

THE STATE OF TEXAS
COUNTY OF CORYELL

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IN THE COMMISSIONERS' COURT
OF
CORYELL COUNTY, TEXAS

CORYELL COUNTY ORDER NO. 2016-01

CARRY HANDGUN ORDER

ORDER OF THE COMMISSIONERS' COURT OF CORYELL COUNTY, TEXAS PROHIBITING WEAPONS FROM BEING BROUGHT INTO THE COURTHOUSE, COURTHOUSE ANNEX, JUSTICE CENTERS, COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT, JUVENILE PROBATION AND SUPERVISION 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 AND PROVIDING FOR THE ERECTION OF SIGNS.

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 court offices;¹ and,

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 foyers, hallways, common areas, stairwells, elevators, restrooms, Judge's chambers are used by the persons involved in the judicial process, including judges, jurors, witnesses, parties, prosecutors, attorneys, and judicial personnel and are areas integral and necessary to the operations of the Coryell County Court at Law and District Courts and Justice Courts trying judicial cases in Coryell County, Texas. 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; and

¹Section 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."

**CORYELL COUNTY ORDER NO. 2016-01
CARRY HANDGUN POLICY**

WHEREAS, the District Court, County Court at Law, and Precinct Justice Courts have been consulted and have issued orders finding areas essential to the operations of their courts. These areas include the foyers, hallways, common areas, stairwells, elevators, and restrooms in the Coryell County Courthouse, Coryell County Courthouse Annex, and Justice of the Peace premises. These Order(s) are attached hereto as Attachments “A” through “ C ” and are incorporated by reference herein; and

WHEREAS, divorce cases, child custody disputes, criminal 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 an entrance to the Courthouse would be 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 harmed or killed when an exception to that rule occurs; and

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 armed and the weapon being used for a violent purpose; and

WHEREAS, the premises of the Coryell County Courthouse, Annex premises housing the offices of the Community Supervision and Corrections Department and Juvenile Probation and Supervision Department, and the Justice of the Peace Centers including the Justice Courtroom in Copperas Cove are almost exclusively devoted to courts, court support offices and departments essential to the operations of the courts and in the case of the Justice Courtroom in Copperas Cove, is accessible upon entry into the building. The Southern end of the Coryell County 7th Street Annex in Gatesville has a courtroom which houses the Child Protective Service Court, the Attorney General Court, and other courts as required and is accessible immediately after entry into the building. These buildings are hereinafter referred to as “Affected Buildings;” and

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 layouts 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.

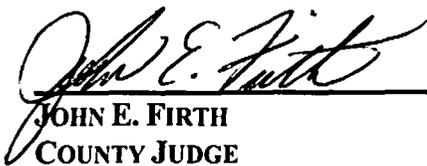
**NOW, THEREFORE BE IT ORDERED BY THE COMMISSIONERS' COURT
OF CORYELL COUNTY, TEXAS THAT:**

1. The foregoing recitals are incorporated herein and made findings of this Commissioners Court; and
2. Persons other than licensed peace officers or persons otherwise expressly authorized by statute to carry a weapon on the premises of a court, court offices, or support area necessary for the operations of the court 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; and
3. Signs be erected at the entrances to the Affected Buildings giving notice under Sections 46.03, 30.06 and 30.07 of the Texas Penal Code; and
4. Expenditures for the signage and signage installation are hereby approved.

PASSED this 8th day of February, 2016.

COUNTY OF CORYELL

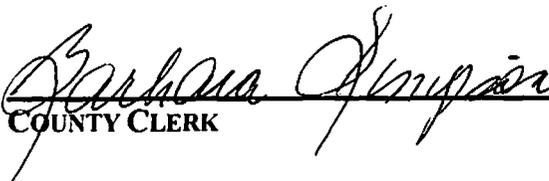
By:



JOHN E. FIRTH
COUNTY JUDGE



ATTEST:



BARBARA SIMPSON
COUNTY CLERK

ATTACHMENT "A"

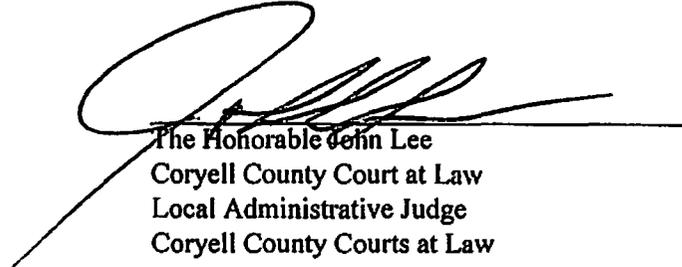
ORDER OF THE LOCAL ADMINISTRATIVE JUDGES OF THE CORYELL COUNTY
COURTS AT LAW AND DISTRICT COURTS FINDING AREAS ESSENTIAL TO THE
OPERATION OF THE COUNTY COURTS AT LAW AND DISTRICT COURTS TRYING
CRIMINAL AND JUVENILE CASES IN CORYELL COUNTY

