

Concealed Carry Laws and Property Management

February, 2015



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Disclaimer: It is important to note this information is accurate as of February, 2016 and is subject to change. The information in this white paper does not constitute legal advice. This report is intended to provide general information and should not be relied upon as legal or regulatory guidance. Contact an attorney licensed in your state to confirm current information.

Background

With approximately one third of Americans possessing a gun in their household, and estimates of the number of guns in the hundreds of millions, the United States has the highest rate of civilian gun ownership in the world.

The prevalence of civilian gun ownership, as well as incidents of mass shootings, make the issue of gun ownership, and concealed carry of firearms, a hot-button issue nationwide. While many argue passionately on both sides of this issue, real estate managers may find themselves caught in the middle, trying to ensure the safety of their tenants, while staying in the bounds of concealed carry laws.

The Second Amendment of the United States Constitution states:

“A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.”

In the 1939 U.S. Supreme Court case *United States v. Miller*, the court determined that weapons that do not ensure the effectiveness of the military could be regulated by Congress. 70 years later, in a challenge to the constitutionality of gun control laws titled *District of Columbia v. Heller*, the U.S. Supreme Court arrived at a 5-4 decision which found the District of Columbia’s handgun ban as a violation of the Second Amendment, and set the precedent that the Second Amendment established the right for individuals to possess firearms. Also, in *McDonald v. City of Chicago*, the U.S. Supreme Court similarly found bans on guns unconstitutional.

Source: http://www.law.cornell.edu/wex/second_amendment

Types of Laws

As the courts strengthened the Second Amendment, state legislatures enacted laws enabling the concealed carry of firearms. On July 19th, 2013, Illinois became the final state to do so. According to the Crime Prevention Center, there are over 11 million Americans with concealed carry permits, a figure which has risen dramatically in recent years.

However, states’ authorizing legislation for concealed carry is not uniform, and there are different criteria throughout the country for obtaining a permit. Generally, there are four categories of permit regulation:

“Shall-issue,” which means authorities have limited discretion to reject an individual for a concealed carry permit based on the criteria provided in the application. In these states, the vast majority of applicants for concealed carry permits will be accepted, and being turned down usually involves an applicant with a felony conviction or history of mental illness.

“May-issue” states have wider discretion in who they can accept and reject for applications. These states require much more information from applicants, and can reject them based on careful judgment of personal character. In California, for example, applications can include in-person interviews and reviews of the applicant’s financial history.

“No-issue” indicates that the concealed carry of firearms is not permitted. Washington, DC is the only jurisdiction currently with this designation.

Finally, Alaska, Arizona, and Vermont are unrestricted, and thus require no permit to carry concealed weapons.

State/DC	May Issue	Shall Issue	Unrestricted	No Issue
Alabama		*		
Alaska			*	
Arizona			*	
Arkansas		*		
California	*			
Colorado		*		
Connecticut	*			
Delaware	*			
DC				*
Florida		*		
Georgia		*		
Hawaii	*			
Idaho		*		
Illinois		*		
Indiana		*		

Iowa		*		
Kansas		*		
Kentucky		*		
Louisiana		*		
Maine		*		
Maryland	*			
Massachusetts	*			
Michigan		*		
Minnesota		*		
Mississippi		*		
Missouri		*		
Montana		*		
Nebraska		*		
Nevada		*		
New Hampshire		*		
New Jersey	*			
New Mexico		*		
New York	*			
North Carolina		*		
North Dakota		*		
Ohio		*		
Oregon		*		
Pennsylvania		*		
Rhode Island	*			
South Carolina		*		
South Dakota		*		
Tennessee		*		

Texas		*		
Utah		*		
Vermont			*	
Virginia		*		
Washington		*		
West Virginia		*		
Wisconsin		*		
Wyoming		*		

Things to Think About

Signage

Currently, Arizona, Arkansas, Connecticut, Illinois, Kansas, Louisiana, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Wisconsin all have provisions in their concealed carry laws which allow private businesses to post approved signage which prohibit concealed carry in that business.

It is important to note that concealed carry laws, as well as signage designated an area a “gun-free zone,” do not apply to tenants in their personal spaces. For example, a tenant can carry a weapon inside their unit. Moreover, “gun-free zones” do not apply to parking lots, or vehicles. These are crucial considerations for property managers, as concealed carrying-tenants must pass through public areas between the parking lot and their unit, and thus will violate the ban.

If property managers are seeking to completely ban concealed weapons on their properties, they should consider revising their lease provisions to include such language, as clearly and specifically as possible. Most states have no regulations prohibiting landlords from banning firearms on their properties. A 2009 legal opinion from Tennessee Attorney General Bob Cooper poses the question: “Can a landlord prohibit tenants who possess valid handgun carry permits from possessing firearms in the apartment if the tenant has a permit issued by the State?” The opinion states: “A landlord can prohibit tenants, including those who hold handgun carry permits, from possessing firearms within leased premises. Such a prohibition may be imposed through a clause in the lease.” The opinion goes on to state that landlords who prohibit firearms through a lease are not required to post “gun-free” signs.

However, a landlord’s ability to ban tenants from carrying firearms is not perfectly consistent throughout the country, and some state’s exceptions make it all the more necessary for real estate

managers to stay abreast of specific laws. Minnesota statute, for example, states “A landlord may not restrict the lawful carry or possession of firearms by tenants or their guests.” In Virginia, landlords for public housing are similarly restricted: “A rental agreement shall not contain provisions that the tenants agrees [...] to a prohibition or restriction of any lawful possession of a firearms within individual dwelling units.”

