

FREQUENTLY ASKED QUESTIONS REGARDING PLACES OF WORSHIP
AND GEORGIA'S NEW GUN LAW
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Q: How does passage of House Bill 60, which dramatically expands the number of venues where firearms are permitted to be carried legally, affect places of worship?

A: Under House Bill 60, places of worship are listed in the “unauthorized locations” category for carrying firearms. This means that, unless the place of worship, through its decision making authority, takes specific action to permit the carrying of firearms, firearms are prohibited.

Q: Is the prohibition against carrying a firearm in a place of worship automatic, as long as the place of worship has not opted to permit firearms?

A: Yes, under the provisions of HB 60, prohibition of firearms in places of worship is automatic, unless, and until, the decision is made to permit firearms. No additional action is required, in order for the place of worship to maintain its status as an “unauthorized location” for carrying firearms.

Q: What about weapons other than firearms?

A: Weapons other than firearms, such as “any dirk, bowie knife, switchblade knife, ballistic knife, another knife having a blade of two or more inches, straight-edge razor, razor blade,” or other implement that can be used as a weapon (excluding athletic equipment) are listed in the section of the bill related to schools, school zones, school vehicles (such as buses), school functions, etc. Even though HB 60 appears clearly to define firearms as the primary weapon in relation to places of worship, it would necessarily follow that these same, or similar, potentially lethal weapons would be prohibited in places of worship, as well. Common sense and judgment should prevail regarding the admissibility of everyday tools, such as the common pocket knife. It should be noted that, under existing law, pocket knives are not permitted in schools.

Q: Does the term, “place of worship,” include all buildings and grounds, or just the sanctuary?

A: HB 60 does not give a precise definition of the term, “place of worship.” However, the context in which the legislation delineates “places of worship” clearly seems to intend that the term include all property related to the place of worship.

NOTE: To be fair, one of our Roman Catholic advocacy colleagues has espoused the view that the term relates only to the sanctuary. Frankly, I would be surprised to learn that the proponents of HB 60 gave this question much, if any, thought. Unless there is clarification to the contrary, I would suggest proceeding under the assumption that all property, with the limited

exception of parking facilities, which will be addressed momentarily, is included in the term, “place of worship.”

Q: What if the place of worship also administers a school, even one that may not be located on church property?

A: In the section of HB 60 regarding schools, it is clear that both public and private schools are included in the application of the legislation. HB 60 does not define how a school administered by a religious body, denomination, or faith is to be treated regarding the question of whether it would enjoy the place of worship’s status as an “unauthorized location.” My personal view is that the governing board of the place of worship to which the school belongs should be free to apply the same designation as the place of worship, itself, unless notified to the contrary. This important question regarding the application of the new law may be tested at some point.

Q: Since you mentioned it, what about parking facilities?

A: Previous firearms legislation enacted by the State Legislature (and signed into law by the governor) stipulates that firearms may be secured in locked cars, trunks of cars, locked gun racks of vehicles in virtually any parking facility related to a business or other location, including a place of worship. HB 60 proposes no change in this previously enacted law.

Q: A reader of the bill may notice that the term, “owner,” is frequently used when identifying the person(s) with decision making authority over a particular venue (private property) regarding granting permission to carry firearms. How does the use of this term affect congregations of the Presbytery of Greater Atlanta, given the Presbyterian Church (USA) provisions in the Book of Order regarding church property?

A: The final version of HB 60 (in lines 168-169) stipulates that a place of worship remains an unauthorized location “. . . unless the *governing body* or *authority* of the place of worship permits the carrying of weapons or long guns by license holders.” (The message apparently got through that the “private property” issue is not as simple for places of worship, as it may be for other private property venues.)

Q: What “governing body” in our Presbyterian Church (USA) polity should decide whether permission to carry firearms in a place of worship will be granted?

A: The Presbyterian Church (USA) has a clear and consistent history of General Assembly social witness policy regarding gun violence and opposition to any efforts, including legislation – at all levels of government – that results in greater proliferation of firearms in our communities, thus increasing the risk of gun violence. At the same time, our denominational social witness policy has always been understood to provide “guidance,” but not be mandatory. Laurie Griffith, Assistant Stated Clerk and Manager of Judicial Process and Social Witness in the Office of the

General Assembly, has confirmed that, in our polity, the local church session would be the primary governing body in making decisions regarding approval of firearms and other weapons in church facilities under its care. The presbytery's role would be advisory, providing guidance, resources, etc. In other words, the presbytery could urge all congregations of the Presbytery of Greater Atlanta to be "weapons free zones," but could not declare this policy to be mandatory.

Q: If someone carrying a firearm enters our place of worship, and we have not "opted in" to permit this act, what should we do?

A: Law enforcement officials consistently advise that, if this should happen, the person be informed in a non-confrontational way that firearms are not permitted in your place of worship and then ask the person to take the weapon outside and secure it in his or her vehicle. If the person refuses to leave, becomes disruptive or belligerent, the police may be called. It should be noted that, under the provisions of HB 60, the police are limited in actions authorized to be taken. For example, officers may escort the person from the building, but are not allowed to confiscate the person's weapon, or make an arrest, unless another more serious crime has been committed. In addition, under HB 60, the police are prohibited from detaining a person for the sole purpose of investigating whether the person has a weapons carry permit. The effect of this provision makes it virtually impossible to determine whether a person has a firearm carry permit, unless the person chooses to disclose this information.

Q: Is there anything a session can do (or should be doing) now, in order to prepare for the possibility that someone may violate the prohibition against carrying a firearm into your church facilities?

A: Sessions are urged to design plans, and to educate ushers, greeters and other persons who encounter those entering a place of worship, on how to respond to someone who enters with a weapon. If the presbytery issues guidelines for local congregations concerning HB 60, a session can revise its plan accordingly. But, it is strongly advised that planning begin right away. The new gun law goes into effect on July 1.

NOTE: Local police are always willing to meet with congregations, in order to advise them on such issues of safety.

Q: What is the penalty for violating the prohibition against carrying a firearm in a place of worship that has not opted to permit firearms?

A: If the prohibition against carrying a firearm in a place of worship is violated by a license holder, especially if it results in a police report, the violator is subject to a fine of up to \$100.. If a non-license holder violates the provision, the violator is guilty of a misdemeanor. Under the provisions of HB 60, the specific penalty this misdemeanor would incur when the violation involves a place of worship is not particularly clear, but a misdemeanor can carry a penalty of up to one year in jail and a fine of up to \$1,000.

Q: Other than committing a more serious crime, such as firing the weapon, or aiming the weapon, is there any other part of existing law that could be applied, in order for law enforcement to be able to detain, or even arrest the violator?

A: Some have argued that, under certain circumstances (for example, the person refusing to leave and/or take his or her weapon outside and secure it in his/her vehicle), the person could be considered guilty of “criminal trespass,” which could result in the person being detained or arrested.

Q: If our congregation decides to “opt in” and permit firearms, how might our liability insurance be affected?

A: It is strongly advised that your insurance carrier be consulted before you finalize a decision to “opt in” and allow firearms in your place of worship.