in Texas Civil Practice and Remedies Code § 83.001.

“CIVIL IMMUNITY. A defendant who uses force or deadly force that is justified under Chapter 9, Penal Code, is immune from civil liability for personal injury or death that results from the defendant’s use of force or deadly force, as applicable.”

⊘ WHAT IT'S NOT

It is a common misconception that if you have used justified force or deadly force that Tex. Civ. Prac. & Rem. Code § 83.001 provides complete protection or “immunity” from the entire civil legal system. It does not. This statute has some serious legal limitations. It is **NOT** an immunity from people suing you. You can still get sued, you will still have to go through the court system and process before your affirmative defense of “immunity” will be heard. Furthermore, the statute provides no immunity at all for property damage.

In addition, if the criminal justice system has not made a determination of your justification for the use of deadly force, the issue will have to be decided by a civil trial judge and/or jury. Thus, the necessity for this determination of justification will force you deeper into the civil law system.

*Note to
Texas Law Shield Members:*
**All of Your Attorneys’
Fees are Covered for Both the
Criminal and Civil Systems.**



**WE DEFEND YOUR
RIGHT TO BEAR ARMS**

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TRAVEL AND FIREARMS

IF YOU ARE NOT IN TEXAS



YOU ARE LEAVING TEXAS

Texas and Texans are unique in this world. As you might expect, gun laws in Texas are also unique. Our state's firearms laws, in some manners, are more restrictive than other states by comparison. In other circumstances, Texas laws are less restrictive. If travel plans take you beyond the borders of the Lone Star State, and you wish to continue exercising your 2nd Amendment rights in one of the other states in the Union, familiarize yourself with that state's laws! When you are in another state, you are subject to that state's laws. There is no standardization of gun laws within the 50 individual states (not to mention Native American Reservations and Lands). Even states that are thought of as "gun friendly" can have peculiar quirks in their firearms laws. For example:

OKLAHOMA

Oklahoma prohibits the concealed or open carry of any handgun larger than .45 caliber.

NEW MEXICO

New Mexico prohibits carrying more than one concealed handgun on your person at a time but allows the open carrying of multiple firearms on your person or in the vehicle.

LOUISIANA

Louisiana law allows churches, synagogues, and mosques to permit the licensed carry of concealed handguns only after the authority figure of the place of worship has made such an announcement to the congregation and the person seeking to carry has completed an additional 8 hours of firearm tactical training.



EACH STATE HAS DIFFERENT GUN LAWS

The firearms laws of the various states are usually found on that state's chief law enforcement department, attorney general, or department of justice website. If you are traveling to or through a state that does not honor a Texas license, it is imperative that you check the laws of that state concerning legally traveling with a firearm. In states that do not recognize a Texas license, a good general rule when traveling is to unload, lock, and stow your firearm in a locked trunk or other area that is not accessible to the driver. Take the time to know the law!

Notwithstanding any other provision of any law or any rule or regulation of a state or any political subdivision thereof, any person who is not otherwise prohibited by this chapter from transporting, shipping, or receiving a firearm shall be entitled to transport a firearm for any lawful purpose from any place where he may lawfully possess and carry such firearm to any other place where he may lawfully possess and carry such firearm if, during such transportation the firearm is unloaded, and neither the firearm nor any ammunition being transported is readily accessible or is directly accessible from the passenger compartment of such transporting vehicle: provided, that in the case of a vehicle without a compartment separate from the driver's compartment the firearm or ammunition shall be contained in a locked container other than the glove compartment or console. 18 U.S.C. § 926A.





LEGAL DEFENSE
FOR
SELF DEFENSE

WHAT IS TEXAS LAWSHIELD?

The Texas LawShield Legal Defense Program is a program dedicated to preserving the Constitutional rights of self-preservation for all persons in Texas and ensuring legal representation for our members who have to use a firearm or other legal weapon. In addition, a cornerstone of our program is education in self-defense law. An informed citizenry is essential to preserve our country's rich heritage and all of our rights.

UNDERSTANDING YOUR BOOKLET

This booklet is a guide to when you may or may not use deadly force in the State of Texas; it demystifies the criminal process, attempts to explain some otherwise murky legal concepts, and most importantly, helps you identify when you may use deadly force to defend yourself, others, or property. Prepared by a team of lawyers and industry experts, this book is the result of extensive legal research and real-world experience dealing with the system. It was written by lawyers who work in this area on a daily basis, who have extensive experience with firearms and the law relating to firearms. This wealth of knowledge has been distilled into this booklet, which provides concepts and rules of law in a simple and understandable format.

With that said, this book is not a substitute for a lawyer. Many volumes of books have been written on these topics, and one could spend many lifetimes studying these complex issues of law. As such, we have attempted to condense these points into a digestible format that can be read within a reasonable timeframe, but there are complex nuances in the laws that are not all covered. This booklet is not all-encompassing. This booklet is instead an aid, a starting foundation, helping you with the first steps of your journey to understand the legal system and laws pertaining to the use of deadly force.

Any of the information in this manual is solely a general legal discussion of the law of Texas and should not be considered as giving legal advice, nor creating an attorney-client relationship. This manual is not a substitute for legal advice on any particular situation. Your situation may be different, so contact an attorney regarding your personal circumstances. Only a licensed attorney may give you legal advice.

*Please call our office for more information at 877-448-6839
TexasLawShield.com*

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