

ORDER OF THE COMMISSIONERS COURT OF ANGELINA COUNTY, TEXAS PROHIBITING WEAPONS FROM BEING BROUGHT INTO THE COURTHOUSE, COURTHOUSE ANNEX, JUSTICE COURTS, JUVENILE JUSTICE CENTER AND COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT, INCLUDING HANDGUNS POSSESSED BY A HANDGUN LICENSEE, WHETHER CONCEALED OR OPENLY CARRIED, EXCEPTING LICENSED PEACE OFFICERS OR OTHERS EXPRESSLY AUTHORIZED TO CARRY A GUN IN COURTS OR COURT OFFICES BY STATUTE; PROVIDING FOR THE ERECTION OF SIGNS; AND PROVIDING FOR ERECTION OF SIGNS AT CORRECTIONAL FACILITIES

### INTRODUCTION

**This Commissioners Court supports the right of handgun license holders to carry handguns. However, those involved in the judicial process also have a right to safety and security.**

### RECITALS

**WHEREAS**, the Texas Legislature passed a law making it unlawful for local governments to exclude persons carrying a handgun from government buildings if they have a handgun license. An exception is that a licensee may not carry a handgun onto the premises of a court or offices utilized by the courts;<sup>1</sup>

**WHEREAS**, there has been significant confusion over application of the law. Some have taken the position that the handgun prohibition only applies to an actual courtroom or court office and not the premises of the building in which they are housed. In other words some have taken the position that a licensee is free to enter the building with a handgun, walk through shared halls, common areas, stairwells, etc., as long as the licensee does not enter an actual courtroom or actual court office. However, this view disregards the fact that hallways, common areas, stairwells, elevators, and restrooms are used by the persons involved in the judicial process, including judges, jurors, witnesses, parties, prosecutors, attorneys, and judicial personnel. Indeed, beyond the use for ingress and egress; jurors, witnesses, and parties often wait or are sent out to wait in the halls and common areas. Likewise, it would be impossible to hold judicial proceedings without access to restrooms being available. This view also does not have a conclusive basis in law;

**WHEREAS**, the District Courts, County Courts at Law, County Courts, and Justice Courts have been consulted and have issued orders finding areas essential to the operations of their courts. These areas include the hallways, common areas, stairwells, elevators, and restrooms in

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<sup>1</sup>Section 46.03, Penal Code (“on the premises of any government court or offices utilized by the court”).

“Premises” means “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.”

the Angelina County Courthouse, Courthouse Annex, Justice Courts, Community Supervision and Corrections Department, and the Juvenile Justice Center. These buildings are hereinafter referred to as “the Affected Buildings” these Orders are attached hereto as Attachment “A” and are incorporated by reference herein;

**WHEREAS**, divorce cases child custody disputes, criminal cases, mental cases, business or land disputes, and even traffic or code citations, are often emotionally charged. Once in the building with a handgun, nothing stops a person from coming into contact with judges, judicial officers, jurors, witnesses, prosecutors, attorneys, etc. in common areas, stairwells, hallways, etc. Furthermore, once that entry occurs, in order to keep some semblance of security, a security officer would have to be pulled from his or her regular duties to follow the person around to make sure that the person does not attempt to enter a courtroom or court offices. However, at that point a great deal of the benefit of having a security checkpoint at the entrance to the Courthouse is already lost, as the individual is already walking through the common areas of the building—just like the judges, attorneys, prosecutors, parties, witnesses, jurors etc. Furthermore, if the individual does try to enter a courtroom or court-related office, or confront a witness, party, prosecutor, judge, etc.—the officer’s response, which could include the use of force if the person refuses commands, is taking place in the middle of the Courthouse. The same is true of establishing separately manned security checkpoints at each courtroom or court office. The risks are greater in buildings housing judicial functions because of the emotions involved in court proceedings. The fact that the vast majority of handgun license holders are good people will be of little consolation to the family of a judge, court reporter, attorney, party, witness or juror killed when an exception to that rule occurs;

**WHEREAS**, in addition, the hallways and common areas of the Courthouse are routinely filled with people charged with criminal conduct and their associates, and persons involved in family law or other emotionally charged disputes. This increases the likelihood of a person being disarmed and the weapon being used for a violent purpose;

