

Burnet County  
Courthouse Annex  
CHL Violations

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for AIR  
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J.D.

The Honorable Judge James Oakley  
Burnet County Judge  
Courthouse on the Square  
220 S. Pierce  
Burnet, Texas 78611

Your Honor:

This letter is to bring to your attention several violations of State Law at the Burnet County Annex. The signs that are posted near the front door concerning "Possession of a hand gun in this building" are illegal and should be removed immediately.

The 86<sup>th</sup> Legislature passed Texas House Bill 1791 and was signed by the Governor. In essence the law states that "Except as provided by Subsection (i), a state agency or a political subdivision of the state may not prohibit or attempt to prohibit a license holder who is carrying a handgun under the authority of this subchapter from entering or remaining on a premises or other place owned or leased by the governmental entity by taking any action, including an action consisting of the provision of notice by a communication described by Section 30.06 unless license holders are prohibited from carrying a handgun on the premise or other place by Section 46.03 or 46.035."

For years now, anyone who has attempted to enter the Annex for any reason has been subjected to personal search by both visual and magnetometer (metal detector) means. This has been the case whether the individual is going to the Texas Department of Transportation of Motor Vehicles for registration and or renewal of our vehicles, or anyone who needs to go to the rest rooms, drinking fountains or snack areas. I have been denied entry 2 times for having a 2.5 inch Buck pocket knife and my son has been denied entry for having an empty holster on his waist. These items have been identified by the Sheriff's deputy on duty as "Weapons" and not to be allowed on the premise. This is clearly outside the scope of the law.

It is understood that a law abiding person with or without a LTC (License To Carry) cannot enter the courtroom across the hall. That entry point to the courtroom is where the Kiosk, metal detector and deputy should be situated. NOT at the point of entry into the building. Just like the Capital Building in Austin, a person should be able to enter the building without being first searched.

In several cases this situation has been brought to the attention of the Texas Attorney General and the ruling has been that "when buildings house both courts and other governmental offices, state agencies and political subdivisions may prohibit armed concealed-handgun license holders from entering only

those portions of the premises occupied by courtrooms and offices used in the operation of the courts , but not the entire building.”

In summary, the signs that are displayed now concerning prohibited weapons need to be removed in their entirety. The Kiosk, metal detector, and deputy should be moved to the entry way of the courtroom and any signs pertaining to Prohibited Weapons, (Texas Penal Code 30.06 and 30.07) should be posted on or near the Kiosk. The rest of the building should be open to anyone who needs to come through the front or side doors.

One more thing Your Honor. Identifying a 2.5 inch Buck knife and a empty holster as Weapons is ludicrous. The simple fact of this is proof that the Sheriff's department needs training in this area. When I asked the deputy what part of the penal code was I violating, his answer was “I don't know”.

Your Honor, I want to thank you for your time and effort to consider these matters. I hope that these concerns can be corrected in a timely manner to the benefit of all Burnet County citizens as a whole.

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Thank You

  
Isaac N. Davis Jr  
13 August 2019