



TIM GRIFFIN
ATTORNEY GENERAL

Opinion No. 2025-031

November 14, 2025

The Honorable Sonia Eubanks Barker
State Representative
Post Office Box 534
Smackover, Arkansas 71762

Dear Representative Barker:

I am writing in response to your request for an opinion on Arkansas's regulatory framework governing firearms. You ask the following questions:

1. Under A.C.A. § 5-73-122 (Carrying a firearm in publicly owned buildings or facilities), paragraph (a)(4) redefined “facilities.” This redefinition permits unlicensed constitutional carry in municipal parks, but does it allow unlicensed constitutional carry in publicly owned or municipal buildings or at athletic events held within those parks?

Brief response: While A.C.A. § 5-73-122 allows open carry in municipal parks and during athletic events, it does not authorize carrying firearms inside municipally owned or operated buildings within those parks.

2. What is the definition of an “athletic” event as used in A.C.A. § 5-73-122 and § 5-73-306? Specifically, do these sections refer to organized sports events or all “sports” events, such as neighbor kids playing together with a ball or a frisbee, etc.?

Brief response: Under A.C.A. § 5-73-122 and § 5-73-306, “athletic event” refers to organized sports activities—such as games, contests, or practices affiliated with school, leagues, or other entities—and does not include unorganized play. While the statutes do not define “athletic event” directly, related definitions and context suggest it includes events with structure, sponsorship, or both.

3. Does A.C.A. § 5-73-306 (Prohibited places) apply to all persons carrying handguns, including unlicensed constitutional carry, or just persons licensed under § 5-73-301 and § 5-73-322?

Brief response: Arkansas Code § 5-73-306 applies to anyone carrying concealed handguns, whether they are licensed or not. It does not cover open carry,

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but other laws, such as criminal trespass under A.C.A. § 5-39-203, might prohibit open carry at a specific location, even absent an explicit statutory ban.

DISCUSSION

Arkansas is a constitutional carry state for handguns, meaning that a person may carry a handgun, without a license, either open carry or concealed, provided that (1) the individual is legally allowed to possess a firearm under state and federal law; (2) the handgun is not carried in any location where firearms are prohibited by state or federal law; and, most importantly, (3) the handgun is not carried with the intent to use it unlawfully against another person.¹

The meaning of “constitutional carry” and the places where Arkansas law allows it have been persistent sources of confusion. In *Taff v. State*, the Arkansas Court of Appeals provided some clarity when it indicated in dicta that “[m]erely possessing a handgun is not a crime.”² Two years later, the Court held in *Petry v. State* that the State must “prove [a person] possessed [a handgun] with the *purpose* of using it for an *unlawful* end.”³ So mere possession of a handgun, whether it is openly carried or concealed, is not a crime in the State of Arkansas under A.C.A. § 5-73-120(a).

While mere possession may not be a crime, knowingly carrying or possessing a loaded firearm or other deadly weapon in a publicly owned building or facility is a separate crime under A.C.A. § 5-73-122. This distinction is important because one of the most frequently discussed exceptions to the crime of carrying a weapon—the “journey” exception found in A.C.A. 5-73-120(c)(4)—is not applicable to the crime of carrying a loaded firearm or other deadly weapon in a publicly owned building or facility.⁴ These are separate offenses, and of those two,

¹ “Open carry” is not a term used in A.C.A. § 5-73-120. For purposes of this opinion, the term refers to carrying a handgun in plain view without any type of license. *See* Ark. Att’y Gen. Op. 2015-064. *See* H.R. Res. 1013 and S. Res. 18, 92d Gen. Assemb., Reg. Sess. (Ark. 2019); *see also* A.C.A. § 5-73-120(a) (stating that “[a] person commits the offense of carrying a weapon if he or she possesses a handgun, knife, or club on or about his or her person, in a vehicle occupied by him or her, or otherwise readily available for use with a purpose to attempt to unlawfully employ the handgun, knife, or club as a weapon against a person”); A.C.A. § 5-73-120(b)(2) (defining “handgun” as “any firearm with a barrel length of less than twelve inches (12”) that is designed, made, or adapted to be fired with one (1) hand”); A.C.A. § 5-73-122 (carrying a firearm in publicly owned buildings or facilities).

² *See Taff v. State*, 2018 Ark. App. 488, 9, 562 S.W.3d 877, 882 (2018); Ark. Att’y Gen. Op. 2015-064.

