

On this the 4th day of September, 2003, the Commissioners' Court of Galveston County, Texas convened in a regularly scheduled meeting with the following members thereof present:

James D. Yarbrough, County Judge;
Eddie Barr, Commissioner, Precinct No. 1;
Eddie Janek, Commissioner, Precinct No. 2;
Stephen D. Holmes, Commissioner, Precinct No. 3;
Kenneth Clark, Commissioner, Precinct No. 4; and
Mary Ann Daigle, County Clerk

when the following proceedings, among others, were had, to-wit:

<p>An Order Banning the Carrying of Handguns Within the Premises of Various County Owned and Leased Buildings, Parks and other Facilities</p>
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Whereas, the following premises contain offices and Courtrooms utilized by the County's various Courts where each Court's duly elected Judges and Officials conduct business:

District Courts

10th Judicial District Court
56th Judicial District Court
122nd Judicial District Court
212th Judicial District Court
306 Judicial District Court
405th Judicial District Court
Galveston County Courthouse
722 Moody
Galveston, Texas 77550

Justice of the Peace Courts

Precinct 1
Sam Popovich Annex
1922 Sealy
Galveston, TX 77550

Precinct 2
Sam Popovich Annex
1922 Sealy
Galveston, TX 77550

Precinct 3
Johnny Henderson Building
203 Vauthier
La Marque, TX 77568

Precinct 4
West County Building
11730 Hwy. 6
Santa Fe, TX 77510

County Courts

County Court at Law #1
County Court at Law #2
County Court at Law #3
Probate and County Court
Galveston County Courthouse/Annex
722 Moody
Galveston, TX 77550

Precinct 8-1
League City Annex
174 Calder Road
League City, Texas 77573

Precinct 7
4500 10th Avenue B
Bacliff, TX 77518

Precinct 8-2
607 South Friendswood Drive
Galveston, TX 77550

Precinct 9
Crystal Beach Building
1750 Hwy. 87 - Noble Carl Rd.

Crystal Beach, TX 77650

**Precinct 5
Texas City Building
2516 Texas Avenue
Texas City, TX 77590**

Commissioners' Court

**Galveston County Courthouse
722 Moody
Galveston, TX 77550**

**Ray Holbrook Building
601 Tremont
Galveston, TX 77550**

**League City Annex
174 Calder Road
League City, TX 77573**

**Texas City Building
2516 Texas Avenue
Texas City, TX 77590; and**

**West County Building
11730 Highway 6
Santa Fe, TX 77510; and**

**Jerry J. Esmond Juvenile Detention Center
6101 Attwater
Texas City, Texas 77539**

Whereas, Judges, Court personnel, Commissioners' Court personnel, and individuals using the various District, County, and Justice of the Peace Courts have advised the Commissioners' Court that the Judges and Court personnel, including Commissioners' Court personnel continually utilize common areas of the buildings where jurors are summoned, the hallways where witnesses wait to be called to testify, the elevators and stairways. In addition, Judges, Court personnel and prosecutors travel to and from the various Courts, the District and County Clerk's offices and the Law Library; and

Whereas, likewise, each member of the Commissioners' Court utilizes the building that houses his office in a similar manner; and

Whereas, the Court finds that by such activity, the offices utilized by the various Courts extend outside the confines of the courtrooms and Judges' chambers and include such hallways, elevators, stairs and common areas within the various buildings that house the Courts or their offices; and

Whereas it is the opinion of the Commissioners' Court that the carrying of handguns onto such premises by the public should be prohibited; and

Whereas, it is the further opinion of the Commissioners' Court that a policy should also be adopted that prohibits all county employees, other than licensed peace officers, from carrying handguns on the premises of all County owned and leased buildings, parks and other facilities.

Now, Therefore, Be it Ordered by the Commissioners' Court of Galveston County as Follows:

1) That the District, County, and Justice of the Peace Courts and Commissioners' Courts and offices utilized by the Courts shall include all areas within the buildings listed above that house such Courts or their offices.

