One of the early justifications that was claimed for open carry in Texas was that a concealed carrier could be prosecuted for allowing a handgun to become visible in public. This included accidentally exposing the gun through the movement of clothing, such as a short shirt riding up, or the shape of the handgun becoming visible under clothing due to the tightness of the covering garment. The latter is known as imprinting, colloquially spoken of as "printing."

Specifically, Texas Penal Code section 46.035(a) stated that licensees committed a crime when they "intentionally fails to conceal the handgun in plain view of another person in a public place." The word choice of "intentionally fails" is an interesting one. If a person did nothing to conceal his handgun or keep it concealed, such as keeping a shirt tucked properly, that gross negligence to perform the duty to conceal could be interpreted as an intentional failure to conceal.

Cotton explained that the "intentional failure to conceal" clause was added to the license to carry bills because of concerns that unscrupulous prosecutors would charge citizens with carrying an unconcealed handgun if they unintentionally exposed their firearm, for example, if the wind blew open their jacket.[1] Also, with concealed carry being new, this section possibly helped take the teeth out of objections that careless licensees would frighten unarmed Texans unused to the new phenomena.

Prosecutions for 46.035 were exceptionally rare at only two examples I could find.[2] Rather than being an easy trap for someone who made a poor choice in dressing, it was a charge levied against persons who carelessly allowed their handguns to become visible. A few incidents that would be innocuous in other states are typified as a concealed carrier enters a business or other place and bends over, takes off a coat, or sits down, somehow exposing their gun. Frightened staff then calls the police because they can see someone with a gun and the person is arrested based on nothing more than an accident and a misunderstanding.

In my research, no lawful concealed carrier was ever successfully prosecuted for unintentionally allowing a gun to become visible. As many Texas instructors have explained, one must have deliberately gone out of their way to cause a "wardrobe malfunction" for the section to apply. Or, "This is nonsense perpetuated by gun store commandos and worthless CHL instructors,"[3] said one passionate gun forum member.

With no examples of imprinting to speak of an only a handful of anecdotally reported unintentionally exposure stories, it can safely be said that the "printing" fear was an unjustified one. Most likely, PC 46.035 was a measure to keep handguns hidden from unarmed citizens who might find an exposed or poorly covered gun unnerving. It must also be remembered that this section applied only to licensed concealed carriers so unlicensed individuals could not carry exposed or be prosecuted for this section if a gun they carried was seen, but rather a violation of unlawful carrying of a weapon.

In 2013, SB 299 was passed to clarify that this prohibition was to cover intentional acts of exposure. Ardent open carry supporters decried the bill as a halfway measure intended to derail open carry. The problem it sought to address could only be solved by passing open carry.

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[1] Cotton, Charles. "Episode #1, Open Carry, Virginia, NRA, and More." Texas Firearms Coalition Podcast. Undated. Posted online Feb. 20, 2016. https://www.texasfirearmscoalition.com/index.php/podcasts/118-episode-1-open-carry-virginia-nra-and-more

[2] Charles L. Cotton. "TSRA and open carry - Split from NRA and open carry." texaschlforum.com. Feb. 10, 2009.

[3] Bithabus. "Alright! SB 299 passed the house & senate. We are getting "imprinting" in Texas!!!!" Texas Gun Talk forums. Texasguntalk.com. May 7, 2013.

“This was their mantra for the last two legislative sessions and it fell on deaf ears,” said Cotton. “In fact, it diminished support for open-carry because it was recognized as a feeble attempt to create a 'need' for open-carry rather than a 'desire' for open-carry."[4]

Texas SB 299 changed the language to “intentionally displays the handgun in plain view of another person in a public place.” While the printing-as-justification-for-open-carry argument never held any water, this bill took away remaining steam it might have had. It also allowed the defensive display of a handgun when justified in self-defense due to concerns that courts interpreted the affirmative defense in statutes too narrowly.[5]

[4] Charles L. Cotton. "Open-Carry Discussions." texaschlforum.com. Feb. 17, 2013.
[5] Texas Legislative Update .July 3, 2013.