HANDGUN USE AND SAFETY

USE OF RESTRAINT HOLSTERS AND METHODS TO ENSURE THE SECURE CARRYING OF OPENLY CARRIED HANDGUNS

Section 411.188, Texas Government Code

The following training information is being provided for individuals who hold a Texas License to Carry a Handgun (LTC), previously known as a CHL, and for new applicants. This training material is being added to the course outline for certified LTC Instructors and will be mandated as part of the classroom instruction effective for classes held beginning January 1, 2016.

HB 910 – Open Carry

- *Prior to January 1, 2016,* **Texas Penal Code Chapter 46** prohibits carrying the handgun in plain view. The handgun cannot be openly discernible through ordinary observation, regardless if carried in a shoulder or belt holster. License holders may be subject to criminal charges for carrying a handgun in plain view.
- *Effective January 1, 2016* **Texas Penal Code Chapter 46** will be amended. HB 910, passed by the 84th Texas Legislature, will allow persons licensed to carry a handgun, under Subchapter H, Chapter 411, Texas Government Code, to openly carry a handgun in the same places that allow the licensed carrying of a concealed handgun with some exceptions, provided the handgun is carried in a shoulder or belt holster.
  - Texas license holders can carry openly or concealed in any place not expressly prohibited by law.
  - License holders may be subject to criminal charges for carrying a handgun in plain view unless carried in a shoulder or belt holster.

Restraint of a Handgun

- A well restrained handgun
  - will generally not fall from the holster during movement or activity of the person.
  - is not easily removed by someone other than the person carrying the handgun.
  - is still readily available by the person carrying the handgun.

Holsters

- There are various types of holsters.
- Some holsters
  - only encompass a portion of the handgun.
  - encompass the entire handgun.
  - have a single means for restraining, while others have multiple means of restraining the handgun.

Holster Requirements

- Commonly asked question:
  - Are holsters required to have certain types of restraining devices for openly carried handguns?
    - Answer: No. Penal Code Chapter 46 requires unconcealed handguns, loaded or unloaded, to be carried in a shoulder or belt holster. The statute does not specifically address restraining devices.
- When considering what type of holster a person wants to use, licensees should ensure they have the right type of holster for the make and model carried to ensure proper operation.
- Licensees should carefully consider the type (level) of restraint they desire to carry and ensure they become proficient in drawing from the holster they select.

Examples of Holsters

Belt Holster

These pictures are provided as examples only. They do not represent the only types of shoulder or belt holsters described by Texas statute.

Shoulder Holster

The Texas Department of Public Safety does not endorse any type or manufacturer of holster.

Types of Restraint Devices

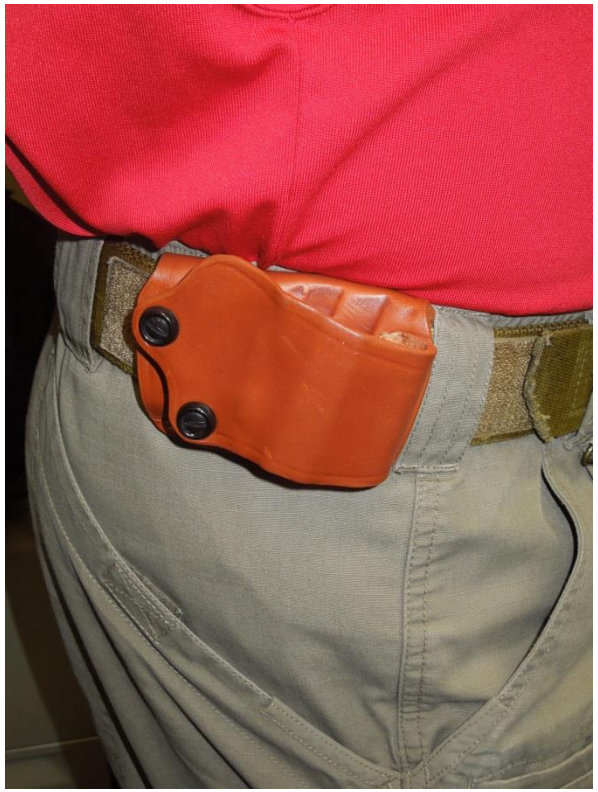
- Automatic
  - Handgun will automatically be restrained when it is placed into the holster.
- Manual
  - Person must manually restrain the handgun in the holster.

Whether the shoulder or belt holster is equipped with a restraint device or without, it is critical for the person carrying to be familiar with the holster and be able to safely operate any restraint devices.

