

Concealed Carry Laws and the Business Owner

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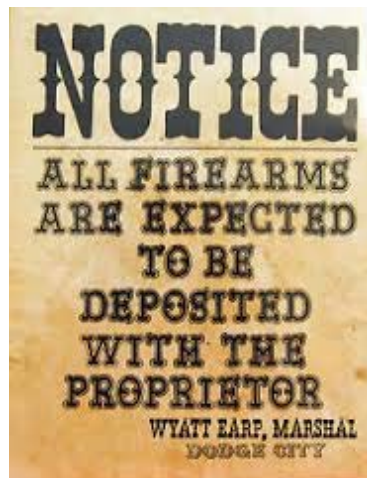
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Concealed Carry Laws and the Business Owner

► I. Background



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Concealed Carry Laws and the Business Owner

► I. Background

- In 1813, Louisiana and Kentucky passed bans on the carrying of concealed firearms.
- By 1859 the list of states included Indiana, Texas, Virginia, Alabama and Ohio.
- By 1900 Texas, Florida and Oklahoma followed suit.
- By 1950 most states had criminalized some form of carrying of a concealed weapon.

Concealed Carry Laws and the Business Owner

► I. Background

- Beginning in the late 1970s and early 1980s states were passing statutes to allow limited exceptions to these concealed carry prohibitions.
- The greatest number of new state statutes providing for concealed carry occurred between 2000 and 2010.

Concealed Carry Laws and the Business Owner

► I. Background

- Illinois was the last state to allow for concealed carry in March 2014, but only after a court order mandated the legislature to do so.
- Today all states permit some form of concealed carry.
- The rules vary greatly from state to state, and in many states it's still difficult to obtain a permit.

Concealed Carry Laws and the Business Owner

► I. Background

- It's easy in South Dakota, where the fee to obtain the four-year permit is only \$10 and there is no training requirement.
- In Pennsylvania, the permit costs only \$19 for five years and there is no training requirement.
- Alaska, Arizona, Arkansas, Montana, Vermont, Wyoming and as of July 1, 2015, Kansas, do not require a permit to carry a concealed firearm.

Concealed Carry Laws and the Business Owner

► I. Background

- By contrast, Illinois charges a \$150 fee and requires 16 hours of training. With training and range time in Illinois costing around \$450 to \$500, total dollar costs of getting a permit are over \$600.
- Not surprisingly, concealed carry is much more popular in states where permits are relatively inexpensive and easier to obtain.

Concealed Carry Laws and the Business Owner

► I. Background

- Gun rights and gun control are the two ends of an extremely alienating spectrum.
- But what do these laws mean to the proprietor of a business or owner of a premises?
- Do you, can you or should you disarm a person carrying a concealed weapon?
- Can you or should you place limits on how, when and where an employee or customer can carry a concealed firearm?

Concealed Carry Laws and the Business Owner

► I. Background

– What is a Concealed Carry Permit?

- ◆ A concealed carry permit or license is generally an exception, defense or excuse to a violation of a criminal statute prohibiting or limiting the carrying of a concealed firearm.
- ◆ Note, we are talking about a “concealed firearm” not a concealed weapon. The term “weapon” is a much broader term and a concealed carry permit or license only applies to firearms, and only to legal firearms.
- ◆ Concealed carry statutes do not authorize the concealed carry of a prohibited firearm or a weapon other than a firearm.

Concealed Carry Laws and the Business Owner

► I. Background

– What is a Concealed Carry Permit?

- ◆ Nebraska Revised Statutes 28-1202. ...any person who **carries a weapon** or weapons **concealed on or about his or her person, such as a handgun**, a knife, brass or iron knuckles, or any other deadly weapon, **commits the offense of carrying a concealed weapon**.
- ◆ Kansas Statutes Annotated 21-6302. **Criminal carrying of a weapon** is knowingly **carrying...any pistol**, revolver or other firearm concealed **on one's person** except when on the person's land or in the person's abode or fixed place of business.

