

## Guns in the Pews? Churches Have the Right to Choose

### Churches Can Choose

Since September 1, 2021, Texans have been allowed to carry handguns openly or concealed, with or without a license to carry (LTC). Under the law, churches in Texas may prevent both unlicensed and LTC holders from carrying handguns inside church buildings if the church gives proper notice. Each church may decide for itself whether to allow:

- 1) Unlicensed carry
- 2) Open and concealed carry by LTC holders
- 3) Concealed carry by LTC holders but not open carry
- 4) Open carry by LTC holders but not concealed carry
- 5) No handguns regardless of whether they are carried openly or concealed and regardless of whether the gun owner has a LTC.

A church does not need to take any action if it wishes to allow both unlicensed and LTC holders to conceal carry or open carry in church buildings. If a church wishes to allow LTC holders to carry handguns, but does not wish to allow permitless carry, the church can provide written or verbal notice that handguns are not allowed on the premises. If a church wants to prohibit all open or concealed carry of handguns on the church premises, including open or concealed carry by LTC holders, Texas Penal Code Sections 30.06 and 30.07 provide clear rules for notifying handgun license holders that the church is a gun-free zone or open/concealed carry only.

### Oral or Written Notice Required

To provide notice that a church prohibits either concealed carry or open carry by LTC holders, the church must provide either oral or written communication in accordance with the law. Under Section 30.06 and 30.07, 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 LTC 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 by a LTC holder:

*“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 a LTC holder:

*“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.”*

It is important to know that, in this context, church “premises” does 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 under Section 30.06 or 30.07, a LTC holder may bring a handgun onto church property, but not inside a church building.

\*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.

## **Decision Should Apply to All**

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 bodyguard 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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