<http://www.tn.gov/attorneygeneral/op/2009/op/op09-170.pdf>

<https://www.revisor.mn.gov/statutes/?id=624.714>

<https://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+55-248.9>

Liability

As mentioned earlier, the issue of concealed carry, and gun control in general, is a highly controversial one. As such, the effect of gun-free zones are passionately argued by both sides of the debate. Proponents of gun-free zones argue that the strict enforcement of keeping guns out of the given area will make it safer, while opponents say the lack of guns will make the given area a target

Real estate managers should consult their insurance carriers regarding their liability concerning tenants carrying concealed weapons. State’s concealed carry legislation addresses the issue to varying degrees, with Wisconsin perhaps the most explicitly:

“A person that does not prohibit an individual from carrying a concealed weapon on property that the person owns or occupies is immune from any liability arising from its decision.”

- Wisconsin Concealed Carry Act

In other words, Wisconsin property owners are immune from any actions resulting from allowing concealed carry of firearms on their property. If property owners decide to prohibit concealed carry, they lose this immunity.

State by State

In all jurisdictions, including unrestricted ones, convicted felons are prohibited from carrying concealed firearms.

Alabama

Alabama law does not provide for “gun-free zones” as indicated by signs on private property. However, an owner or authorized manager of a building can ask an individual to leave.

Section 13A-7-1

Definitions.

The following definitions are applicable to this article:

(1) PREMISES. Such term includes any "building," as herein defined, and any real property.

(2) BUILDING. Any structure which may be entered and utilized by persons for business, public use, lodging or the storage of goods, and such term includes any vehicle, aircraft or watercraft used for the lodging of persons or carrying on business therein, and such term includes any railroad box car or other rail equipment or trailer or tractor trailer or combination thereof. Where a building consists of two or more units separately occupied or secure, each shall be deemed both a separate building and a part of the main building.

(3) DWELLING. A building which is used or normally used by a person for sleeping, living or lodging therein.

(4) ENTER OR REMAIN UNLAWFULLY. A person "enters or remains unlawfully" in or upon premises when he is not licensed, invited or privileged to do so. A person who, regardless of his intent, enters or remains in or upon premises which are at the time open to the public does so with license and privilege unless he defies a lawful order not to enter or remain, personally communicated to him by the owner of such premises or other authorized person. A license or privilege to enter or remain in a building which is partly open to the public is not a license or privilege to enter or remain in that part of the building which is not open to the public. A person who enters or remains upon unimproved and apparently unused land, which is neither fenced nor otherwise enclosed in a manner designed to exclude intruders, does so with license and privileges unless notice against trespass is personally communicated to him by the owner of such land or other authorized person, or unless such notice is given by posting in a conspicuous manner.

(Acts 1977, No. 607, p. 812, §2601; Acts 1983, No. 83-742, p. 1222.)

Alaska

13 AAC 30.110. Notification of places where concealed handguns may not be carried

(b) Nothing in this chapter or in AS 18.65.700 - 18.65.790 precludes a person from posting, to the extent allowed by law, a notice regarding the carrying of a concealed handgun.

Authority: AS 18.65.775

<http://dps.alaska.gov/statewide/PermitsLicensing/docs/achp/ACHP%20Statutes%20and%20Regs.pdf>

Alaska is classified as unrestricted. Anyone older than 21 may legally carry a concealed firearm. Owners or managers of facilities, including such places as hospitals, universities, gymnasiums, or private property may prohibit the concealed carry of firearms on their property.

Some of the exceptions include:

- A private home, without the homeowner's specific knowledge and permission

- Anywhere intoxicating liquor is sold for on-site consumption, except a restaurant (given the concealed carrier has not consumed any alcohol)

Ten years must elapse between felony conviction and an unconditional discharge for a convicted felon to be able to legally carry concealed weapons.

Source: Alaska Department of Public Safety

Arizona

Arizona is classified as “unrestricted.”

Limitations to property owners’ ability to restrict firearms are found in the following statute:

“12-781 Transportation or storage of firearms; motor vehicles; applicability

A. A property owner, tenant, public or private employer or business entity shall not establish, maintain or enforce a policy or rule that prohibits a person from lawfully transporting or lawfully storing any firearm that is both:

1. In the person's locked and privately owned motor vehicle or in a locked compartment on the person's privately owned motorcycle.
2. Not visible from the outside of the motor vehicle or motorcycle.”

Arkansas

§5-73-306: Prohibited places

(19) (A) (i)

“Any place at the discretion of the person or entity exercising control over the physical location of the place by placing at each entrance to the place a written notice clearly readable at a distance of not less than ten feet that says “carrying a handgun is prohibited.”

https://static.ark.org/eeuploads/asp/CHCL_statutes_effective_11042013.pdf

California

California has no “gun-free zone” laws. If a property owner wishes an individual who is carrying a concealed firearm to leave, they must tell them specifically.

Colorado

Colorado has no “gun-free zone” laws. If a property owner wishes an individual who is carrying a concealed firearm to leave, they must tell them specifically.

Connecticut

Sec. 29-28

“The issuance of any permit to carry a pistol or revolver does not thereby authorize the possession or carrying of a pistol or revolver in any premises where the possession or carrying of a pistol or revolver is otherwise prohibited by law or is prohibited by the person who owns or exercises control over such premises.”

http://www.cga.ct.gov/current/pub/chap_529.htm

<http://www.cga.ct.gov/2013/rpt/2013-R-0001.htm>

Delaware

Delaware does not have any laws establishing a given area as a “gun-free zone.” While a property owner may ask an individual with a concealed firearm to leave, a posted sign had no force of law.

