

Attorney General opinion clarifies rules on handguns and church security

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AUSTIN—Licensed handgun owners can pack pistols at church unless congregations post notice they are banned, according to a Dec. 21 opinion from Texas Attorney General Ken Paxton.

In his [written opinion](#), Paxton stated licensed handgun owners legally can carry loaded weapons into churches unless the congregations explicitly prohibit them.

“If a church decides to exclude the concealed or open carrying of handguns on the premises of church property, it may provide the requisite notice, thereby making it an offense for a license holder to carry a handgun on those premises,” Paxton wrote.

“However, churches may instead decide not to provide notice and to allow the carrying of handguns on their premises. Unless a church provides effective oral or written notice prohibiting the carrying of handguns on its property, a license holder may carry a handgun onto the premises of church property as the law allows.”

Churches that hold their worship services in leased or rented property may be subject to contractual agreements between the congregation and the property owner, he noted.

“Thus, to the extent a church operates on property other than its own, it should consult with the owner of the property to determine the extent to which it may prohibit or allow the carrying of handguns on the premises of

such property,” he wrote.

Kathryn Freeman, director of public policy for the Texas Baptist Christian Life Commission, noted churches that choose to ban weapons on their premises still are free to do so, but they need to post clearly visible signs in accordance with Texas Penal Code 30.06 and 30.07. For guidance on proper signage, click [here](#).

“Churches who have posted signs are not affected by this opinion,” Freeman said. “Every church has different needs, and whether to ban weapons remains a local church decision.”

Church security exempt from fees

Paxton also ruled churches that create volunteer security teams are exempt from state fees normally required of private institutions with their own security forces,

Texas lawmakers passed SB 2065, providing an exemption to the Private Security Act for volunteer church security teams, because some religious groups asserted the fees imposed a significant financial burden on small-membership congregations.

“The regulations of the Private Security Act, including the fees required thereunder, do not apply to Texas churches when providing volunteer security services” consistent with pertinent sections of the state’s Occupations Code, Paxton stated.

Paxton issued the opinion at the request of Lt. Gov. Dan Patrick, who sent [a letter](#) to the attorney general Dec. 1 seeking clarification regarding handguns on church property and a waiver of private security fees for churches.

Patrick asked the attorney general to expedite his responses “so that

churches may know what legal options they have to improve security” in the aftermath of the [Nov. 5 shooting](#) at First Baptist Church in Sutherland Springs.