

Gun Ownership & Concealed Handgun Liability

By Basil Housewright

Many people own guns and firearms of all types. Previously there were very restrictive laws in Texas about when and where you could be in possession of firearms or particular types of firearms. Recently Texas laws changed making the carrying of firearms or particular types of firearms unconcealed (open carry) and/or concealed more liberal. Your concealed handgun license and hunting or sporting firearm ownership come with a lot of responsibility and risks, including the risk of shooting someone accidentally or intentionally while protecting yourself or your family.

Typically your homeowner's insurance policy provides personal liability insurance coverage in case you are responsible for injuring someone or for damaging property belonging to others. If you are sued, the policy typically will pay the costs of hiring an attorney to defend you. If you are determined to be legally responsible for the injury or damage, the home insurance policy typically will pay the amount needed to settle the claim against you, subject to the limit of liability you purchased and shown on the information page (declarations page) of your home insurance policy.

However, the liability coverage on your homeowner's insurance policy typically comes with a number of exceptions (called exclusions). One exception typically excludes coverage for liability arising from an intentional act, such as shooting someone, even if the shooting is considered justified in the eyes of the law.

Also typically homeowner's insurance policies sold by many insurance companies contain an exception to the intentional acts exclusion. This exception typically states this exclusion does not apply to injury or damage resulting from "the use of reasonable force...to protect persons or property." You should read your own home insurance policy or ask your agent to determine if this exception is found in your particular home insurance policy.

You should not necessarily rest easy if your policy contains the "reasonable force" exception, because what may be "reasonable" to you may not be "reasonable" to the insurance company or to a judge or jury should the matter end up in court.

You may want to consider purchasing a special insurance policy designed for concealed weapon licensees and gun owners. Several state and national organizations, including the NRA and USCCA offer such policies. Also remember the best course of action is use good judgement and take extremely close care when handling or carrying firearms of any type. And make sure that firearms which you own or are in your possession are stored in a safe and secure location and/or device to assure no others can access and use them especially children.

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