³ *Petry v. State*, 2020 Ark. App. 162, 18, 595 S.W.3d 442, 453 (2020).

⁴ The journey exception began as an exception to the general prohibition against concealed carry, dating back to shortly after the State’s founding. In 1838, Arkansas law prohibited any person from carrying “any pistol, dirk, butcher or large knife, or a sword in a cane, concealed as a weapon, unless upon a journey[.]” *See* Rev. Stat. Ark., div. VIII, ch. 44, art. 1, § 13, at 280 (1838); *See also* John Thomas Shepard, *Who Is the Arkansas Traveler?: Analyzing Arkansas’s “Journey” Exception to the Offense of Carrying a Weapon*, 66 Ark. L. Rev. 463, 468 (2013).

the journey exception applies only to carrying a weapon under A.C.A. § 5-73-120(a).⁵ Since your questions center on A.C.A. § 5-73-122 and A.C.A. § 5-73-306, the journey exception is not applicable to this analysis. Understanding this limitation provides useful context for examining the location-based restrictions on firearm possession.

Arkansas and federal law specify numerous locations where carrying a handgun, whether open carry or concealed, is prohibited.⁶ But before I answer your specific questions, it may be useful to review some of Arkansas's weapons laws.

Most Arkansas weapons statutes are codified in A.C.A. §§ 5-73-101 to 5-73-402, with the relevant administrative regulations located in 5 Code Ark. R. §§ 1-101 to 1-305.

- Section 5-73-119 prohibits carrying a handgun at public or private schools from kindergarten through grade 12, including on school buses and at bus stops, unless an exemption applies.
- Section 5-73-120 forbids carrying a weapon with the intent to use it against someone unlawfully.
- Section 5-73-122 bans carrying or possessing a loaded firearm or other deadly weapon in any publicly owned building or facility or on the State Capitol grounds.
- Section 5-73-306 prohibits carrying a concealed handgun in any of the locations listed in § 5-73-122, as well as in other specified locations, regardless of whether the carrier holds a concealed carry license.
- Sections 5-73-122 and 5-73-306 include many exemptions. Notably, the exemption for enhanced concealed carry license holders permits them to carry concealed in many of the locations listed in § 5-73-306.⁷ Those exemptions are more clearly outlined in 5 Code Ark. R. § 1-205.

Understanding how §§ 5-73-122 and 5-73-306 work together is key to answering your questions about open carry in municipal parks.

⁵ While, under A.C.A. § 5-73-119(e)(7), the journey exception also applies to offenses arising under A.C.A. § 5-73-119, that section is not at issue in your questions.

⁶ A.C.A. § 5-73-122; A.C.A. § 5-73-306.

⁷ See A.C.A. § 5-73-322(h) (providing that a concealed carry licensee who has a concealed carry endorsement by the Division of Arkansas State Police is exempted from the prohibitions and restrictions found in A.C.A. § 5-73-122 for publicly owned buildings or facilities, as long as the firearm is a handgun, and from the prohibited places listed under § 5-73-306(7)–(12), (14), (15), and (17), unless otherwise prohibited under § 5-73-306(19) or § 5-73-306(20)).

Question 1: Under A.C.A. § 5-73-122 (Carrying a firearm in publicly owned buildings or facilities), paragraph (a)(4) redefined “facilities.” This redefinition permits unlicensed constitutional carry in municipal parks, but does it allow unlicensed constitutional carry in publicly owned or municipal buildings or at athletic events held within those parks?

While A.C.A. § 5-73-122 allows open carry in municipal parks and during athletic events, it does not authorize carrying inside municipally owned or operated buildings within those parks. Explaining why that is the case requires some statutory interpretation. The first rule in considering the meaning and effect of a statute is to construe the text just as it reads, giving the words their ordinary and accepted meaning in common language.⁸ The courts will construe a statute so that no word is left void, superfluous, or insignificant; and meaning and effect are given to every word in the statute if possible.⁹ When the language of a statute is plain and unambiguous, there is no need to resort to the rules of statutory interpretation.¹⁰

In 2021, the General Assembly adopted two amendments to § 5-73-122 that directly relate to your question. First, it added an exemption for concealed carry license holders in § 5-73-122(a)(3)(F).¹¹ It also modified the definition of facility by replacing “means” with “does not mean” in § 5-73-122(a)(4).¹² Collectively, both subdivisions state:

(3) However, this subsection does not apply to a person carrying or possessing a firearm or other deadly weapon in a publicly owned building or facility or on the State Capitol grounds:

* * *

(F) If the person has a license to carry a concealed handgun under § 5-73-301 et seq. and is carrying a concealed handgun in a municipally owned or maintained park, or another similar municipally owned or maintained recreational property, except for those portions of a municipally owned or maintained park or recreational facility that contain a:

(i) Football field, baseball field, soccer field, or other sports field where an athletic event or practice is occurring at the time;

⁸ See, e.g., *MacSteel Div. of Quanax v. Ark. Okla. Gas Corp.*, 363 Ark. 22, 30, 210 S.W.3d 878, 882 (2005).

⁹ *Id.* at 30, 210 S.W.3d at 882–83.

¹⁰ *Id.*

¹¹ A.C.A. § 5-73-122(a)(3)(F), as amended by Act 638 of 2021.

¹² A.C.A. § 5-73-122(a)(4), as amended by Act 693 of 2021.

(ii) Municipally owned or maintained building; or

(iii) Leased area to be used for a special event.

(4) As used in this section, “facility” does not mean a municipally owned or maintained park, football field, baseball field, soccer field, or another similar municipally owned or maintained recreational structure or property.¹³

First, § 5-73-122(a)(3)(F) allows a person with a concealed carry license to carry a handgun in a municipal park or other similar recreational property owned or maintained by a municipality. This general permission is subject to three exceptions: (1) fields during active athletic events or practices; (2) municipally owned or maintained buildings; and (3) in a leased area of the park being used for a special event. However, those with a concealed carry endorsement under § 5-73-322(g) are exempt from the first two prohibitions: they may carry concealed during athletic events or practices and in municipally owned or maintained buildings.¹⁴

Second, by substituting “does not mean” for “means” in § 5-73-122(a)(4), the General Assembly removed the prohibition on knowingly carrying a loaded firearm or other deadly weapon in municipal parks, athletic fields, and similar municipal recreational structures or properties in an open carry context. This is true regardless of any athletic event happening on a field in the municipal park. While § 5-73-306(10) continues to prohibit concealed carry during athletic events, this prohibition does not extend to open carry. The fact that the General Assembly prohibits concealed carry license holders from carrying a handgun during athletic events or practices does not mean that a similar prohibition applies in an open carry context.¹⁵ Thus, a person may open carry in a municipal park, including during an athletic event. However, the prohibition related to buildings remains. While § 5-73-122 does not define “publicly owned building,” the term is defined elsewhere in Arkansas law as “those buildings which are owned or operated by a municipal, county, or state government.”¹⁶ Nothing in § 5-73-122(a)(4) suggests that the redefinition of “facility” affects regulations of buildings within municipal parks. Those buildings were never within the definition of “facility.”

One might argue that § 5-73-122(a)(4)’s reference to “another similar municipally owned or maintained recreational structure or property” includes buildings, but it does not. The *ejusdem*

¹³ A.C.A. § 5-73-122(a)(3)(F)–(a)(4).

¹⁴ A.C.A. § 5-73-322(g)–(h); 5 C.A.R. § 1-205.

¹⁵ A well-established canon of statutory interpretation—*casus omissus pro omissio habendus est*, commonly known as the omitted-case canon—is helpful here. It stands for the proposition that what a text does not provide is unprovided. The General Assembly did not include a prohibition for open carry during athletic events, as it did for concealed carry, nor is any such prohibition implied by the statute. See Antonin Scalia & Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts* 93–100 (2012).

¹⁶ A.C.A. § 20-24-118(b).

generis (of the same kind) canon is helpful here. It provides that when general words follow a list of two or more things, they apply only to persons or things of the same general kind or class specifically mentioned.¹⁷ Here, “park,” “football field,” “baseball field,” and “soccer field” all describe open, outdoor recreational areas. So the catch-all phrase “another similar municipally owned or maintained recreational structure or property” is limited to open-air municipal facilities, not enclosed buildings.

