LEGAL UPDATES

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State Fair of Texas Has the Right to Ban Handguns on City Property

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Yesterday, September 26, 2024, the Supreme Court of Texas held that the State Fair of Texas, as a private entity, has the right to ban handguns on fairgrounds leased from the City of Dallas.

The State Fair of Texas, which is owned and operated by a private nonprofit organization, leases property from the City of Dallas to host its annual fair. After a shooting at the 2023 State Fair, the Fair announced a new policy banning guests from bringing handguns onto fairgrounds. In response, the Attorney General sued the State Fair and City of Dallas under Texas Government Code Chapter 411, which prohibits state agencies and political subdivisions from blocking licensed gun owners from carrying handguns on property owned or leased by a governmental entity. Specifically, the Attorney General argued that by leasing the property from the City, the State Fair "acts under authority of the City" and any action that the State Fair takes in using the property was delegated to it by the City. Because the City itself is not authorized to ban handguns on City property, the Attorney General argued that the State Fair could not lawfully ban handguns either.

The City and the State Fair both argued that while Chapter 411 prohibits the government from preventing licensed gun owners from carrying handguns on government property, it does not prohibit private entities that operate on City property from creating and enforcing their own policy when the City and Fair do not jointly operate the Fair and the City is not involved in the decision to ban handguns from the event.

Both the City and the State Fair cited a now-withdrawn 2016 legal opinion from Attorney General Paxton. In the 2016 opinion, the Attorney General determined that private entities could ban guns on property leased from the government if the government "has no control over the decision to post such notice" prohibiting the carrying of guns. Later that year, the Attorney General's

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office cited the 2016 opinion when it allowed the Fort Worth Zoo to post a notice banning firearms at its entrances. The Attorney General's office reasoned that although the Zoo leases land from the City of Fort Worth, the Zoo may post the notice because the Zoo, as a private entity, "possesses the exclusive right to post signage on the zoo premises," including signage banning handguns.

The Supreme Court upheld the District Court's decision denying the Attorney General's request for an injunction, preserving private entities' ability to ban handguns for events held on government-owned property without running afoul of Chapter 411. So long as the governmental entity merely provides government-owned property and does not operate or exercise control over the private event, private entities can rest assured they can create and enforce handgun bans for their private events.

What this means to you

Private entities that lease property from the government continue to have the right to enforce handgun bans at their private events.

Contact us

If you have any questions about handgun bans on property leased from the government, contact Kate David, Sandy Hellums-Gomez, Logan Leal, or your Husch Blackwell attorney.

Written with the assistance of Caroline Thompson, a fall clerk in the Husch Blackwell LLP Houston office.

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