<http://www.handgunlaw.us/states/delaware.pdf>

Florida

“A license issued under this section does not authorize any person to openly carry a handgun or carry a concealed weapon or firearm into:

1. Any place of nuisance as defined in s. [823.05](#);
2. Any police, sheriff, or highway patrol station;
3. Any detention facility, prison, or jail;
4. Any courthouse;
5. Any courtroom, except that nothing in this section would preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in his or her courtroom;
6. Any polling place;
7. Any meeting of the governing body of a county, public school district, municipality, or special district;
8. Any meeting of the Legislature or a committee thereof;
9. Any school, college, or professional athletic event not related to firearms;
10. Any elementary or secondary school facility or administration building;
11. Any career center;
12. Any portion of an establishment licensed to dispense alcoholic beverages for consumption on the premises, which portion of the establishment is primarily devoted to such purpose;

13. Any college or university facility unless the licensee is a registered student, employee, or faculty member of such college or university and the weapon is a stun gun or nonlethal electric weapon or device designed solely for defensive purposes and the weapon does not fire a dart or projectile;

14. The inside of the passenger terminal and sterile area of any airport, provided that no person shall be prohibited from carrying any legal firearm into the terminal, which firearm is encased for shipment for purposes of checking such firearm as baggage to be lawfully transported on any aircraft; or

15. Any place where the carrying of firearms is prohibited by federal law.

(b) A person licensed under this section shall not be prohibited from carrying or storing a firearm in a vehicle for lawful purposes.

(c) This section does not modify the terms or conditions of s. [790.251](#)(7).

(d) Any person who knowingly and willfully violates any provision of this subsection commits a misdemeanor of the second degree, punishable as provided in s. [775.082](#) or s. [775.083](#).”

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0700-0799/0790/Sections/0790.06.html

Georgia

O.C.G.A. § 16-11-127: Carrying weapons in unauthorized locations

“(c) A license holder or person recognized under subsection (e) of Code Section 16-11-126 shall be authorized to carry a weapon as provided in Code Section 16-11-135 and in every location in this state not listed in subsection (b) or prohibited by subsection (e) of this Code section; provided, however, that private property owners or persons in legal control of private property through a lease, rental agreement, licensing agreement, contract, or any other agreement to control access to such private property shall have the right to exclude or eject a person who is in possession of a weapon or long gun on their private property in accordance with paragraph (3) of subsection (b) of Code Section 16-7-21, except as provided in Code Section 16-11-135. A violation of subsection (b) of this Code section shall not create or give rise to a civil action for damages.”

<http://www.georgiacarry.org/cms/ga-code-detail/?title=16&chapter=11§ion=127>

Hawaii

While Hawaii, like every other state, has passed legislation enabled permits for concealed carry, the state is unique in that they have issued a miniscule number of permits. Obtaining a permit in Hawaii is very difficult, requiring the permission of the chief of police in the applicant’s county.

<http://www.nraila.org/gun-laws/state-laws/hawaii.aspx>

Idaho

Signage indicating an area is a gun-free zone do not have the force of law in Idaho, unless they are in an area described in the statute below.

“**18-3302C. PROHIBITED CONDUCT.** Any person obtaining a license under the provisions of section [18-3302](#), Idaho Code, shall not:

(1) Carry a concealed weapon in a courthouse, juvenile detention facility or jail, public or private school, except as provided in subsection (4)(f) of section [18-3302D](#), Idaho Code; or

(2) Provide information on the application for a permit to carry a concealed weapon knowing the same to be untrue. Any person violating the provisions of this section shall be guilty of a misdemeanor.”

<http://www.legislature.idaho.gov/idstat/Title18/T18CH33SECT18-3302C.htm>

Illinois

Illinois law does allow for signage to designate an area a “gun-free zone.”

(430 ILCS 66/65) Sec. 65. Prohibited areas:

“(a-10) The owner of private real property of any type may prohibit the carrying of concealed firearms on the property under his or her control. The owner must post a sign in accordance with subsection (d) of this Section indicating that firearms are prohibited on the property, unless the property is a private residence.

(d) Signs stating that the carrying of firearms is prohibited shall be clearly and conspicuously posted at the entrance of a building, premises, or real property specified in this Section as a prohibited area, unless the building or premises is a private residence. Signs shall be of a uniform design as established by the Department and shall be 4 inches by 6 inches in size. The Department shall adopt rules for standardized signs to be used under this subsection. “

<http://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=043000660K65>

<https://www.ccl4illinois.com/ccw/Public/Signage.aspx>

Indiana

Indiana law does not specifically address the issue of “gun-free zones.” Property owners or managers may ask an individual carrying a concealed firearm to leave under penalty of criminal trespass.

<http://www.handgunlaw.us/states/indiana.pdf>

Iowa

Iowa law does not address “gun-free zone” signs for private property.

Restrictions on weapons within 1000 feet of schools or parks can be found in the following statute:

“724.4A Weapons Free Zones - Enhanced Penalties.

1. As used in this section, "weapons free zone" means the area in or on, or within one thousand feet of, the real property comprising a public or private elementary or secondary school, or in or on the real property comprising a public park. A weapons free zone shall not include that portion of a public park designated as a hunting area under section 461A.42.

