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OPINION COMMITTEE



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HOUSE COMMITTEE ON
CRIMINAL JURISPRUDENCE

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May 24, 2016

RQ-0109-KP

The Honorable Ken Paxton
Attorney General of Texas
Post Office Box 12548
Austin, Texas 78711-2540

Dear Attorney General Paxton:

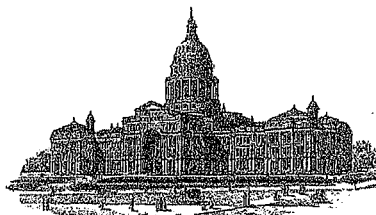
This inquiry relates to S.B. 11 passed by the 84th Texas Legislature and commonly referred to as the "Campus Carry" law. This request for opinion deals only with public junior and community colleges.

In your opinion letter dated December 21, 2015 to Senator Birdwell (Opinion No. KP0051), you stated, in part:

The carrying of concealed handguns in certain types of classrooms may pose heightened safety concerns such that the regulation of concealed handguns is authorized under S.B. 11. As an example, some institutions of higher education have grade school classrooms on their campuses. Given that the Legislature has made it a criminal offense to carry a firearm on the physical premises of such a school, rules regulating the carrying of concealed handguns in such grade school classrooms would be consistent with the Legislative's intent. *See* Tex. Penal Code 46.03(a)(1).

Many junior and community colleges have Early College High Schools ("ECHS") and dual credit students on campus. Both programs involve minors taking courses on college campuses. These student populations number several thousand minors on junior/community college campuses. In addition to giving a "leg up" to many high school students who otherwise may not be able to attend or afford college, ECHS and dual credit programs are growing and can be expected to flourish in response to HB 5, HB 505, and the 60x30 Initiative of the Texas Higher Education Coordinating Board ("THECB"), which is supported by Governor Abbott.

The 60x30 Initiative proposes to have 60 percent of Texans between the ages of 25 and 34 to earn a certificate or postsecondary credential by 2030.



The purpose of the initiative is to encourage a competent workforce that positions Texas as a leader in the rapidly expanding global economy.

While Early College High Schools are sometimes housed in separate buildings on the college campuses, many ECHS students are fully integrated within existing college courses and have full access to all college classrooms and campus facilities including the college library, fitness center, writing and other specialized labs. This integration makes it practically impossible to limit their physical access to College buildings, service areas and classrooms. In short, dual credit students attend classes in campus classrooms along with college students. After all, this is a major part of the ECHS design, which is to foster a college-going culture among students who may otherwise not be prepared socially and academically for college.

Beyond ECHS and dual credit programs, junior/community colleges offer many programs for grade school children; for example, College for Kids and summer camps. These programs serve thousands of children between 3rd and 8th grades, and are equally important to inspire and motivate children to be intellectually curious and explore a variety of academic and career interests at an early age. Independent school districts ("ISDs") also partner with junior/community colleges to utilize facilities for special events such as Summer Bridge Programs, fun days, TexPrep, TRIO, campus tours and tournaments, as well as swim classes and competitions. Some junior/community college campuses have childcare centers. The children in these centers are all over the campus and are not typically housed in one area. Childcare centers have additional and unique concerns beyond those previously mentioned.

With this background, I respectfully request an opinion concerning the questions set forth below:

Question 1: Can a junior/community college prohibit handguns in the classrooms on the college campus, if minor children may attend classes in any or all of the classrooms on that campus?

Question 2: May handguns be prohibited during special programs where minors will be present and in all areas where minors are expected to appear?

Question 3: For programs that take place over several weeks and are directed at minors (e.g. College for Kids), may handguns be prohibited in all areas where minors may congregate?

Question 4: May handguns be prohibited on campuses which offer childcare centers?

Thank you for your attention to this matter.

Sincerely,



Abel Herrero, Chairman
House Committee on Criminal Jurisprudence