Concealed Carry Laws and the Business Owner

► I. Background

- What is a Concealed Carry Permit?
 - ♦ Missouri Revised Statutes 571.030. 1. A person **commits the crime of unlawful use of weapons** if he or she knowingly **carries concealed** upon or about his or her person... **a firearm**...
 - ♦ Colorado Revised Statutes 18-12-105. A person **commits a class 2 misdemeanor** if such person knowingly and **unlawfully... carries a firearm concealed** on or about his or her person.

Concealed Carry Laws and the Business Owner

► I. Background

- What is a Concealed Carry Permit?
 - ♦ Under the laws of most states, the carrying of a concealed firearm is a crime.
 - ♦ Concealed carry permits are by definition **permits or licenses** providing for the holder of the permit to carry a concealed firearm.
 - ♦ But there are other ways to carry a firearm:
 - Open Carry
 - Automobile Carry
 - Constitutional Carry

Concealed Carry Laws and the Business Owner

▶ I. Background

- What is a Concealed Carry Permit?
 - ◆ **Open Carry** - Not Concealed
 - Most states do not prohibit open carry of a firearm.
 - Some local jurisdictions do.
 - Most jurisdictions that prohibit open carry provide exceptions for open carry to concealed carry permit holders, or concealed carry statutes provide for preemption of the local ordinances.

Concealed Carry Laws and the Business Owner

▶ I. Background

- What is a Concealed Carry Permit?
 - ◆ **Automobile Carry**
 - Again, a split of authority.
 - Some states provide that carrying a firearm in a vehicle is not concealed carry.
 - Some states prohibit this as a concealed carry.
 - Some provide that it is concealed only if it is not in plain view.
 - Most all allow a firearm to be carried in a vehicle in a locked container.

Concealed Carry Laws and the Business Owner

► I. Background

- What is a Concealed Carry Permit?
 - ◆ **Constitutional Carry** - No permit required
 - Constitutional carry states have statutes that allow for the issuance of a concealed carry permit by the state.
 - Those state permits add little to the rights of the permit holder in-state.
 - But...

Concealed Carry Laws and the Business Owner

► I. Background

- What is a Concealed Carry Permit?
 - ◆ **Reciprocity** - The ability to carry concealed in other states.
 - Nebraska Permits are honored in all states except:
 - » California, Connecticut, Delaware, Georgia, Guam, Hawaii, Illinois, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, New York City, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Virgin Islands, Washington, West Virginia, American Samoa, District of Columbia, N. Mariana Islands **(19 States)**.

Concealed Carry Laws and the Business Owner

► I. Background

– What is a Concealed Carry Permit?

- ◆ Reciprocity - The ability to carry concealed in other states.
 - Kansas Permits are honored in all states except:
 - » California, Connecticut, Delaware, Guam, Hawaii, Illinois, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, New York City, Oregon, Puerto Rico, Rhode Island, Virgin Islands, American Samoa, District of Columbia, N. Mariana Islands **(13 States)**.

Concealed Carry Laws and the Business Owner

► I. Background

– What is a Concealed Carry Permit?

- ◆ Reciprocity - The ability to carry concealed in other states.
 - Missouri Permits are honored in all states except:
 - » California, Connecticut, Guam, Hawaii, Illinois, Maine, Maryland, Massachusetts, Nevada, New Jersey, New York, New York City, Oregon, Puerto Rico, Rhode Island, Virgin Islands, Virginia, American Samoa, District of Columbia, N. Mariana Islands **(13 States)**.

Concealed Carry Laws and the Business Owner

▶ I. Background

- What is a Concealed Carry Permit?
 - ◆ Reciprocity - The ability to carry concealed in other states.
 - Colorado Permits are honored in all states except:
 - » **California**, Connecticut, Guam, **Hawaii**, **Illinois**, **Maine**, **Maryland**, **Massachusetts**, Minnesota, Nevada, New Jersey, **New York**, New York City, Oregon, Puerto Rico, Rhode Island, South Carolina, Virgin Islands, Virginia, Washington, American Samoa, District of Columbia, N. Mariana Islands (**16 States**).