The Local Administrative Judges of the Coryell County, Texas, hereby find that the following are essential to the operations of the Coryell County Courts at Law and District Courts trying criminal and juvenile cases in Coryell County, Texas:

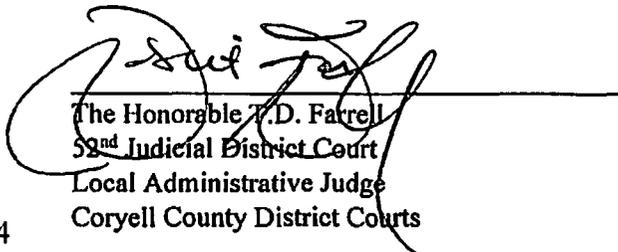
- All offices of the Coryell County Community Supervision and Corrections Department and Juvenile Probation and Supervision Department, including hallways, common areas, and restrooms.
- All Judge's chambers located at the offices of the Community Supervision and Corrections Department and Juvenile Probation and Supervision Department.
- All courtrooms located at the offices of the Community Supervision and Corrections Department and Juvenile Probation and Supervision Department.

Use of these areas is integral and necessary to the operations of the Coryell County Courts at Law and District Courts trying criminal and juvenile cases in Coryell County, Texas.

Entered this 29 day of January, 2016



The Honorable Jeff Lee
Coryell County Court at Law
Local Administrative Judge
Coryell County Courts at Law



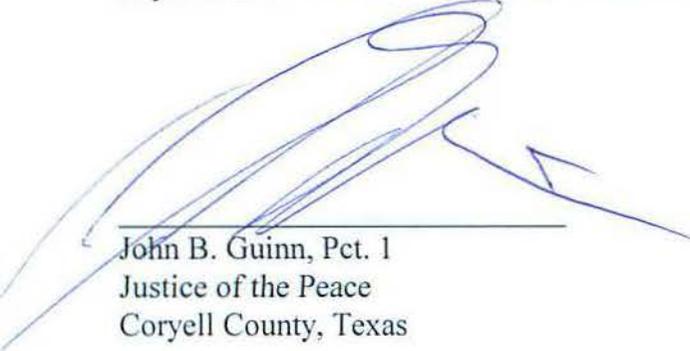
The Honorable T.D. Farrell
52nd Judicial District Court
Local Administrative Judge
Coryell County District Courts

**JOINT ORDER OF THE JUSTICES OF THE PEACE OF
PRECINCTS 1 & 2, CORYELL COUNTY, FINDING AREAS
ESSENTIAL TO OPERATIONS OF THEIR COURTS**

The Justices of the Peace of Precinct 1 & 2 of Coryell County, Texas hereby find that the following areas are essential to the operations of their Courts:

- JP Courtroom;
- Judges' Chambers;
- JP Court Clerk offices;
- JP Court Collections office;
- Restrooms (which are used by jurors, litigants, witnesses and attorneys);
- All hallways or common areas of the Coryell County Courthouse Annex in Copperas Cove, Texas, used to access any of the foregoing and used waiting areas for jurors, witnesses and court litigants.

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



John B. Guinn, Pct. 1
Justice of the Peace
Coryell County, Texas



F.W. Price, Pct. 2
Justice of the Peace
Coryell County, Texas

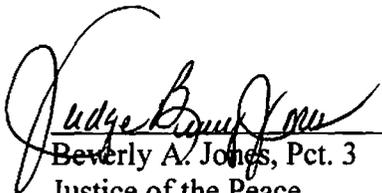
ATTACHMENT "C"

**JOINT ORDER OF THE JUSTICES OF THE PEACE OF
PRECINCTS 3 & 4, CORYELL COUNTY, FINDING AREAS
ESSENTIAL TO OPERATIONS OF THEIR COURTS**

The Justices of the Peace of Precinct 3 & 4 of Coryell County, Texas hereby find that the following areas are essential to the operations of their Courts:

- JP Court Room;
- Judges' Chambers;
- JP Court Clerk Officers;
- Restrooms (which are utilized by court employees, jurors, litigants, witnesses and attorneys);
- All hallways or common areas of 508 Leon Gatesville, Texas used to access any of the foregoing and used waiting areas for jurors, witnesses and court litigants.

As part of these findings, it is found that the hallways, common areas, and restroom are used by jurors, witnesses, attorneys, prosecutors, litigants, and court personnel. Use of these areas is integral and necessary to operations of courts. In addition, jurors, litigants, and witnesses wait or are required to wait in the hallways and common areas.



Beverly A. Jones, Pct. 3
Justice of the Peace
Coryell County, Texas



Coy R. Latham, Pct. 4
Justice of the Peace
Coryell County, Texas