2. Notwithstanding sections 902.9 and 903.1, a person who commits a public offense involving a firearm or offensive weapon, within a weapons free zone, in violation of this or any other chapter shall be subject to a fine of twice the maximum amount which may otherwise be imposed for the public offense. 94 Acts, ch 1172, §53”

<https://www.legis.iowa.gov/DOCS/ACO/IC/LINC/Chapter.724.pdf>

Kansas

While the Kansas Attorney General has issued designated signage for private buildings which would make them “gun-free zones,” violations of these zones will not result on criminal penalty, but are still subject to removal from the premises.

<http://ag.ks.gov/public-safety/concealedcarry/2014-proposed-signage>

<https://ag.ks.gov/docs/documents/concealed-carry-statutes.pdf>

Kentucky

Kentucky law does not specifically address the issue of “gun-free zones.” Property owners or managers may ask an individual carrying a concealed firearm to leave under penalty of criminal trespass.

Louisiana

PROHIBITED LOCATIONS

“**R.S. 40:1379.3** (N) states that no concealed handgun may be carried into and no concealed handgun permit issued pursuant to this Section shall authorize or entitle a permittee to carry a concealed handgun in any of the following:

- A law enforcement office, station, or building;
- A detention facility, prison, or jail;
- A courthouse or courtroom, provided that a judge may carry such a weapon in his own courtroom;
- A polling place;
- A meeting place of the governing authority of a political subdivision;

- The state capitol building;
- Any portion of an airport facility where the carrying of firearms is prohibited under federal law, except that no person shall be prohibited from carrying any legal firearm into the terminal, if the firearm is encased for shipment, for the purpose of checking such firearm as lawful baggage;
- Any church, synagogue, mosque or similar place of worship; See [RS 40:1379.3 \(U\)](#)
- A parade or demonstration for which a permit is issued by a governmental entity;
- Any portion of the permitted area of an establishment that has been granted a Class A-General retail permit, as defined in Part II of Chapter 1 or Part II of Chapter 2 of Title 26 of the Louisiana Revised Statutes of 1950, to sell alcoholic beverages for consumption on the premises.
- Any school "firearm free zone" as defined in R.S. 14:95.6.

The provisions of R.S. 40:1379.3 (N) shall not limit the right of a property owner, lessee, or other lawful custodian to prohibit or restrict access of those persons possessing a concealed handgun pursuant to a permit issued under this Section. No individual to whom a concealed handgun permit is issued may carry such concealed handgun into the private residence of another without first receiving the consent of that person.”

<http://www.lsp.org/handguns.html>

Maine

“Gun free zones” can be established in Maine with the appropriate signage. Violators are subject to Criminal Trespass laws under the following statute:

“§402. Criminal trespass

1. A person is guilty of criminal trespass if, knowing that that person is not licensed or privileged to do so, that person:

C. Enters any place from which that person may lawfully be excluded and that is posted in accordance with subsection 4 or in a manner reasonably likely to come to the attention of intruders or that is fenced or otherwise enclosed in a manner designed to exclude intruders. Violation of this paragraph is a Class E crime; [2001, c. 383, §56(AMD); 2001, c. 383, §156 (AFF).]

A. Signs must indicate that access is prohibited, that access is prohibited without permission of the landowner or the landowner's agent, or that access for a particular purpose is prohibited. [1995, c. 529, §2 (NEW).]

B. [2011, c. 432, §4 (AMD); MRSA T. 17-A, §402, sub-4, ¶B (RP).]

B-1. Paint markings made pursuant to this paragraph mean that access is prohibited without permission of the landowner or the landowner's agent. Paint markings made pursuant to this paragraph must

consist of a conspicuous vertical line at least one inch in width and at least 8 inches in length and must be placed so that the bottoms of the marks are not less than 3 feet from the ground or more than 5 feet from the ground at locations that are readily visible to any person approaching the property and no more than 100 feet apart. Paint markings may be placed on trees, posts or stones as described in this paragraph. The Department of Agriculture, Conservation and Forestry, Bureau of Forestry shall adopt rules to determine the color and type of paint that may be used to post property pursuant to this paragraph. Rules adopted pursuant to this paragraph are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. [2011, c. 432, §5 (NEW); 2011, c. 657, Pt. W, §§5, 7 (REV); 2013, c. 405, Pt. A, §23 (REV).]

C. Signs or paint must mark the property at intervals no greater than 100 feet and at all vehicular access entries from a public road. [1995, c. 529, §2 (NEW).]

D. Signs or paint markings are required only on the portion of the property where access is prohibited or limited. Signs or paint posted in accordance with this section have no effect on boundaries of property and do not constitute claims of possession or adverse use in accordance with state law. [1995, c. 529, §2 (NEW).]

D-1. Notwithstanding any other provision of this section, a landowner who posts that landowner's land by paint markings and who intends to prohibit access without permission of the landowner or the landowner's agent or intends to prohibit access for a particular purpose may do this by posting in a prominent place one or more qualifying signs that by words or symbols set forth the nature of the prohibition. The landowner need not post the qualifying signs at 100-foot intervals. [1999, c. 115, §1 (NEW).]"

<http://www.mainelegislature.org/legis/statutes/17-a/title17-asec402.html>

Maryland

§15–203.