**WHEREAS**, the premises of the Angelina County Courthouse is almost exclusively devoted to courts and offices utilized by the courts. The Courthouse Annex has a courtroom that is used for hearing certain court cases, Commissioner’s Court meetings, as well as other posted public meetings, and as a polling place while early voting is in progress;

**WHEREAS**, based on the findings of the courts attached hereto, knowledge of the general day-to-day activities in the Affected Buildings, knowledge of the layout of the Affected Buildings, and common sense – the hallways, common areas, stairwells, elevators and restrooms in the Affected Buildings are integral to the courts and court offices identified by the courts, and essential to the operations of the courts; and the safety of the judiciary and others involved in the judicial process cannot be adequately protected without prohibiting weapons

(including handguns carried by handgun license holders) from being brought into the Affected Buildings by other than licensed peace officers and persons otherwise expressly authorized by statute to carry a weapon on the premises of a court or court offices.

**NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF ANGELINA COUNTY, TEXAS THAT:**

1. The foregoing recitals are incorporated herein and made findings of this Commissioners Court;
2. Persons other than licensed peace officers or persons otherwise expressly authorized by statute to carry a weapon on the premises of a court or court offices are prohibited from bringing weapons into an Affected Building (as defined above). This prohibition shall also apply to handguns carried or possessed by a person having a handgun license or permit, whether the handgun is concealed or openly carried;
3. Signs be erected at the entrances to the Affected Buildings giving notice under Sections 46.03 of the Texas Penal Code with regard to prohibiting firearms in court rooms and offices utilized by the courts;
4. That signs be erected in such a manner that they can be readily put up and taken down at the Courthouse Annex giving notice under Section 46.03 of the Texas Penal Code with regard to prohibiting firearms in part of the Courthouse Annex used as a polling place while early voting is in progress or being used as a courtroom;
5. Signs be erected in such a manner that they can be readily put up and taken down at the Courthouse Annex giving notice as provided by 30.06 and 30.07 of the Texas Penal Code that handguns are prohibited during meetings of the Angelina County Commissioner's Court and at other public meetings that require posting;
6. Signs be erected at County Correctional Facilities, including at the Juvenile Justice Detention Center, giving notice under Sections 38.11 and 46.035 of the Texas Penal Code;
7. Expenditures for the signage and signage installation are hereby approved.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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Wes Suiter  
County Judge

Attest:

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County Clerk


**JOINT ORDER OF THE 159<sup>TH</sup> AND 217<sup>TH</sup> DISTRICT COURTS  
OF ANGELINA COUNTY, TEXAS FINDING AREAS ESSENTIAL TO  
OPERATIONS OF THEIR COURTS**

The 159<sup>TH</sup> AND 217<sup>TH</sup> District Courts of Angelina County, Texas hereby find that the following are essential to the operations of their Courts:

- All District Courtrooms;
- All Judge's Chambers;
- All Jury rooms;
- Court Administrators' offices;
- All offices related to administration of the courts;
- Indigent Defense Office;
- Attorney consultation rooms;
- Law Library;
- Angelina County Courts Collection Department;
- Break room used for storage of forms, pick-up boxes for bondsmen and others, and consultation;
- Restrooms (which are used by jurors, parties and attorneys);
- All hallways, stairwells, elevators, or common areas in the Angelina County Courthouse used to access any of the foregoing, and used for waiting areas for jurors, witnesses and parties.
- All offices of the Angelina County Community Supervision and Corrections Department, including hallways, common areas and restrooms.
- All offices of the Juvenile Probation Department, including hallways, common areas and restrooms.
- All buildings and appurtenant secure enclosures, including grounds, which constitute part of the secure part of the secure detention facility and secure correctional facility used for juveniles or other individuals held in custody.

As part of these findings it is found that the hallways, common areas, stairwells, elevators and restrooms are all used by jurors, witnesses, attorneys, prosecutors, parties and judicial personnel. Use of these areas is integral and necessary to the operations of our courts. In addition, jurors, parties and witnesses often wait or are required to wait in hallways and common areas.

Entered this 26<sup>th</sup> day of January, 2016.



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**Judge Paul White**  
159<sup>th</sup> District Judge



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**Robert K. Inselmann, Jr.**  
217<sup>th</sup> District Judge