

## **New Arkansas Law Regarding Concealed Handguns on Church Property**

All Arkansas United Methodist congregations are encouraged to prohibit the carrying of handguns on church property. This is consistent with 2016 General Conference of the United Methodist Church Resolution 3428 "Our Call to End Gun Violence," which calls for measures to help end gun violence, including displaying signs that prohibit carrying guns onto church property.

### **Summary of Recent Changes in Arkansas Law**

Under previous law, if a congregation did not want to allow handguns on its property, it had to take affirmative steps to specifically allow them. Most Arkansas congregations took no action, thus effectively disallowing guns on church property. Under the new law, however, a church must take affirmative steps to disallow handguns on its property. In other words, even for those congregations who have always disallowed handguns on church property, affirmative steps are now required to keep the status quo.

The new law requires a congregation that chooses to prohibit concealed handguns on its property to do one or both of the following no later than September 1, 2017:

1. Signs
  - a. Place written notice at each entrance of the church
  - b. Each sign must be clearly readable from a distance of at least ten feet
  - c. Each sign must use the words, "carrying a handgun is prohibited."
2. Notice
  - a. Give written or verbal notice to concealed carry licensees that they are prohibited from possessing a concealed handgun at the physical location where a church meets.

### **Steps a Congregation Should Take to Prevent Handguns on Church Property**

1. Establish a local church policy prohibiting the carrying of handguns on church property.
  - a. The policy might include the language, a) "With the exception of on-duty municipal, county, state or federal law enforcement personnel, carrying a handgun on the property of \_\_\_\_\_ United Methodist Church is prohibited" and b) "Signs bearing the words 'carrying a handgun is prohibited' that are clearly readable from a distance of at least ten feet shall be posted at each entrance to church property" and c) "The fact that 'carrying a handgun is prohibited' on any church property will be set out on the church's website and weekly in the church bulletin."
  - b. Other language may be added if deemed necessary.
  - c. A sample resolution is attached
2. Post a sign at each church building entrance.
  - a. A simple picture prohibiting guns is not sufficient. The sign must use the words "carrying a handgun is prohibited" but can include other language if desired. For example, a church might choose to use a sign that says, 'Carrying a handgun is prohibited in this place of worship' or "For your safety, carrying a handgun is prohibited" or other similar language.
  - b. The sign itself may be designed to fit the general character of the building. There is no particular color or font requirement. A church may therefore choose to create signs that

match other external church signage. Remember that whatever the design, the sign must be clearly readable from at least ten feet away.

- c. For places without roadway entrances (like unoccupied land parcels) the notice may be placed anywhere on the premises, with additional notices posted within every three acres of the property.
3. Give verbal or written notice that handguns on church property are not allowed. For example a church might:
  - a. Print an ongoing notice in a newsletter, bulletin or website that "carrying a handgun is prohibited" on church property, or
  - b. Tell or write a letter to an individual known to possess concealed carry permits that "carrying a handgun is prohibited" on church property.
  - c. While the law allows notice to be accomplished through entrance signs or notice to all concealed carry licensees, since it is practically very difficult for many congregations to ensure that they have provided notice to all licensees who may be present at any church related event at any given time going forward, entrance signs that are expected to be regularly seen by all visitors and newcomers are recommended over providing other types of notice.
  - d. If signs are placed at each church entrance, additional notice is not required.

**Sample Church Resolution Prohibiting the Carrying of Handguns on Church Property**

**Whereas:** all Arkansas United Methodist congregations are encouraged to prohibit the carrying of handguns on church property consistent with 2016 General Conference of the United Methodist Church Resolution 3428 "Our Call to End Gun Violence;" and

**Whereas:** Arkansas law allows a church to determine whether a person may carry a concealed handgun into church buildings or other places of worship; and

**Whereas:** pursuant to Arkansas Act 859 of 2017, a church must either place a statutorily prescribed written notice at each church entrance or provide other notice to a person with a license to possess a concealed handgun in order to prohibit the possession of a handgun at a particular physical location; and

**Whereas:** the effective date of the Act is September 1 2017;

**Therefore:** we resolve that with the exception of on-duty municipal, county, state or federal law enforcement personnel, carrying a handgun on the property of United Methodist Church is prohibited.

**Therefore:** we further resolve that signs bearing at least the words "Carrying a handgun is prohibited" that are clearly readable from a distance of at least ten feet shall be posted at each entrance to church property and/or a notice bearing at least the words "Carrying a handgun is prohibited" on church grounds and facilities will be published in each week in the church bulletin and/or on the church's website on a continuing basis.

This resolution was passed by the \_\_\_\_\_ United Methodist Church Council/Administrative Board on this \_\_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
Chair

## Frequently Asked Questions about Changes to Arkansas Law Regarding Concealed Handguns

### ***How has the Arkansas Concealed Handguns law changed?***

Arkansas has had laws concerning concealed handguns for some time. Previously, a concealed handgun license did not permit a person to carry a handgun into a church or other place of worship unless the church took affirmative steps to allow handguns. Ark. Code Ann. § 5-73-306. Beginning September 1, 2017, the legislature changed the law to allow certain persons with additional training to carry a concealed handgun into a place of worship unless the church took affirmative steps to disallow handguns. In other words, if a church previously wanted to disallow all concealed handguns in a place of worship, no action was required. Now, if a church seeks to do so, it must take certain steps as described below.