Concealed Carry Laws and the Business Owner

▶ I. Background

- State Data Concerning Permits
 - ◆ Permit Holders in the United States.
 - As of June 30, 2014 there were nearly **12 million permit holders** in the United States.
 - The number is probably much higher as New York and some other states do not report this information.
 - Constitutional Carry States also do not report those who also possess a permit.

Concealed Carry Laws and the Business Owner

► I. Background

– State Data Concerning Permits

- ◆ Permit Holders in the United States.
 - Nebraska 30,505 (2.71%) (December 2013)
 - Kansas 75,099 (3.46%) (December 2013)
 - Missouri 171,000 (3.68%) (February 2013)
 - Colorado 170,636 (4.23%) (December 2013)
 - Florida has the most - 1,278,246
 - South Dakota has the highest percentage - 2.03%
 - Hawaii has the fewest - 83, and the lowest percentage - .02%

Source: Crime Prevention Research Center

Concealed Carry Laws and the Business Owner

► I. Background

– Crime Statistics

- ◆ Few permits holders have had their permits revoked as a result of committing a crime.
- ◆ Florida - 168 from 1987 to 2014
- ◆ Texas - 120 during same period

– Deterrence

- ◆ According to a 2014 Study by the Crime Prevention Research Center (based on 2007 data) a 1% increase in the percent of the adult population holding a concealed carry permit is roughly associated with a 1.4% drop in the murder rate.

▶ II. Rights of Permit Holders

– General

- ◆ State statutes and local ordinances provide for the parameters of concealed carry permit or license.
- ◆ States issue permits or licenses. These are not rights and as such are subject to limitations.
- ◆ Constitutional Carry states generally provide that the carrying of a concealed firearm is not prohibited and provide restrictions on when and where a concealed firearm may not be carried.

▶ II. Rights of Permit Holders

– Kansas

- ◆ Kansas Statutes Annotated 21-6302.
Criminal carrying of a weapon.
 - (a) Criminal carrying of a weapon is knowingly carrying:
 - » (1)... (4) any pistol, revolver or other firearm concealed on one's person except when on the person's land or in the person's abode or fixed place of business.
 - (c) Subsection (a) shall not apply to:
 - » (1)...(9) any person carrying a concealed handgun as authorized by K.S.A. 2014 Supp. 75-7c01 et seq., and amendments thereto.

► II. Rights of Permit Holders

— Kansas

- ◆ K.S.A. 2014 Supp. 75-7c01 et seq. The Personal and Family Protection Act.
 - 75-7c03. License to carry concealed handgun .
 - » (a) The attorney general shall issue licenses to carry concealed handguns to persons who comply with the application and training requirements of this act and who are not disqualified under K.S.A. 2014 Supp. 75-7c04, and amendments thereto. Such licenses shall be valid throughout the state for a period of four years from the date of issuance

► II. Rights of Permit Holders

— Kansas

- ◆ Kansas Senate Bill No. 45.
- ◆ Amends Kansas Statutes Annotated 21-6302.
 - Criminal carrying of a weapon.
 - » (a) Criminal carrying of a weapon is knowingly carrying: (1) . . . (4) ~~any pistol, revolver or other firearm concealed on one's person except when on the person's land or in the person's abode or fixed place of business.~~
- ◆ Amends other references in the criminal statute referencing possession of a concealed firearm by a license holder.
- ◆ Authorizes the carrying of concealed handguns in the state without a license or a training requirement.

▶ II. Rights of Permit Holders

– Kansas

- ◆ Agency 16 Regulations
 - Permit holders may carry a firearm in an automobile.

▶ II. Rights of Permit Holders

– Missouri

- ◆ Missouri Revised Statutes 571.101. 1.
 - All applicants for concealed carry permits issued pursuant to subsection 7 of this section must satisfy the requirements of sections 571.101 to 571.121.
 - **If the said applicant can show qualification as provided by sections 571.101 to 571.121, the county or city sheriff shall issue a concealed carry permit authorizing the carrying of a concealed firearm on or about the applicant's person or within a vehicle.**
 - A concealed carry permit shall be valid from the date of issuance or renewal until five years from the last day of the month in which the permit was issued or renewed. The concealed carry permit is valid throughout this state.