(a) An innkeeper may refuse to provide lodging or services to or may remove from a lodging establishment an individual who:

(1) refuses to pay or is unable to pay for lodging or services;

(2) while on the premises of the lodging establishment is under the influence of alcohol, drugs, or other intoxicating substance so as to create a public nuisance;

(3) while on the premises is disorderly so as to create a public nuisance;

(4) destroys, damages, or defaces property of the lodging establishment or its guests, or threatens to do so;

http://mgaleg.maryland.gov/2014RS/Statute_Web/gbr/15-203.pdf

Massachusetts

Massachusetts has no “gun-free zone” laws. If a property owner wishes an individual who is carrying a concealed firearm to leave, they must tell them specifically.

Michigan

Individuals licensed to carry a concealed pistol by Michigan or another state are prohibited from carrying a concealed pistol or a portable device that uses electro-muscular disruption technology on the following premises:

Please refer to [MCL 28.425o](#) for the complete statutory text

1. Schools or school property but may carry while in a vehicle on school property while dropping off or picking up if a parent or legal guardian
2. Public or private day care center, public or private child caring agency, or public or private child placing agency.
3. Sports arena or stadium
4. A tavern where the primary source of income is the sale of alcoholic liquor by the glass consumed on the premises
5. Any property or facility owned or operated by a church, synagogue, mosque, temple, or other place of worship, unless the presiding official or officials allow concealed weapon
6. An entertainment facility that the individual knows or should know has a seating capacity of 2,500 or more
7. A hospital
8. A dormitory or classroom of a community college, college, or university
9. A Casino

"Premises" does not include the parking areas of the places listed above.

http://www.michigan.gov/msp/0,4643,7-123-1591_3503_4654-10947--,00.html

Minnesota

According to Minnesota law, while signs can be posted designating an area a “gun-free zone,” a landlord is not able to restrict a tenant from lawfully carrying a firearm.

Subd. 17. Posting; trespass.

(a) A person carrying a firearm on or about his or her person or clothes under a permit or otherwise who remains at a private establishment knowing that the operator of the establishment or its agent has made a reasonable request that firearms not be brought into the establishment may be ordered to leave the premises. A person who fails to leave when so requested is guilty of a petty misdemeanor. The fine for a first offense must not exceed \$25. Notwithstanding section [609.531](#), a firearm carried in violation of this subdivision is not subject to forfeiture.

(b) As used in this subdivision, the terms in this paragraph have the meanings given.

(1) "Reasonable request" means a request made under the following circumstances:

(i) the requester has prominently posted a conspicuous sign at every entrance to the establishment containing the following language: "(INDICATE IDENTITY OF OPERATOR) BANS GUNS IN THESE PREMISES."; or

(ii) the requester or the requester's agent personally informs the person that guns are prohibited in the premises and demands compliance.

(2) "Prominently" means readily visible and within four feet laterally of the entrance with the bottom of the sign at a height of four to six feet above the floor.

(3) "Conspicuous" means lettering in black arial typeface at least 1-1/2 inches in height against a bright contrasting background that is at least 187 square inches in area.

(4) "Private establishment" means a building, structure, or portion thereof that is owned, leased, controlled, or operated by a nongovernmental entity for a nongovernmental purpose.

(c) The owner or operator of a private establishment may not prohibit the lawful carry or possession of firearms in a parking facility or parking area.

(d) This subdivision does not apply to private residences. The lawful possessor of a private residence may prohibit firearms, and provide notice thereof, in any lawful manner.

(e) A landlord may not restrict the lawful carry or possession of firearms by tenants or their guests."

<https://www.revisor.mn.gov/statutes/?id=624.714>

Mississippi

Mississippi law does allow for areas to be designated “gun-free zones.”

97-37-1:

“In addition to the places enumerated in this subsection, the carrying of a stun gun, concealed pistol or revolver may be disallowed in any place in the discretion of the person or entity exercising control over the physical location of such place by the placing of a written notice clearly readable at a distance of not less than ten (10) feet that the "carrying of a pistol or revolver is prohibited." No license issued pursuant to this section shall authorize the participants in a parade or demonstration for which a permit is required to carry a stun gun, concealed pistol or revolver.”

<http://billstatus.ls.state.ms.us/documents/2013/html/HB/0001-0099/HB0002IN.htm>

Missouri

Legislation has been introduced which would seek to have landlords prohibited from preventing tenants from carrying or transporting firearms to and from the residence, but it is stalled.

Private property owners can designate an area a “gun-free zone” by posting signs according to the specifications outlined in Chapter 571, Section 571.107 of the Missouri Statutes:

“Any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one or more signs displayed in a conspicuous place of a minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less than one inch. The owner, business or commercial lessee, manager of a private business enterprise, or any other organization, entity, or person may prohibit persons holding a concealed carry permit or endorsement from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a concealed carry permit or endorsement from carrying concealed firearms on the property of the employer. If the building or the premises are open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees or other persons holding a concealed carry permit or endorsement from carrying a concealed firearm in vehicles owned by the employer”

<https://trackbill.com/bill/MO/2014/HB1778/specifies-that-landlords-cannot-prohibit-tenants-f>

<http://www.moga.mo.gov/statutes/C500-599/5710000107.HTM>

Montana

Per Montana Code 70-24-110, a landlord may not prevent a tenant or guest of a tenant from possessing a firearms lawfully.

“70-24-110. Landlords and tenants -- no firearm prohibition allowed. A landlord or operator of a hotel or motel may not, by contract or otherwise, prevent a tenant or a guest of a tenant from possessing on the premises a firearm that it is legal for the tenant or guest to possess. A landlord or operator of a hotel or motel may prohibit the discharge of a firearm on the premises except in self-defense.”

