

ORDER OF THE COMMISSIONERS COURT OF MONTAGUE COUNTY, TEXAS
PROHIBITING WEAPONS FROM BEING BROUGHT INTO THE COURTHOUSE OR
COURTHOUSE ANNEX, 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; PROVIDING FOR THE ERECTION OF SIGNS; AND
PROVIDING FOR ERECTION OF SIGNS AT CORRECTIONAL FACILITIES

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 offices utilized by the court;¹

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 hallways, common areas, stairwells, elevators, and restrooms are used by the persons involved in the judicial process, including judges, jurors, witnesses, parties, prosecutors, attorneys, and judicial personnel. 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;

WHEREAS, the District Court, County Court, and Justice Courts have been consulted and have issued orders finding areas essential to the operations of their courts. These areas include the hallways, common areas, stairwells, elevators, and restrooms in the Montague County Courthouse and Courthouse Annex. These Orders are attached hereto as Attachment "A" and are incorporated by reference herein;

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

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."

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 the entrance to the Courthouse is 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 killed when an exception to that rule occurs;

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 disarmed and the weapon being used for a violent purpose;

WHEREAS, the premises of the Montague County Courthouse and Courthouse Annex is almost exclusively devoted to courts and court offices. The Montague County Courthouse and Courthouse Annex has courtrooms that are used for impaneling juries, hearing certain docket matters, and cases requiring a larger courtroom. The District Clerk's Office is located in the Montague County Courthouse², and CPS Court, AG Court and JP Court is held in the Montague County Courthouse. Juvenile Probation offices are housed in the Montague County Courthouse. The Courthouse Annex houses the County Court. The County Clerk's office is located in the Courthouse Annex. Montague County Adult Probation is located in the Courthouse Annex. These buildings are hereinafter referred to as "Affected Buildings;" and

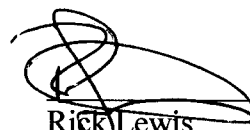
WHEREAS, based on the findings of the courts attached hereto, knowledge of the general day-to-day activities in the Affected Buildings, knowledge of the layouts of the Affected Buildings, and common sense- the hallways, common areas, stairwells, elevators and restrooms in the Affected Buildings are integral 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.

² The district clerk is the "court clerk" for the district courts. "[T]he duties of the district clerk are virtually entirely judicial" 36 Tex. Prac., County And Special District Law § 22.29 (2d ed.).

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF MONTAGUE COUNTY, TEXAS THAT:

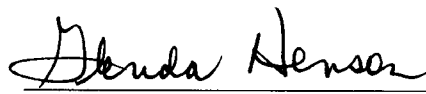
1. The foregoing recitals are incorporated herein and made findings of this Commissioners Court;
2. Persons other than licensed peace officers or persons otherwise expressly authorized by statute to carry a weapon on the premises of a court or court offices are prohibited from bringing weapons into an 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;
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.

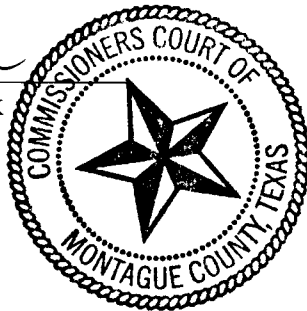
PASSED this 31st day of December, 2015.


Rick Lewis
County Judge



Attest:


County Clerk or Deputy Clerk



ATTACHMENT "A"

ORDER OF THE DISTRICT JUDGE OF MONTAGUE COUNTY, TEXAS
FINDING AREAS ESSENTIAL TO OPERATIONS OF THEIR COURTS

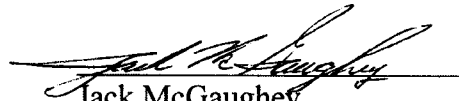
The District Judge of Montague County, Texas hereby finds that the following are essential to the operations of their Courts:

- All District Courtrooms;
- All Judge's Chambers;
- All Jury rooms;
- Grand Jury Room;
- Court Administrators' offices;
- All offices related to administration of the courts;
- Attorney consultation rooms;
- Restrooms (which are used by jurors, parties, witnesses, and attorneys);
- District Clerk's Office;
- Justice of the Peace Courtroom (Which are used by AG and CPS Courts);
- Juvenile Probation office;
- County Courtroom (Courthouse Annex);
- Adult Probation (Courthouse Annex);
- All hallways, stairwells, elevators, or common areas in the Montague County Courthouse or the Courthouse Annex used to access any of the foregoing, or used as a waiting area for parties, witnesses or jurors.

In addition, the Judge of the 97th District Court find that the foyer, entryways, hallways and restrooms of the Montague County Jail and Sheriff's office are essential to the operation of the District Court.

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

Entered this 28th day of December, 2015.


Jack McGaughey
Judge 97th District Court

**ORDER OF THE COUNTY JUDGE OF MONTAGUE COUNTY, TEXAS
FINDING AREAS ESSENTIAL TO OPERATIONS OF THEIR COURTS**

The County Judge of Montague County, Texas hereby finds that the following are essential to the operations of their Courts:

- All County Court Courtrooms;
- All Judge's Chambers;
- All Jury rooms;
- Court Administrators' offices;
- All offices related to administration of the courts;
- Adult Probation;
- County Clerk;
- Treasure's office;
- County Auditor's office;
- Juvenile Probation (Montague County Courthouse);
- District Clerk (Montague County Courthouse);
- Attorney consultation rooms;
- Breakroom (Used for consultation);
- Restrooms (which are used by jurors, parties and attorneys);
- All hallways, stairwells, elevators, or common areas in the Montague County Courthouse Annex used to access any of the foregoing, and used for waiting areas for jurors, witnesses and parties.

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

Entered this 28th day of December, 2015.



Rick Lewis
County Judge

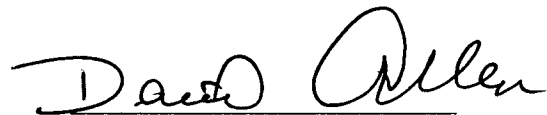
JOINT ORDER OF THE JUSTICES OF THE PEACE OF MONTAGUE COUNTY
FINDING AREAS ESSENTIAL TO OPERATIONS OF THEIR COURTS

The Justices of the Peace of Montague County hereby find that the following are essential to the operations of their Courts:

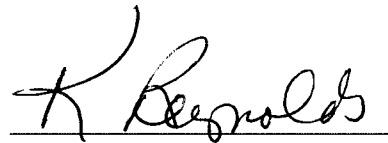
- JP Courtroom;
- Judges' Chambers;
- JP Court Clerk offices;
- JP Court Collections Office;
- Constables Office (Bailiff)
- Restrooms (which are used by jurors, parties and attorneys);
- All hallways or common areas of the Montague County Courthouse used to access any of the foregoing, and used for waiting areas for jurors, witnesses and parties.

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

Entered this 28th day of December, 2015.



David Allen
Justice of the Peace, Precinct 1



Karen Reynolds
Justice of the Peace, Precinct 2