▶ II. Rights of Permit Holders

– Missouri

- ◆ Missouri Revised Statutes 571.030. 1.
 - A person commits the crime of unlawful use of weapons if he or she knowingly: (1) Carries concealed upon or about his or her person... a **firearm...Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any person who has a valid concealed carry permit** issued pursuant to sections 571.101 to 571.121, a valid concealed carry endorsement issued before August 28, 2013, or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state.

▶ II. Rights of Permit Holders

– Nebraska

- ◆ Nebraska Revised Statutes 69-2428. Permit to carry concealed handgun; authorized.
 - **An individual may obtain a permit to carry a concealed handgun in accordance with the Concealed Handgun Permit Act.**

▶ II. Rights of Permit Holders

– Nebraska

- ◆ Nebraska Revised Statutes 28-1202. Carrying concealed weapon; penalty; affirmative defense.
 - (1)(a) Except as otherwise provided in this section, any person who carries a weapon or weapons concealed on or about his or her person, such as a handgun... commits the offense of carrying a concealed weapon...
 - (2) **This section does not apply to a person who is the holder of a valid permit issued under the Concealed Handgun Permit Act if the concealed weapon the defendant is carrying is a handgun.**

▶ II. Rights of Permit Holders

– Colorado

- ◆ Colorado Revised Statutes 18-12-214. Authority granted by permit-carrying restrictions.
 - (1) (a) **A permit to carry a concealed handgun authorizes the permittee to carry a concealed handgun in all areas of the state, except as specifically limited in this section.** A permit does not authorize the permittee to use a handgun in a manner that would violate a provision of state law. A local government does not have authority to adopt or enforce an ordinance or resolution that would conflict with any provision of this part 2.

▶ II. Rights of Permit Holders

– Colorado

- ◆ Colorado Revised Statutes 18-12-105. Unlawfully carrying a concealed weapon - unlawful possession of weapons.
 - (1) A person commits a class 2 misdemeanor if such person knowingly and unlawfully... (b) Carries a firearm concealed on or about his or her person... (c) A person who, at the time of carrying a concealed weapon, held a valid written permit to carry a concealed weapon issued pursuant to section 18-12-105.1, as it existed prior to its repeal, or, **if the weapon involved was a handgun, held a valid permit to carry a concealed handgun** or a temporary emergency permit issued pursuant to part 2 of this article; except that it shall be an offense under this section if the person was carrying a concealed handgun in violation of the provisions of section 18-12-214.

▶ III. Rights of Property Owners, Establishments and Employers

– General

- ◆ The United States Constitution grants firearms owners certain rights - The Second Amendment.
- ◆ State Constitutions grant firearms owners certain rights.
- ◆ The Supreme Court ruled in the *District of Columbia v. Heller* 554 U.S. 570 (2008), and in *McDonald v. Chicago* 561 U.S. 742 (2010) that **states and cities cannot totally ban guns because there is a fundamental, individual right to self-defense.**
- ◆ State Statutes provide for certain rights to firearms owners and possessors of firearms subject to regulation.

▶ III. Rights of Property Owners, Establishments and Employers

– General

- ◆ **State Statutes and State and local regulations can and do limit the rights of individuals carrying concealed firearms**, irrespective of whether that individual is carrying pursuant to a permit or license or pursuant to a constitutional carry statute or provision.
- ◆ Irrespective of rights and restrictions of carrying a weapon provided by statute or regulation, **there are also general property right considerations, such as trespassing laws**, that further restrict the carrying of firearms.

▶ III. Rights of Property Owners, Establishments and Employers

– General

- ◆ Just because you have a driver's license, it does not confer the right to drive on or park on private property.
- ◆ A license to hunt does not give that person the right to hunt on private property.
- ◆ Private property owners have the right to remove individuals from their property.

► III. Rights of Property Owners, Establishments and Employers

– General

- ◆ Private enforcement versus police enforcement.
 - In the absence of a statute or regulation prohibiting an individual from carrying a firearm on an owner’s premises, that property owner has the right to have that person removed from the premises.
 - Some statutes or regulations allow a property owner to post a “no firearms” sign on the property.
 - If the statute or regulation provides for such a sign, there is usually an accompanying statute or regulation that provides that such a premises then becomes a prohibited location and subject to police enforcement.