### ***Under the new law, can people with a regular concealed handgun license carry a handgun onto church property?***

No, not unless the church takes specific steps to allow handguns. Ark. Code Ann. § 5-73-306.

### ***Under the new law, can people with an enhanced concealed carry license carry a handgun onto church property?***

Yes, unless the church takes specific steps to disallow handguns. Ark. Code Ann. § 5-73-306.

### ***Does any of this apply to law enforcement officers?***

Certified law enforcement officers, certain retired law enforcement officers and those serving or recently honorably discharged from U.S. Military, National Guard or Reserve forces, and some other persons specifically mentioned in the statute who have followed specified training and certification are except from this law. They may carry a concealed handgun in accordance with other means of their certification and training so this law does not apply to them. Ark. Code Ann. §§ 5-73-304 and 5-73-320.

### ***Our church wants to continue to disallow all persons with concealed handgun licenses in our church. What do we do?***

If a church wishes to prohibit all persons with concealed handgun permits from bringing a handgun into a place of worship, they can follow these steps:

1. Establish a local church policy prohibiting the carrying of handguns on church property.
  - a. The policy might include the language, a) "With the exception of those exempt from concealed handgun licensing requirements, carrying a handgun on the property of \_\_\_\_\_ United Methodist Church is prohibited" and b) "Signs bearing the words 'carrying a handgun is prohibited' that are clearly readable from a distance of at least ten feet shall be posted at each entrance to church property" and c) "The fact that 'carrying a handgun is prohibited' on any church property will be set out on the church's website and weekly in the church bulletin."
  - b. Other language may be added if deemed necessary.
  - c. A sample resolution is attached.
2. Post a sign at each church building entrance.

- a. A simple picture prohibiting guns is not sufficient. The sign must use the words "carrying a handgun is prohibited" but can include other language if desired. For example, a church might choose to use a sign that says, "Carrying a handgun is prohibited in this place of worship" or "For your safety, carrying a handgun is prohibited" or other similar language.
  - b. The sign itself may be designed to fit the general character of the building. There is no particular color or font requirement. A church may therefore choose to create signs that match other external church signage. Remember that whatever the design, the sign must be clearly readable from at least ten feet away.
  - c. For places without roadway entrances (like unoccupied land parcels) the notice may be placed anywhere on the premises, with additional notices posted within every three acres of the property.
3. Give verbal or written notice that handguns on church property are not allowed. For example a church might:
- a. Print an ongoing notice in a newsletter, bulletin or website that "carrying a handgun is prohibited" on church property, or
  - b. Tell or write a letter to an individual known to possess a concealed carry permit that "carrying a handgun is prohibited" on church property.
  - c. While the law allows notice to be accomplished through entrance signs or notice to all concealed carry licensees, since it is practically very difficult for many congregations to ensure that they have provided notice to all licensees who may be present at any church related event at any given time going forward, entrance signs that are expected to be regularly seen by all visitors and newcomers are recommended over providing other types of notice.
  - d. If signs are placed at each church entrance, additional notice is not required.

***Our church wants to allow only those with an enhanced concealed license in our church. What do we do?***

If a church elects to allow those with an enhanced concealed handgun license to bring handguns into a place of worship, but also wishes to prohibit those with a regular concealed handgun license from entry, it does not have to take any action since this is the "default" rule under current law. Ark. Code Ann. § 5-73-306.

***Our church wants to allow anyone with any type of concealed handgun license to bring a handgun into our place of worship. What do we do?***

If a church elects to allow all persons who are licensed to carry concealed handguns to bring a concealed handgun into its places of worship, it must take affirmative steps to do so through a clearly established local church policy. It should be clear that its permission to bring concealed handguns into its places of worship only pertains to those who are properly licensed and acting in accordance with Arkansas law.

***Does this law apply to other buildings on church property?***

The law specifically applies to "churches and places of worship" as well as other places "owned or operated by a private entity," which includes a church. Thus, church policies may be applied to include buildings other than a sanctuary. Ark. Code Ann. § 5-73-306.

***What about church parking lots?***

The law forbids some private employers from prohibiting its employees who are concealed handgun licensees from transporting or storing a legally owned handgun in a private motor vehicle in the private employer's parking lot, when the handgun is lawfully possessed, stored out of sight inside a locked private motor vehicle, and is stored inside a locked personal handgun storage container designed for the safe storage of a handgun. Ark. Code Ann. § 5-73-326. This rule does not apply to persons who are not employees, nor does it apply to churches and other places of worship, however. Ark. Code Ann. §§ 5-73-326(c)(1),(2)(A) and 5-73-306(19)(B)(ii). For these reasons, a church may prohibit handguns from its parking lots if it follows the necessary steps for notice set out above by placing appropriate signs at all parking lot entrances. A church could also choose to allow legally owned and properly stored handguns in private vehicles of concealed handgun licensees in its parking lots only, but not within the church's buildings, by posting appropriate signs on the church's buildings only.

***What is the church's legal liability if it does not prohibit concealed handguns?***

An entity that does not use its authority to prohibit a person from possessing a concealed handgun is immune from a claim for monetary damages arising from or related to the decision not to place the written notice required to disallow handguns at each entrance. See Ark. Code Ann. § 5-73-306.

***Who makes the specific rules regarding concealed handgun licenses?***

The Department of the Arkansas State Police is responsible for promulgating rules regarding concealed handgun licensure. For specific questions regarding types of training and licensure, consult the Arkansas State Police website at <http://asp.arkansas.gov/services-and-programs/detail/concealed-handgun-licensing>.