

Texans 18 to 20 years old may now legally carry handguns in public

BY: WALLACE DUNN, DIRECTOR, LTC/CHL

A federal judge ruled earlier this year that a state law banning young adults from publicly carrying handguns is **unconstitutional**. The state no longer plans to appeal that ruling.

On the Texas DPS website FAQ page about the handgun licensing process, you will find the following question and answer:

Question: Can an individual who is between the ages of 18 to 20 years old apply for a License to Carry (LTC)?

Answer: A federal district court has ruled the Department can no longer apply the License to Carry statutory eligibility criteria that prohibit otherwise eligible 18 to 20 year olds from obtaining the license. Firearms Policy Coalition, Inc., et. Al., v. Steven McCraw, et. al., No. 4:21-cv-1245-P. The Department will therefore no longer deny applications solely on the basis that the applicants are 18 to 20 years old.

Furthermore, the Texas Department of Public Safety issued a memorandum to all Peace Officers in the State of Texas, stating that a charge of Unlawful Carry Weapons based solely on age would no longer be enforceable in the State of Texas.

**DEPARTMENT OF PUBLIC SAFETY INTEROFFICE
MEMORANDUM TO: All Commissioned Officers**

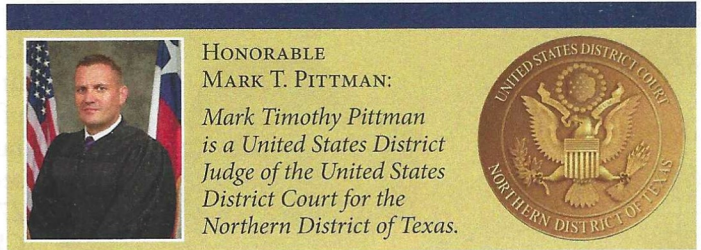
From: Office of General Counsel

Date: January 23, 2023

SUBJECT: Texas Penal Code Section 46.02

Texas Penal Code § 46.02(a)(1)(2)(A) – Unlawful Carrying Weapons, states that an offense arises if a person younger than 21 years of age carries a handgun on or about his or her person. In *Firearms Policy Coalition, Inc. et. al., v. Steven McCraw, et. al.*, No. 4:21-cv-1245-P, United States District Judge Mark T. Pittman issued an order enjoining the department and all its officers, agents, and employees from enforcing this provision of the Texas Penal Code against 18-to 20-year-olds based solely on their age.

The District Court ruling was appealed to the Fifth Circuit Court of Appeals and the District Court order was stayed



pending that appeal. The appeal has been dismissed and the injunction issued by Judge Pittman is now in effect. **As a result of the injunction, Commissioned Officers may not enforce Texas Penal Code § 46.02(a)(1)(2)(A) against 18-to-20-year-olds based on age. This directive has immediate and permanent effect unless countermanded by the Office of General Counsel through your chain of command.**

McKinney Firearms Training says,

Anyone, at any age, carrying a handgun in public, may be subject to both criminal and civil penalties for any injuries incurred in a shooting event. It is your responsibility to ensure that you have **proper training** to mitigate any legal culpability.