

RESOLUTION NO. 11-2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ADOPTING A WEAPON POLICY FOR THE MUNICIPAL COURT AND COURT OFFICES AND FOR CITY EMPLOYEES; AND DESIGNATING THE MUNICIPAL COURT BUILDING AS THE PREMISES OF A GOVERNMENT COURT OR OFFICES UTILIZED BY THE COURT FOR PURPOSES OF WEAPON POSSESSION.

WHEREAS, in the 84th Legislative Session, the Legislature adopted new regulations related to open and concealed, licensed handgun carry; and

WHEREAS, the City of Mesquite desires to comply with state law and properly implement these new regulations as they interface with many existing weapon and firearm regulations; and

WHEREAS, the City Council designates the Mesquite Municipal Court as a premise protected under Texas Penal Code Section 46.03(a)(3), which makes it an offense for a person to carry any weapon including, but not limited to, a firearm, on the premises of any government court or offices utilized by the court; and

WHEREAS, this resolution provides guidelines for Mesquite employees on applicable restrictions to be incorporated into the City of Mesquite General Government Policies and Procedures Manual; and

WHEREAS, Mesquite's business procedures for employees complies with Section 52.061 of the Texas Labor Code, which restricts public and private employers from prohibiting an employee who lawfully possesses a firearm to store the firearm in a locked, privately-owned motor vehicle in employee parking areas.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the City Council of the City of Mesquite, Texas, hereby adopts a Weapon Policy for the government court and court offices and for City of Mesquite ("City") employees to read as follows:

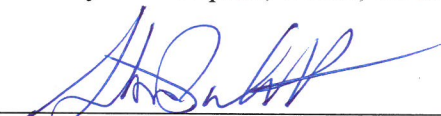
- I. *Court and Court Office Policy.*
 - A. Pursuant to Section 46.03(a)(3) of the Texas Penal Code, the City Council designates the Mesquite Municipal Court Building located at 211 Municipal Way, Mesquite, Texas 75149, as the premises of a government court and court offices. A person, except a licensed peace officer, is prohibited from carrying any weapon into the Mesquite Municipal Court Building.
 - B. For purposes of this policy, a weapon includes prohibited weapons defined by Section 46.05 of the Texas Penal Code and firearms, clubs and illegal knives as defined by Section 46.01 of the Texas Penal Code.

II. *Employee Policy.*

- A. For purposes of this employee policy: (i) a weapon includes prohibited weapons defined by Section 46.05 of the Texas Penal Code and firearms, clubs and illegal knives as defined by Section 46.01 of the Texas Penal Code; and (ii) firearms include concealed and open carry handguns.
- B. Unless specifically authorized by the City Manager in writing, no employee, other than a licensed peace officer, shall:
 - 1. Carry or possess a weapon including, without limitation, a firearm on City property; or
 - 2. Carry or possess a weapon including, without limitation, a firearm while on duty, while in a City vehicle or at any time while engaging in City-related business.
- C. Employees licensed by the State of Texas to carry a handgun or who otherwise lawfully possess a firearm, may store the firearm on a City parking lot or other City-provided parking area if the firearm is locked in the employee's personal vehicle.
- D. Employees who keep firearms in their personal vehicles pursuant to the foregoing section may use their personal vehicles while traveling to and from a location to conduct City-related business provided the firearm remains locked in the employee's personal vehicle at all times.
- E. Employees do not have an expectation of privacy regarding weapons on City property. The City retains the right to search for weapons on City property.


SECTION 2. That the foregoing Employee Policy shall be incorporated into the City of Mesquite General Government Policies and Procedures Manual.

DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 15th day of February, 2016.



Stan Pickett
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney