



Changes to Arkansas' Concealed Handgun Laws How Do the Changes Impact Churches

A number of changes concerning Arkansas' concealed handgun laws take effect September 1, 2017. Brotherhood Mutual is providing the following guidance regarding the changes that directly impact churches. However, we recommend consultation with locally licensed attorneys for more specific information.

The Current Arkansas Concealed Handgun Laws

Under Arkansas' current laws, individuals with concealed handgun licenses are not automatically allowed to carry concealed handguns into churches (or other places of worship). Instead, a licensee may only carry on church premises if the church has specifically given the licensee permission to do so. The current laws give churches authority to decide who can and cannot carry on their premises.

While the current laws prohibit the carrying of a concealed handgun into a school, community college, or university campus building or event, there is an exception for private K-12 schools operated by churches. The exception, applies only when the church and school are located on the same property and the church authorizes a licensee to carry in the church and the school.

The New Arkansas Concealed Handgun Laws – Effective September 1, 2017

Recently, the Arkansas State Legislature passed new legislation that creates an enhanced concealed carry endorsement for licensees who participate in an Arkansas State Police approved training course. Licensees with the enhanced concealed carry endorsement now will be allowed to carry on church premises without first obtaining the church's permission.

Churches will be able to prohibit licensees with the enhanced concealed carry endorsement from carrying on their premises if churches place written notices on their premises stating the prohibition. It is important to note that the written notice requirements are rather specific. Therefore, churches are encouraged to consult a local attorney regarding the content and placement of written notices.

It is understandable that some churches may not feel comfortable with the above notice option. If churches do not want to place these written notices on their premises, Arkansas' new laws provide an alternative notice option. Private entities, including churches, can provide written or verbal notice on an individual basis to a licensee carrying a concealed handgun that carrying on premises is prohibited. From a risk management perspective, if churches do decide to use this notice option, it would be beneficial to provide written notice, rather than verbal notice, when possible. Written documentation can be more easily used as evidence if a situation were to arise that required a church to show it previously told an individual that carrying on premises was prohibited. Additionally, written documentation is helpful for recordkeeping purposes.

For churches that decide not to prohibit individuals from carrying handguns on their premises, the Arkansas' new concealed handgun laws provide immunity from claims for monetary damages resulting from the decision to not place written notices on their premises.

While changes in concealed carry laws can be concerning, it is important to understand what impact the changes may have on your church. Some key points for churches to be aware of relative to Arkansas' new concealed carry laws are:

1. Licensees without the enhanced concealed carry endorsement are prohibited from carrying on church premises, unless they have permission from the church.
2. Licensees with the enhanced concealed carry endorsement are allowed to carry on church premises without first obtaining permission from the church.
3. Churches have the right to prohibit licensees with the enhanced concealed carry endorsement from carrying by providing proper notice in accordance with the law.
4. The new concealed handgun laws do not appear to change the exception to the prohibition of carrying concealed handguns in K-12 private schools operated by churches when specific requirements are met.

Insurance Coverage

Church leaders should understand that when their church allows individuals to carry firearms on premises, their Brotherhood Mutual insurance policy generally will cover claims made against the church by people injured on the church's premises by those firearms. If the church specifically directs individuals to carry firearms on its behalf (e. g. safety team members), there would be liability coverage available under the church's policy for claims of bodily injury and property damage made against those individuals if they used reasonable force and were acting on behalf of the church and within their delegated authority. However, individuals who use their firearms on the church's premises on their own authority (not a safety team member or otherwise authorized by the church) would not be covered by the church's policy.

Brotherhood Mutual also offers Security Operations Liability Coverage (BGL-993) and Traumatic Incident Response Coverage (BGL-991). These optional endorsements are specifically designed to address churches' safety and security liability exposures.

Risk Management Guidance

Brotherhood Mutual offers a number of safety and security risk management resources at www.brotherhoodmutual.com.

This article addresses general issues and principles. Nothing in this article should be understood to provide legal advice or create an attorney-client relationship. Readers are encouraged to consult with an attorney licensed in their jurisdiction to determine how locally applicable law applies to specific circumstances.