<http://leg.mt.gov/bills/mca/70/24/70-24-110.htm>

Nebraska

Nebraska law does provide for “gun-free zones:”

Nebraska Revised Statute 69-2441

“(2) If a person, persons, entity, or entities in control of the property or an employer in control of the property prohibits a permitholder from carrying a concealed handgun into or onto the place or premises and such place or premises are open to the public, a permitholder does not violate this section unless the person, persons, entity, or entities in control of the property or employer in control of the property has posted conspicuous notice that carrying a concealed handgun is prohibited in or on the place or premises or has made a request, directly or through an authorized representative or management personnel, that the permitholder remove the concealed handgun from the place or premises.”

<http://nebraskalegislature.gov/laws/statutes.php?statute=69-2441>

Nevada

Nevada does not have laws designating private property as “gun-free zones.” If the owner of private property wishes an individual carrying a firearm to leave, they must specifically tell them.

New Hampshire

New Hampshire does not have laws designating private property as a “gun-free zone.”

New Jersey

Nevada does not have laws designating private property as “gun-free zones.” If the owner of private property wishes an individual carrying a firearm to leave, they must specifically tell them.

New Mexico

According to New Mexico law, a private property owner can establish a “gun-free zone” using signage:

“Carrying prohibited on private property. In addition to other limitations stated in the act, a licensee may not carry a concealed handgun on or about his person on private property that has signs posted prohibiting the carrying of concealed weapons or when verbally told so by a person lawfully in possession of the property.

10.8.2.27 PROHIBITING THE CARRYING OF CONCEALED HANDGUNS ON PRIVATE PROPERTY: Pursuant to Subsection C of NMSA 1978 Section 29-19-12, any person lawfully in possession of private property may prohibit the carrying of concealed handguns on such private property by posting notice in accordance with NMSA 1978 Section 30-14-6 or by verbally notifying persons entering upon the property.”

<http://164.64.110.239/nmac/parts/title10/10.008.0002.htm>

New York

New York does not have laws designating private property as “gun-free zones.” If the owner of private property wishes an individual carrying a firearm to leave, they must specifically tell them.

North Carolina

§ 14-415.11. Permit to carry concealed handgun; scope of permit.

“(c) Except as provided in G.S. 14-415.27, a permit does not authorize a person to carry a concealed handgun in any of the following:

(8) On any private premises where notice that carrying a concealed handgun is prohibited by the posting of a conspicuous notice or statement by the person in legal possession or control of the premises.”

http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_14/GS_14-415.11.html

North Dakota

North Dakota does not have laws designating private property as “gun-free zones.” If the owner of private property wishes an individual carrying a firearm to leave, they must specifically tell them.

Ohio

Like Minnesota, Ohio laws does not allow a landlord to prohibit a tenant from lawfully carrying a weapon on the residential premises:

2923.126 Duties of licensed individual

“(b) A landlord may not prohibit or restrict a tenant who is a licensee and who on or after September 9, 2008, enters into a rental agreement with the landlord for the use of residential premises, and the tenant's guest while the tenant is present, from lawfully carrying or possessing a handgun on those residential premises.”

<http://codes.ohio.gov/orc/2923.126>

Oklahoma

While it is not a criminal act to carry a firearm in an area with signage prohibiting it, the person carrying the firearm must leave if asked to do so.

1290.22 - Business Owner's Rights

“B. No person, property owner, tenant, employer, place of worship or business entity shall be permitted to establish any policy or rule that has the effect of prohibiting any person, except a convicted felon, from transporting and storing firearms in a locked vehicle on any property set aside for any vehicle.

C. A property owner, tenant, employer, place of worship or business entity may prohibit any person from carrying a concealed or unconcealed firearm on the property. If the building or property is open to the public, the property owner, tenant, employer, place of worship or business entity shall post signs on or about the property stating such prohibition.

D. The carrying of a concealed or unconcealed firearm by a person who has been issued a handgun license on property that has signs prohibiting the carrying of firearms shall not be deemed a criminal act but may subject the person to being denied entrance onto the property or removed from the property. If the person refuses to leave the property and a peace officer is summoned, the person may be issued a citation for an amount not to exceed Two Hundred Fifty Dollars (\$250.00).

E. A person, corporation, place of worship or any other business entity that does or does not prohibit any individual except a convicted felon from carrying a loaded or unloaded, concealed or unconcealed weapon on property that the person, corporation, place of worship or other business entity owns, or has legal control of, is immune from any liability arising from that decision. Except for acts of gross negligence or willful or wanton misconduct, an employer who does or does not prohibit their employees from carrying a concealed or unconcealed weapon is immune from any liability arising from that decision. The provisions of this subsection shall not apply to claims pursuant to the Workers' Compensation Code.”

<http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=438588>

Oregon

Oregon does not have laws designating private property as “gun-free zones.” If the owner of private property wishes an individual carrying a firearm to leave, they must specifically tell them.

Pennsylvania

Pennsylvania does not have laws designating private property as “gun-free zones.” If the owner of private property wishes an individual carrying a firearm to leave, they must specifically tell them.

Rhode Island

Rhode Island does not have laws designating private property as “gun-free zones.” If the owner of private property wishes an individual carrying a firearm to leave, they must specifically tell them.

South Carolina

South Carolina law does allow for signage to designate an area a “gun-free zone.”