► III. Rights of Property Owners, Establishments and Employers

– General

- ◆ Private enforcement versus police enforcement.
 - In the absence of a specific statute or regulation providing for the posting of a ‘no firearms’ sign, a property owner may generally post such a sign to indicate that if a person enters the premises, that person is subject to removal. Not as a firearms violation, but rather as a trespass violation.
 - A property owner may place restrictions on invitees to a property.
 - “No shirt, no shoes, no service.”
 - Must be enforced in a non-discriminatory manner.

► III. Rights of Property Owners, Establishments and Employers

– General

- ◆ Private enforcement versus police enforcement.
 - Most statutes and/or regulations specify certain establishments where the carrying of a firearm is prohibited by anyone, including permit holders: schools, churches, hospitals, court houses, etc.
 - Some statutes and/or regulations specify that if a property owner posts a “no firearms” sign, that premises becomes a statutorily prohibited area.
 - Enforcement of firearms carry in statutorily or regulatorily prohibited areas is not private enforcement, but police enforcement, and violators are subject to being charged with a crime.

► III. Rights of Property Owners, Establishments and Employers

– Kansas

- ◆ Kansas Statute Annotated 75-7c10.
 - Subject to the provisions of K.S.A. 2014 Supp. 75-7c20, and amendments thereto:
 - » (a) Provided that **the building is conspicuously posted** in accordance with rules and regulations adopted by the attorney general as a building where carrying a concealed handgun is prohibited, **no license issued pursuant to or recognized by this act shall authorize the licensee to carry a concealed handgun into any building.**

► III. Rights of Property Owners, Establishments and Employers

– Kansas

◆ Kansas Statute Annotated 75-7c10.

– b) Nothing in this act shall be construed to prevent:

- » Any public or private employer from restricting or prohibiting by personnel policies persons licensed under this act from carrying a concealed handgun while on the premises of the employer's business or while engaged in the duties of the person's employment by the employer, except that no employer may prohibit possession of a handgun in a private means of conveyance, even if parked on the employer's premises; or

► III. Rights of Property Owners, Establishments and Employers

– Kansas

◆ Kansas Statute Annotated 75-7c10.

- (2) any private business or city, county or political subdivision from restricting or prohibiting persons licensed or recognized under this act from carrying a concealed handgun within a building or buildings of such entity, provided that the building is posted in accordance with rules and regulations adopted by the attorney general pursuant to subsection (h), as a building where carrying a concealed handgun is prohibited.

► III. Rights of Property Owners, Establishments and Employers

– Kansas

- ◆ Kansas Statute Annotated 75-7c10.
 - (c) (1) Any private entity which provides adequate security measures in a private building and which conspicuously posts signage in accordance with this section prohibiting the carrying of a concealed handgun in such building as authorized by the personal and family protection act shall not be liable for any wrongful act or omission relating to actions of persons licensed to carry a concealed handgun concerning acts or omissions regarding such handguns.

► III. Rights of Property Owners, Establishments and Employers

– Kansas

- ◆ Kansas Statute Annotated 75-7c10.
 - (2) Any private entity which does not provide adequate security measures in a private building and which allows the carrying of a concealed handgun as authorized by the personal and family protection act shall not be liable for any wrongful act or omission relating to actions of persons licensed to carry a concealed handgun concerning acts or omissions regarding such handguns.
 - (3) Nothing in this act shall be deemed to increase the liability of any private entity where liability would have existed under the personal and family protection act prior to the effective date of this act.

► III. Rights of Property Owners, Establishments and Employers

— Kansas

◆ Kansas Statute Annotated 75-7c10.

- (d) The governing body or the chief administrative officer, if no governing body exists, of any of the following institutions may permit any employee, who is licensed to carry a concealed handgun as authorized by the provisions of K.S.A. 2014 Supp. 75-7c01 et seq., and amendments thereto, to carry a concealed handgun in any building of such institution, if the employee meets such institution's own policy requirements regardless of whether such building is conspicuously posted in accordance with the provisions of this section:

► III. Rights of Property Owners, Establishments and Employers

— Kansas

◆ Kansas Statute Annotated 75-7c10.

