



UCW Guide 2026

General Considerations for Patrol

- Primarily going to apply to motor vehicles. Motor vehicle as defined in TRC 541.201(11).
- Will only apply to a driver or the passenger if the passenger is the owner of the vehicle.
- Will typically only apply to handguns, not long guns. It will apply to long guns if the suspect is a felon, has a family violence conviction, or under a protective order/FV bond conditions.
- For pedestrians and occupants of vehicles, carrying in a holster is only required if the gun is openly carried.
- No holster is necessary if carrying concealed.
- Printing of a handgun, the outline of the firearm is visible through clothing, may be considered partially visible or exposed and no longer concealed. It will depend on your prosecutor's office how they interpret this.
- Texas peace officers and certain federal law enforcement officers, whether on or off duty, cannot be charged with UCW or PC 46.03 Places Weapons Prohibited. See PC 46.15(a)

PC 46.02 - Unlawful Carrying Weapons

Class A Misdemeanor unless otherwise noted.

(a)

- Illegal for a pedestrian to carry a handgun if under 18.
- An 18-year-old may constitutionally open carry in a holster or constitutionally concealed carry without a holster.
- Illegal for a driver or passenger in a vehicle under 18 to possess a handgun unless with a parent or guardian.
- Illegal for a pedestrian, that is not LTC, to carry a handgun within 5 years of the date of conviction for the following offenses. Not illegal if in a vehicle or directly en route to their vehicle.
 - ACBI
 - Deadly Conduct
 - Terroristic Threat
 - Disorderly Conduct – Discharge Firearm in a Public Place: or
 - Disorderly Conduct – Displaying Firearm/Deadly Weapon in Public Place Calculated to Alarm
- The language of the statute says under 21, but binding case law, *Firearms Policy Coalition, Inc. et. al., v. Steven McCraw, et. al.*, No. 4:21-cv-1245-P, prohibits the state from restricting 18-20 year-olds from carrying outside the home.

(a-1)

- Illegal for the driver, or passenger if he is the owner of a vehicle, to have a handgun in plain view if the handgun is not carried in a holster.
- Illegal for a driver, or passenger if he is the owner of the vehicle, to have a handgun in the vehicle and engaged in criminal activity other than a Class C violation regulating traffic.
 - Example: UCW if driver is DWI and has a handgun in the center console.
 - Example: UCW if driver has a meth pipe and a handgun under his seat.
 - Example: Not UCW if a drug dealer is selling drugs as a pedestrian on a street corner and is in possession of a handgun. It is UCW if the drug dealer is selling drugs from inside his vehicle.
- UCW does not apply to a passenger if he is not the owner of a vehicle.
 - Example: It is not UCW for a passenger to be in possession of marijuana and a handgun.
 - Example: It is not UCW for a backseat passenger to have a handgun in plain view.

(a-2) Definition of “premises” and “recreational vehicle”

(a-3) Definition of “watercraft”

(a-4) – Class C Misdemeanor

- Under 18 and carries a knife with a blade over 5 ½ inches and is not in a motor vehicle/watercraft owned or under the control of that person, on the way to a motor vehicle/watercraft owned or in control of that person, or on their private property.
- Under 18 can carry a knife with a blade over 5 ½ inches if in the presence of their parent or legal guardian.
 - Example: A 17-year-old pedestrian cannot carry a bowie knife to walk to the store.
 - Example: It is not illegal for a 17-year-old driver to drive to the store with a bowie knife in the vehicle. A passenger in this vehicle, could not possess a bowie knife if he doesn't own the vehicle.

(a-5)

- It is not illegal to openly carry a handgun if it is carried in a holster as you go about your normal day.
 - Example: May openly carry a handgun in a holster as you are shopping at the grocery store.
 - Example: A holster is not required if carrying concealed.
- It is illegal to carry a handgun and intentionally display the handgun in plain view of another person in a public place if it is not carried in a holster.
 - Example: Two people are arguing in a public place, and one raises up his shirt to show a handgun wedged in his waistband. This is UCW and possibly Aggravated Assault and/or Disorderly Conduct – Display Firearm. If the handgun is carried in a holster, it is not UCW but is still possibly Aggravated Assault and/or Disorderly Conduct – Display Firearm.
 - Example: After a minor collision, one driver exits his vehicle, is visibly upset, and has a handgun in his hand that he keeps pointed down at all times. He doesn't explicitly threaten the other driver and the other driver stated he didn't feel threatened. This is UCW.

(a-6)

- Cannot carry a handgun while intoxicated in a public place or on private property without express authorization. Exception if directly en route to his motor vehicle.
 - Example: Someone is intoxicated at an adult softball game and is carrying a handgun.
 - Example: Someone is intoxicated at McDonald's and is carrying a handgun.
 - Example: A pedestrian is intoxicated and carrying a handgun on the sidewalk of a bar district.
 - Example: Not illegal for a passenger in a car to be intoxicated and carrying/possessing a handgun IF the owner consented for the passenger to carry/possess the firearm in the vehicle.

(a-7)

- This section mirrors PC 46.04 – Unlawful Possession of Firearm (felons, FV convictions, and protective order/bond conditions for family violence)
 - Felony 2 if a felon in possession of a firearm. Minimum term of confinement is 5 years (This is a Felony 3 under 46.04)
 - Felony 3 if has a family violence conviction within the last 5 years or is within 5 years from his release from probation for family violence. (This is a Class A Misdemeanor under 46.04)

(a-8)

- This section says you can charge either UCW under (a-7) or PC 46.04 – Unlawful Possession of Firearm or you can charge both offenses. Charging UCW is recommended as the penalties are more severe.

PC 46.04 – Unlawful Possession of Firearm

(a-1) – Class A

- A gang member is prohibited from carrying or possessing a handgun in a motor vehicle or watercraft even if he is a passenger and doesn't own the vehicle. Long guns are not illegal to possess in a vehicle.
 - This statute may be hard to enforce but will depend on the circumstances. An officer must not only show the suspect is a gang member but also that he is continually engaged in criminal activity with other members of his gang (*Martin v. State*, 635 S.W.3d 672 (Tex. Crim. App. 2021)).
- A gang member is not prohibited from carrying a handgun outside a motor vehicle or watercraft.
 - Example: Being a documented gang member, by itself, does not prevent him from constitutionally carrying a handgun as a pedestrian.