Restraining Devices on Holsters

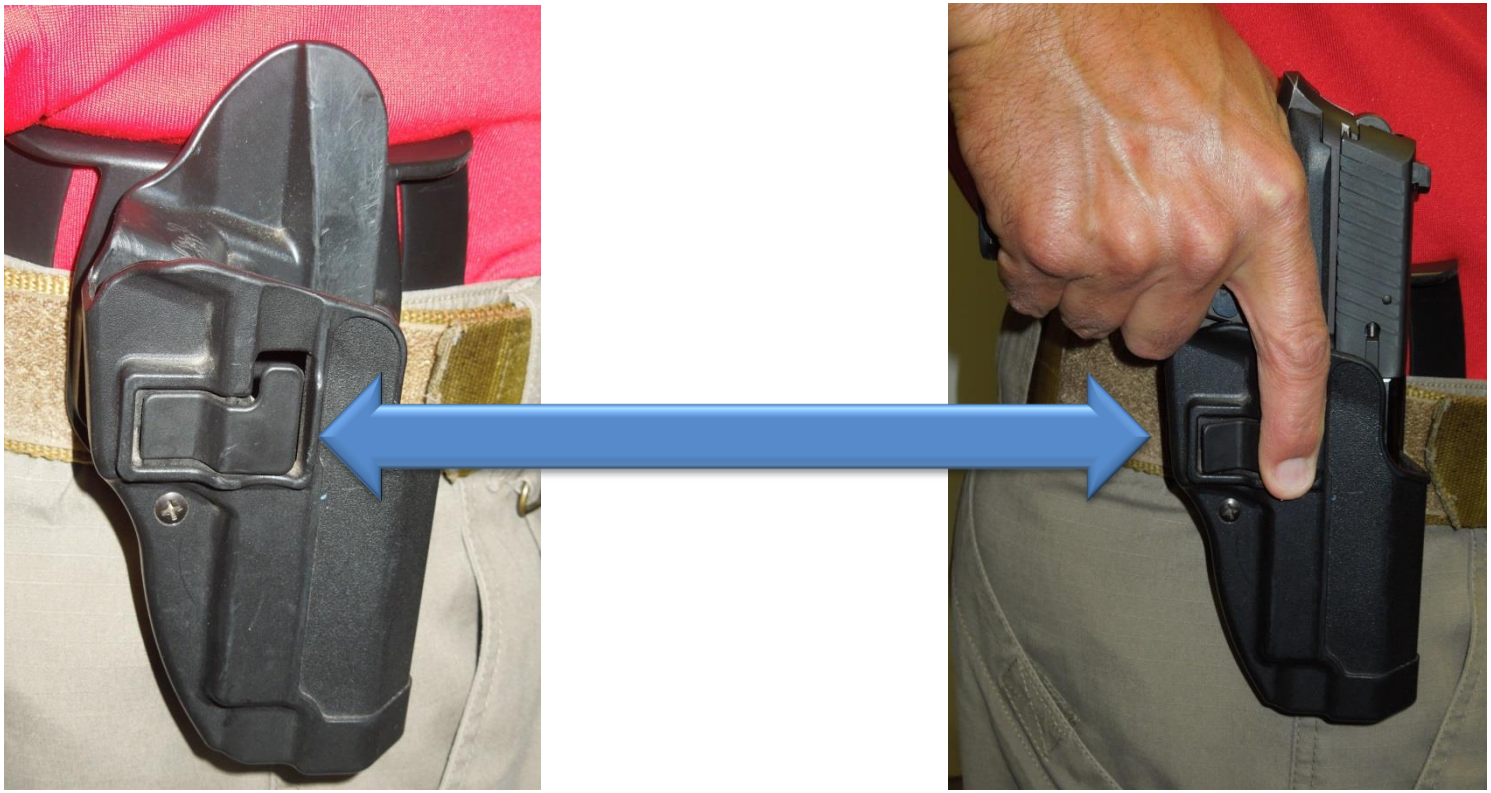
- Common terms related to securing a handgun in a holster include “retention level” or “restraints.”
- Holsters may be equipped with a retention device or restraint, or it may rely on friction and a tight fit to keep the handgun in place.
- Some examples of devices that can restrain a handgun are:
  - thumb strap
  - mechanical lock
  - adjustable tension

Holster with no Additional Restraint



This handgun is held in place in the holster by gravity and friction only.

Automatic Restraint



When the handgun is placed in this holster, the holster's automatic locking system will restrain the handgun. To release the handgun from the holster, the person must press the release device with the index finger for the handgun to be un-holstered.

Manual Restraint

To restrain the handgun in this holster, the person must manually snap the handgun into the holster. To release the handgun from this holster, the person must unsnap the thumb strap before the handgun can be un-holstered.

Combination

Some holsters are equipped with both an automatic and a manual restraint device.

When the handgun is placed in this holster, the device will automatically restrain the handgun. By pressing the thumb release forward, the handgun can then be un-holstered.

A flip up strap will further restrain this handgun in place. This is a manually activated device that restrains the handgun in the holster.