SECTION 23-31-235. Sign requirements.

(A) Notwithstanding any other provision of this article, any requirement of or allowance for the posting of signs prohibiting the carrying of a concealable weapon upon any premises shall only be satisfied by a sign expressing the prohibition in both written language interdict and universal sign language.

(B) All signs must be posted at each entrance into a building where a concealable weapon permit holder is prohibited from carrying a concealable weapon and must be:

(1) clearly visible from outside the building;

(2) eight inches wide by twelve inches tall in size;

(3) contain the words "NO CONCEALABLE WEAPONS ALLOWED" in black one-inch tall uppercase type at the bottom of the sign and centered between the lateral edges of the sign;

(4) contain a black silhouette of a handgun inside a circle seven inches in diameter with a diagonal line that runs from the lower left to the upper right at a forty-five degree angle from the horizontal;

(5) a diameter of a circle; and

(6) placed not less than forty inches and not more than sixty inches from the bottom of the building's entrance door.

(C) If the premises where concealable weapons are prohibited does not have doors, then the signs contained in subsection (A) must be:

(1) thirty-six inches wide by forty-eight inches tall in size;

(2) contain the words "NO CONCEALABLE WEAPONS ALLOWED" in black three- inch tall uppercase type at the bottom of the sign and centered between the lateral edges of the sign;

(3) contain a black silhouette of a handgun inside a circle thirty-four inches in diameter with a diagonal line that is two inches wide and runs from the lower left to the upper right at a forty-five degree angle from the horizontal and must be a diameter of a circle whose circumference is two inches wide;

(4) placed not less than forty inches and not more than ninety-six inches above the ground;

(5) posted in sufficient quantities to be clearly visible from any point of entry onto the premises.

HISTORY: 1996 Act No. 464, Section 13; 2002 Act No. 274, Section 5.

SECTION 23-31-225. Carrying concealed weapons into residences or dwellings.

“No person who holds a permit issued pursuant to Article 4, Chapter 31, Title 23 may carry a concealable weapon into the residence or dwelling place of another person without the express permission of the owner or person in legal control or possession, as appropriate. A person who violates this provision is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars or imprisoned for not more than one year, or both, at the discretion of the court and have his permit revoked for five years.

HISTORY: 1996 Act No. 464, Section 12.”

<http://www.scstatehouse.gov/code/t23c031.php>

South Dakota

South Dakota does not have laws designating private property as “gun-free zones.” If the owner of private property wishes an individual carrying a firearm to leave, they must specifically tell them.

Tennessee

A 2009 Opinion issued by the Tennessee Attorney General regarding a landlord’s ability to prohibit tenants possessing valid handgun carry permits to possess firearms in the apartment stated the following:

“A landlord can prohibit tenants, including those who hold handgun carry permits, from possessing firearms within the leased premises. Such a prohibition may be imposed through a clause in the lease, or, in counties where the Uniform Residential Landlord and Tenant Act, Tenn. Code Ann. §§ 66-28-101 to 66-28-501, is in effect, such a prohibition may be imposed by adopting a rule that satisfies the requirements of Tenn. Code Ann. § 66-28-402.”

Also, Tennessee does allow for “gun-free zone” signs:

39-17-1359. Prohibition at certain meetings Posting notice

(a) An individual, corporation, business entity or local, state or federal government entity or agent thereof is authorized to prohibit the possession of weapons by any person otherwise authorized by §§ 39-17-1351 39-17-1360, at meetings conducted by, or on property owned, operated, or managed or under the control of the individual, corporation, business entity or government entity. Notice of the prohibition shall be posted. Posted notices shall be displayed in prominent locations, including all entrances primarily used by persons entering the building, portion of the building or buildings where weapon possession is prohibited. If the possession of weapons is also prohibited on the premises of the property as well as within the confines of a building located on the property, the notice shall be posted at all entrances to the premises that are primarily used by persons entering the property. The notice shall be in English but a notice may also be posted in any language used by patrons, customers or persons who frequent the place where weapon possession is prohibited. In addition to the sign, notice

may also include the international circle and slash symbolizing the prohibition of the item within the circle. The sign shall be of a size that is plainly visible to the average person entering the building, premises or property and shall contain language substantially similar to the following:

PURSUANT TO § 39-17-1359, THE OWNER/OPERATOR OF THIS PROPERTY HAS BANNED WEAPONS ON THIS PROPERTY, OR WITHIN THIS BUILDING OR THIS PORTION OF THIS BUILDING. FAILURE TO COMPLY WITH THIS PROHIBITION IS PUNISHABLE AS A CRIMINAL ACT UNDER STATE LAW AND MAY SUBJECT THE VIOLATOR TO A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS (\$500).

(b) Nothing in this section shall be construed to alter, reduce or eliminate any civil or criminal liability that a property owner or manager may have for injuries arising on their property.

(c) Any posted notice being used by a local, state or federal governmental entity on July 1, 2000, that is in substantial compliance with the provisions of subsection (a) of this section may continue to be used by the governmental entity.

(d) The provisions of this section shall not apply to title 70 regarding wildlife laws, rules and regulations.

(e) This section shall not apply to the grounds of any public park, natural area, historic park, nature trail, campground, forest, greenway, waterway or other similar public place that is owned or operated by the state, a county, a municipality or instrumentality thereof. The carrying of firearms in those areas shall be governed by § 39-17-1311.

[Acts 1996, ch. 905, § 11; 2000, ch. 929, § 1; 2009, ch. 428, § 4.]