2) That each of the above Courts and the building which houses them is accorded the protection given to a "government court or offices utilized by the court" as authorized by V.T.C.A., Penal Code, §46.03.

3) That this resolution shall not be construed so as to prevent the various Courts from utilizing additional offices located in any building not expressly mentioned above.

4) That all individuals who work in, utilize or visit these offices, Courtrooms or the buildings which house them are placed on notice that a person commits a violation of Texas Penal Code §46.03 if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, illegal knife, club or prohibited weapon listed in Texas Penal Code § 46.05(a), in any of the above-mentioned Government Courts, offices utilized by the Courts, or building which house them.

5) That in order to maintain a safe, peaceful and orderly atmosphere in the abovementioned buildings which house the Courts of this County, and in the best interest of the County and its citizens, no person or county employee shall be allowed to carry a concealed handgun on the premises of the above mentioned Courts, regardless of whether that person is licensed to carry a concealed handgun under Subchapter H, Chapter 411, of the Texas Government Code.

6) That in addition to the state law ban of concealed handguns in the Courts and offices utilized by those courts, the Commissioners' Court hereby bans the carrying of concealed handguns by its employees in all other County premises, parks and other facilities owned or leased by the County while such employees are on the premises during normal working hours or at such other times they are in the course of their employment. The definition of "premises" in this Order shall be as set out in Texas Penal Code § 46.035.

7) That all actions taken in this order are considered by the Court to be reasonably necessary and appropriate for the accomplishment of the legitimate objective of maintaining a safe, peaceful, and orderly atmosphere on County premises.

8) That notices shall be posted by the Facilities Manager at all above mentioned buildings which house government courts or offices utilized by those courts as specified above. Failure to post such notice shall not be deemed a defense to prosecution under Texas Penal Code, §46.03 or §46.035.

9) That notice to the employees shall be posted by the Facilities Manager, the Road Administrator, the Adult Probation Department Director, the Juvenile Probation Department Director and the Parks Director at all other County owned or leased buildings, facilities and parks at either the entrance to the facility, the break room or such other common area in which such employees customarily gather or congregate for lunch, instructions or breaks.

10) That by passage of this Order, the Court also gives notice to all individuals that in circumstances in which a violation of Texas Penal Code §§ 46.03 or §46.035 occurs, the Commissioners' Court will request the violator be prosecuted to the fullest extent possible.

11) That it is not a defense to such a violation that the actor possessed a handgun and was licensed to carry a concealed handgun under Subchapter H, Chapter 411, of the Texas Government Code.

12) That this Order does not apply to:

a) "peace officers" as such term is defined in V.T.C.A., Penal Code §1.07 unless such peace officer(s) are a plaintiff, a defendant or otherwise actively participating or emotionally involved in an civil trial or criminal trial or proceeding (e.g. a witness or a parent of a child or the sibling of a person involved in such a trial or proceeding);

b) any individual who has a valid defense as set out in Texas Penal Code §§46.03, 46.035, or Subchapter H, Chapter 411, of the Texas Government Code.

13) That if any provision, section, sentence, clause or phrase of this Order, or if the application of same to any person, or set of circumstances is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Order or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the Commissioners' Court of Galveston County that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason or unconstitutionality, voidness or invalidity or any other portion hereof, and all provisions of this Order are declared to be severable for that purpose.

14) That this Order take effect immediately and that all orders, parts of orders, or resolutions in conflict herewith are expressly repealed.

15) That copies of this Order be given to the Criminal District Attorney, the Sheriff, the Constables, the Facilities Manager, and the Director of Parks in order that they might implement enforce and prosecute in accordance with this Order.

Upon Motion Duly Made and Seconded, the above **Order** was unanimously passed on this 4th day of September, 2003.

County of Galveston, Texas

By: _____
James D. Yarbrough
County Judge

Attest:

Mary Ann Daigle
County Clerk

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