- (1) A unified school district;
- (2) a postsecondary educational institution, as defined in K.S.A. 74-3201b, and amendments thereto;
- (3) a state- or municipal-owned medical care facility, as defined in K.S.A. 65-425, and amendments thereto;
- (4) a state- or municipal-owned adult care home, as defined in K.S.A. 39-923, and amendments thereto;
- (5) a community mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto; or
- (6) an indigent health care clinic.

► III. Rights of Property Owners, Establishments and Employers

– Kansas

◆ Kansas Statute Annotated 75-7c10.

- (e) (1) **It shall be a violation of this section to carry a concealed handgun in violation of any restriction or prohibition allowed** by subsection (a) or (b) if the building is posted in accordance with rules and regulations adopted by the attorney general pursuant to subsection (h). **Any person who violates this section shall not be subject to a criminal penalty but may be subject to denial to such premises or removal from such premises.**

► III. Rights of Property Owners, Establishments and Employers

– Kansas

◆ Kansas Statute Annotated 75-7c10.

- (i) The attorney general shall adopt rules and regulations prescribing the location, content, size and other characteristics of signs to be posted on a building where carrying a concealed handgun is prohibited pursuant to subsections (a) and (b). Such regulations shall prescribe, at a minimum, that:

► III. Rights of Property Owners, Establishments and Employers

– Kansas

◆ Kansas Statute Annotated 75-7c10.

- » (1) The signs be posted at all exterior entrances to the prohibited buildings;
- » (2) the signs be posted at eye level of adults using the entrance and not more than 12 inches to the right or left of such entrance;
- » (3) the signs not be obstructed or altered in any way; and
- » (4) signs which become illegible for any reason be immediately replaced.

► III. Rights of Property Owners, Establishments and Employers

– Missouri

◆ Missouri Revised Statutes 571.107.

– No concealed carry permit...shall authorize any person to carry concealed firearms into:

- » (1) Any police, sheriff, or highway patrol office or station without the consent of the chief law enforcement officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station 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;

► III. Rights of Property Owners, Establishments and Employers

– Missouri

- ◆ Missouri Revised Statutes 571.107.
 - (2) Within twenty-five feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place 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;
 - (3) The facility of any adult or juvenile detention or correctional institution, prison or jail.

► III. Rights of Property Owners, Establishments and Employers

– Missouri

- ◆ Missouri Revised Statutes 571.107.
 - (4) Any courthouse solely occupied by the circuit, appellate or supreme court, or any courtrooms, administrative offices, libraries or other rooms of any such court whether or not such court solely occupies the building in question.
 - (5) Any meeting of the governing body of a unit of local government; or any meeting of the general assembly or a committee of the general assembly.

► III. Rights of Property Owners, Establishments and Employers

– Missouri

- ◆ Missouri Revised Statutes 571.107.
 - (6) The general assembly, supreme court, county or municipality may by rule, administrative regulation, or ordinance prohibit or limit the carrying of concealed firearms by permit or endorsement holders in that portion of a building owned, leased or controlled by that unit of government.
 - (7) Any establishment licensed to dispense intoxicating liquor for consumption on the premises, which portion is primarily devoted to that purpose, without the consent of the owner or manager.

► III. Rights of Property Owners, Establishments and Employers

– Missouri

- ◆ Missouri Revised Statutes 571.107.
 - (8) Any area of an airport to which access is controlled by the inspection of persons and property. Possession of a firearm in a vehicle on the premises of the airport 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;
 - (9) Any place where the carrying of a firearm is prohibited by federal law;

► III. Rights of Property Owners, Establishments and Employers

– Missouri

◆ Missouri Revised Statutes 571.107

(10) Any higher education institution or elementary or secondary school facility without the consent of the governing body of the higher education institution or a school official or the district school board, unless the person with the concealed carry endorsement or permit is a teacher or administrator of an elementary or secondary school who has been designated by his or her school district as a school protection officer.

