



Guns in the Pews? Churches Have the Right to Choose

Churches Can Choose

Since January 1, 2016, Texans with a license have been allowed to openly carry handguns. Under the law, churches in Texas may prevent handgun license holders from carrying handguns inside church buildings if the church gives proper notice. Each church may decide for itself whether to allow:

- 1) Both open and concealed carry of handguns
- 2) Concealed carry of handguns but not open carry
- 3) Open carry of handguns and not concealed carry
- 4) No handguns regardless of whether they are carried openly or concealed

A church does not need to take any action if it wishes to allow handgun license holders to conceal carry or open carry in church buildings. If permitting handgun license holders to conceal carry or open carry on church premises is a cause of concern to your church, Texas Penal Code Sections 30.06 and 30.07 provide clear rules for notifying handgun license holders that your church is a gun-free zone or concealed carry only.

Oral or Written Notice Required

To provide notice that a church prohibits either concealed carry or open carry, the church must provide either oral or written communication to gun license holders. Written communication may be done in one of two different ways. Either

churches may provide notice on a document that is handed out to all members and guests as they enter the building (e.g. a church bulletin or worship guide), or churches may post a sign on the property.

Must Use Exact Language

If the church chooses to notify license holders by posting a sign, the sign must be in both English and in Spanish, appear in contrasting colors with block letters at least one inch in height, and be displayed in a conspicuous manner clearly visible to the public. Regardless of whether a church chooses to provide notice through a document, sign, or both, the language for the written communication must be *identical* to the following:

To prohibit concealed carry:

*“Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.”**

To prohibit open carry:

“Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.”

If Your Policy Doesn't Apply to All

It is important to know that, in this context, church "premises" do not include a public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area. This means that even if a church provides notice through a written document or by posting a sign, handgun license holders may bring handguns onto church property, but not into church buildings.

*Note that the language required to provide 30.06 notice changed in 2016. Churches displaying signs providing 30.06 notice that we created prior to 2016 should update the language to reflect the changes required by law.

Churches should be aware that allowing some members to open or conceal carry while prohibiting other members from carrying, will likely increase church liability. It may also unintentionally create a security guard or body guard position according to the Texas Occupations Code. The Texas Occupations Code regulates the private security industry. Volunteers providing security services on behalf of a church may be exempt from the regulations of the Texas Occupations Code under certain circumstances.

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