<http://www.tn.gov/attorneygeneral/op/2009/op/op09-170.pdf>

<http://www.lexisnexis.com/hottopics/tncode/>

Texas

§ 30.06: Trespass by Holder of License to Carry Concealed Handgun

“A license holder commits an offense if the license holder:

1. Carries a handgun under the authority of Subchapter H, Chapter 411, Government Code, on property of another without effective consent; and
 - a. Entry on the property by a license holder with a concealed handgun was forbidden;
 - or
 - b. Remaining on the property with a concealed handgun was forbidden and failed to depart.

“For purposes of this section, a person receives notice if the owner of the property or someone with apparent authority to act for the owner provides notice to the person by oral or written communication.

(3) "Written communication" means:

(A) a card or other document on which is written language identical to the following: "Pursuant to Section 30.06, Penal Code (trespass by holder of license to carry a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (concealed handgun law), may not enter this property with a concealed handgun"; or

(B) a sign posted on the property that:

- (i) includes the language described by Paragraph (A) in both English and Spanish;
- (ii) appears in contrasting colors with block letters at least one inch in height; and
- (iii) is displayed in a conspicuous manner clearly visible to the public.

<https://www.txdps.state.tx.us/internetforms/Forms/CHL-16.pdf>

Utah

From the Utah Department of Public Safety:

As a permit holder, exactly, where can I carry or not carry a handgun?

The concealed firearm permit allows an individual to carry a firearm fully loaded and concealed. The permit also allows an individual to carry a firearm into public schools. Permit holders can not carry a firearm into federal or state restricted areas i.e. any airport secured area, federal facilities, courts, correctional & mental health facilities, law enforcement secured areas, a house of worship or private residence where notice given and/or posted, any secured area in which firearms are prohibited and notice posted, or otherwise prohibited by state or federal law.

What about private businesses? Can they post signs prohibiting someone from carrying a gun into their business even though the person has a concealed firearms permit?

Naturally, private property owners may apply whatever restrictions they want. Whether or not these restrictions violate one's constitutional rights is for the civil courts to decide. But the only statutory restrictions on a permit holder are secured areas such as airports and federal buildings.

<http://publicsafety.utah.gov/bci/FAQ.html#5>

Vermont

While Vermont is unrestricted as to firearm permit laws, areas can be designated “gun-free zones.”

If the prohibition is ignored, the violator can be charged with Unlawful Trespass:

§ 3705 Unlawful Trespass

“(a)(1) A person shall be imprisoned for not more than three months or fined not more than \$500.00, or both, if, without legal authority or the consent of the person in lawful possession, he or she enters or remains on any land or in any place as to which notice against trespass is given by:

(A) actual communication by the person in lawful possession or his or her agent or by a law enforcement officer acting on behalf of such person or his or her agent;

(B) signs or placards so designed and situated as to give reasonable notice”

<http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=13&Chapter=081&Section=03705>

Virginia

“The granting of a concealed handgun permit pursuant to this article shall not thereby authorize the possession of any handgun or other weapon on property or in places where such possession is otherwise prohibited by law or is prohibited by the owner of private property.”

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+18.2-308.01>

Washington

Washington does not have laws designating private property as “gun-free zones.” If the owner of private property wishes an individual carrying a firearm to leave, they must specifically tell them.

West Virginia

§61-7-14. Right of certain persons to limit possession of firearms on premises

“Any owner, lessee or other person charged with the care, custody and control of real property may prohibit the carrying openly or concealed of any firearm or deadly weapon on property under his or her domain: *Provided*, That for purposes of this section "person" means an individual or any entity which may acquire title to real property.”

“Any person carrying or possessing a firearm or other deadly weapon on the property of another who refuses to temporarily relinquish possession of such firearm or other deadly weapon, upon being requested to do so, or to leave such premises, while in possession of such firearm or other deadly

weapon, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than one thousand dollars or confined in the county jail not more than six months, or both.”

<http://www.legis.state.wv.us/wvcode/code.cfm?chap=61&art=7>

Wisconsin

As mentioned previously, Wisconsin’s Concealed Carry Law contains an immunity clause which protects owners and managers of property who do not prohibit the carrying of concealed weapons from criminal or civil liability resulting from that decision.

Some prohibited places:

Business, nonresidential buildings, or private lands: “The owner or person in charge of a business, nonresidential establishment (including a nursing home), or private land may prohibit a person from carrying a firearm or a particular type of firearm in a building or part of a building, on any part of the building’s grounds, or on privately owned open land.”

Residences: “Signs are not required to restrict weapons in a residence or yard.”

Multiunit dwelling: “The owner or person in charge of a multiunit residence, such as an apartment building, may prohibit the carrying of a firearm or a particular type of firearm in the common area of the building or all or part of the grounds.”

Wyoming

Under Criminal Trespass laws, Wyoming allows for signage to indicate that an area is “gun-free.”

6-3-303. Criminal trespass; penalties.

(a) A person is guilty of criminal trespass if he enters or remains on or in the land or premises of another person, knowing he is not authorized to do so, or after being notified to depart or to not trespass. For purposes of this section, notice is given by:

(i) Personal communication to the person by the owner or occupant, or his agent, or by a peace officer; or

(ii) Posting of signs reasonably likely to come to the attention of intruders.

(b) Criminal trespass is a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.

<http://law.justia.com/codes/wyoming/2014/title-6/chapter-3/article-3/section-6-3-303>