► III. Rights of Property Owners, Establishments and Employers

– Missouri

◆ Missouri Revised Statutes 571.107.

- (11) Any portion of a building used as a child care facility without the consent of the manager. Nothing in this subdivision shall prevent the operator of a child care facility in a family home from owning or possessing a firearm or a concealed carry permit or endorsement;
- (12) Any riverboat gambling operation accessible by the public without the consent of the owner or manager pursuant to rules promulgated by the gaming commission.

► III. Rights of Property Owners, Establishments and Employers

– Missouri

- ◆ Missouri Revised Statutes 571.107.
 - (13) Any gated area of an amusement park. Possession of a firearm in a vehicle on the premises of the amusement park 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;
 - (14) Any church or other place of religious worship without the consent of the minister or person or persons representing the religious organization that exercises control over the place of religious worship.

► III. Rights of Property Owners, Establishments and Employers

– Missouri

- ◆ Missouri Revised Statutes 571.107.
 - (15) 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.

► III. Rights of Property Owners, Establishments and Employers

– Missouri

- ◆ Missouri Revised Statutes 571.107.
 - (16) Any sports arena or stadium with a seating capacity of five thousand or more. 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;
 - (17) Any hospital accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital 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.

► III. Rights of Property Owners, Establishments and Employers

– Nebraska

- ◆ Nebraska Revised Statutes 69-2441.
 - (1)(a) A **permit holder may carry a concealed handgun anywhere in Nebraska, except** any:
 - » Police, sheriff, or Nebraska State Patrol station or office;
 - » detention facility, prison, or jail; courtroom or building which contains a courtroom;
 - » polling place during a bona fide election;
 - » meeting of the governing body of a county, public school district, municipality, or other political subdivision;

► III. Rights of Property Owners, Establishments and Employers

— Nebraska

- ◆ Nebraska Revised Statutes 69-2441.
 - » meeting of the Legislature or a committee of the Legislature;
 - » financial institution;
 - » professional or semiprofessional athletic event;
 - » building, grounds, vehicle, or sponsored activity or athletic event of any public, private, denominational, or parochial elementary, vocational, or secondary school, a private postsecondary career school as defined in section 85-1603, a community college, or a public or private college, junior college, or university;
 - » place of worship;

► III. Rights of Property Owners, Establishments and Employers

— Nebraska

- ◆ Nebraska Revised Statutes 69-2441.
 - » hospital, emergency room, or trauma center;
 - » political rally or fundraiser;
 - » establishment having a license issued under the Nebraska Liquor Control Act that derives over one-half of its total income from the sale of alcoholic liquor;
 - » place where the possession or carrying of a firearm is prohibited by state or federal law;

► III. Rights of Property Owners, Establishments and Employers

– Nebraska

- ◆ Nebraska Revised Statutes 69-2441.
 - » a place or premises where the person, persons, entity, or entities in control of the property or employer in control of the property has prohibited permit holders from carrying concealed handguns into or onto the place or premises; or
 - » into or onto any other place or premises where handguns are prohibited by state law.

► III. Rights of Property Owners, Establishments and Employers

– Colorado

- ◆ Colorado Revised Statutes 18-12-214.
 - (1) (a) A permit to carry a concealed handgun authorizes the permittee to carry a concealed handgun in all areas of the state, except as specifically limited in this section.
 - A permit does not authorize the permittee to use a handgun in a manner that would violate a provision of state law.
 - A local government does not have authority to adopt or enforce an ordinance or resolution that would conflict with any provision of this part 2.

► III. Rights of Property Owners, Establishments and Employers

– Colorado

- ◆ Colorado Revised Statutes 18-12-214.
 - (2) A permit issued pursuant to this part 2 does not authorize a person to carry a concealed handgun into a place where the carrying of firearms is prohibited by federal law.
 - (3) A permit issued pursuant to this part 2 does not authorize a person to carry a concealed handgun onto the real property, or into any improvements erected thereon, of a public elementary, middle, junior high, or high school;

► III. Rights of Property Owners, Establishments and Employers

– Colorado

- ◆ Colorado Revised Statutes 18-12-214.
 - (4) A permit issued pursuant to this part 2 does not authorize a person to carry a concealed handgun into a public building at which:
 - » (a) Security personnel and electronic weapons screening devices are permanently in place at each entrance to the building;
 - » (b) Security personnel electronically screen each person who enters the building to determine whether the person is carrying a weapon of any kind; and
 - » (c) Security personnel require each person who is carrying a weapon of any kind to leave the weapon in possession of security personnel while the person is in the building.

