



# Abilene Police Department Operating Procedures

Subject:

*License to Carry*

Issued:

07/30/2021

TBP:

Number:

**D-32**

## **Purpose**

Persons lawfully carrying firearms under Texas law should not be unnecessarily hindered in the exercise of that privilege. Officers shall be familiar with the applicable laws and policies regarding the carrying of firearms.

## **Policy**

Any detention of a person for carrying a handgun shall be in accordance with Texas Penal Code §46.02, Unlawful Carrying of Weapons. Detentions should last only long enough for the person to produce a valid license to carry or to show some other exception to the violation. Failure to produce a valid license or to show an exception may be cause for arrest. The decision on whether to detain under §46.02 should be based on the totality of the circumstances. Detentions should never be used to harass or when the officer has information that discounts reasonable suspicion.

Persons found in violation of criminal trespass related to firearms possession may be arrested if statutorily appropriate written notice is present. If such written notice is not present and the carrying of a firearm is not otherwise illegal, verbal notice conveyed by a person with legal standing should be given to the holder of the firearm and the holder given a reasonable opportunity to leave before arrest made.

Disarming of persons lawfully carrying firearms should only occur consistent with state law where an officer reasonably believes it necessary for the protection of the license holder, officer, or another individual. License holders may also be disarmed when entering the secure portions of a law enforcement facility.

Persons possessing firearms may be subject to arrest under Texas law for disorderly conduct. The mere possession of a firearm does not constitute disorderly conduct. If the person possessing a firearm displays the firearm (or other deadly weapon) in a public place in a manner calculated to alarm, it is unlawful. Manner can be determined based on factors including: time of day, location, method of display, muzzle direction, method of carry and response by other citizens. The actions of the person in possession should be significant and of such a nature as to clearly lead to a breach of the peace.