▶ III. Rights of Property Owners, Establishments and Employers

– Colorado

- ◆ Colorado Revised Statutes 18-12-214.
 - (5) Nothing in this part 2 shall be construed to limit, restrict, or prohibit in any manner the existing rights of a private property owner, private tenant, private employer, or private business entity.

▶ IV. Practical Application

– Kansas:

- ◆ No license required to carry a concealed firearm in Kansas as of July 1, 2015
- ◆ The carrying of a concealed firearm is prohibited in the Capital Complex, the Governor's residence, on the grounds of the Governor's complex, any state-owned building that is posted, any county courthouse, a school, a state- or municipal-owned medical facility.
- ◆ Any building may restrict the carrying of a concealed firearm by posting a sign (however, not a criminal violation).

▶ IV. Practical Application

- Kansas:
 - ◆ Any employer may restrict or prohibit, by personnel policies persons licensed from carrying a concealed handgun while on the premises of the employer’s business or while engaged in the duties of the person’s employment by the employer.
 - ◆ No employer may prohibit possession of a handgun in a private means of conveyance, even if parked on the employer’s premises.
 - ◆ “building” shall not include any structure, or any area of a structure, designed for the parking of motor vehicles.

▶ IV. Practical Application

- Missouri:
 - ◆ Concealed Carry Permit required to carry a concealed firearm.
 - ◆ Concealed carry is not allowed in a law enforcement office, a polling place on election day, jails, courthouses, any meeting of a governmental body, a bar, an airport, where prohibited by federal law, schools, child care facilities, riverboat gambling facilities, amusement parks, churches, sports arenas or stadiums (over 5,000), hospitals, or where posted.
 - ◆ Private establishments may prohibit concealed carry with the posting of a sign.
 - ◆ Violation is a criminal offense.

► IV. Practical Application

- Missouri:
 - ◆ Possession of a firearm in a vehicle of any prohibited premises is not a violation so long as it is not removed from the vehicle, or brandished while in the vehicle.
 - ◆ Missouri allows transport of a firearm in the passenger compartment of a vehicle without a permit.

► IV. Practical Application

- Nebraska:
 - ◆ A permit is required to carry a concealed firearm.
 - ◆ Permit holder may carry anywhere in the state except: law enforcement office, prison or jail, courthouse, school, polling place on election day, meeting of a governmental body, financial institution, professional, semi-professional, or school athletic event, church, hospital, political rally or fundraiser, bars or where posted.
 - ◆ Carrying of a concealed firearm in a posted area is a criminal act.
 - ◆ Must be locked in a vehicle prior to exiting.

▶ IV. Practical Application

- Colorado:
 - ◆ A permit is required to carry a concealed firearm.
 - ◆ Permit holder may carry anywhere in the state except: a school, a public building with security screening.
 - ◆ Must be unloaded in a vehicle in Denver.
 - ◆ University of Colorado ban was ruled unconstitutional in 2013.
 - ◆ “Nothing in this section shall apply to limit, restrict or prohibit in any manner the existing rights of any private property owner, private tenant, private employer or private business entity.”
 - ◆ No statutory provision for signage.

▶ V. Summary

- Private employers may restrict employee’s carry rights.
- Property owners may restrict the carrying of concealed firearms either as a criminal violation of firearms carry laws, or through trespass laws.
- Parking facilities may generally not be restricted except through personnel policies.

Concealed Carry Laws and the Business Owner

▶ V. Summary

- Avoid private enforcement.
- Avoid empowerment of employees to enforce.
- Specific employee policies.
- Clear and obvious signage.

Concealed Carry Laws and the Business Owner

▶ VI

- Questions and Comments

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