If the General Assembly had included gymnasiums in the list of sports fields in § 5-73-122(a)(4), that might have implied that open carry was allowed in certain recreational buildings, but it did not. Finally, the canon against surplusage (which states that courts should avoid a reading that renders some words completely redundant)¹⁸ suggests that “municipally owned or maintained building[s]” and “municipally owned or maintained recreational structure[s] or propert[ies],” do not mean the same thing. Section 5-73-122 uses both phrases. Nothing in § 5-73-122 leads me to believe that they mean the same thing, or that “recreational structure or property” is a subset of building. Thus, open carry inside buildings within municipal parks is still prohibited.

Question 2: What is the definition of an “athletic” event as used in A.C.A. § 5-73-122 and § 5-73-306? Specifically, do these sections refer to organized sports events or all “sports” events, such as neighbor kids playing together with a ball or a frisbee, etc.?

“Athletic events” refers to organized sports activities, including games, contests, and practices. The term does not include unorganized events, such as neighbor kids playing with a ball, as you mentioned. Sections 5-73-122 and 5-73-306 do not define an “athletic event,” and no Arkansas court has construed the term’s meaning in this context. However, A.C.A. § 5-73-101(2) defines “collegiate athletic event” as a “sporting or athletic contest, event, or practice of an individual or team of individuals in which one (1) or more individuals or a team of individuals sponsored by, funded by, represented by, or associated with a public or private university, college, or community college competes against themselves or another individual or team of individuals.”

The definitions in § 5-73-101 apply to Chapter 73, which includes § 5-73-122 and § 5-73-306. Collectively, those sections mention “athletic event” four times. Two references relate to prohibitions on concealed carry in designated firearm-sensitive areas, approved by the Arkansas State Police, during a “collegiate athletic event.”¹⁹ One (which has already been discussed) bans concealed carry license holders from carrying at municipal athletic fields during “athletic event[s]

¹⁷ Scalia & Garner, *Reading Law*, 199.

¹⁸ Scalia & Garner, *Reading Law*, 176.

¹⁹ A.C.A. § 5-73-122(a)(3)(D)(iv)(c); A.C.A. § 5-73-306(20)(c).

or practice[s].”²⁰ The final reference bans concealed carry at “[a]ny athletic event not related to firearms.”²¹

As explained above, “[w]ords are to be understood in their ordinary, everyday meanings — unless the context indicates that they bear a technical sense.”²² Since “collegiate athletic event” is already defined, the context suggests that “athletic event” should be understood considering that definition. “Any” is an expansive and inclusive adjective modifying “athletic event.” So I understand “athletic event” to refer to the following: a sporting or athletic contest, event, or practice of an individual or a team of individuals in which one (1) or more individuals or a team of individuals sponsored by, funded by, represented by, or associated with a public or private organization, league, school, association, or other entity competes against themselves or another individual or team of individuals.

This definition encompasses a wide range of organized activities such as school, youth, and amateur competitions; martial arts tournaments; city-sponsored leagues; charity runs; dance and cheerleading competitions; and CrossFit competitions. It does not cover pick-up games or casual activities in parks, which lack structure, sponsorship, or both. These unorganized gatherings are outside the statutory ban on concealed carry during athletic events.

Question 3: Does A.C.A. § 5-73-306 (Prohibited places) apply to all persons carrying handguns, including unlicensed constitutional carry, or just persons licensed under § 5-73-301 and § 5-73-322?

No, A.C.A. § 5-73-306 only applies to individuals carrying a concealed handgun, whether they are licensed or not. The statute begins: “Except as permitted under § 5-73-322(g), a license to carry a concealed handgun issued under this subchapter does not authorize a person to carry a concealed handgun into...” followed by a list of prohibited locations.

In simple terms, § 5-73-306 outlines the places where a person cannot carry a concealed handgun—even if that person has a concealed carry license—unless an exemption applies. The statute does not regulate open carry, but this does not imply that open carry is automatically permitted in all the listed locations. Other legal restrictions on open carry still apply. For instance, A.C.A. § 5-73-122 makes it a Class C misdemeanor to openly carry in any publicly owned building or facility unless an exemption applies.

Moreover, private property owners—such as businesses, churches, event venues, and restaurants—retain broad authority to exclude weapons of any kind from their premises. Under A.C.A. § 5-39-203, a person commits criminal trespass by entering or remaining on someone

²⁰ A.C.A. § 5-73-122(a)(3)(F)(i).

²¹ A.C.A. § 5-73-306(10).

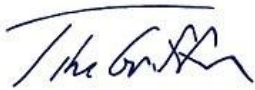
²² Scalia & Garner, *Reading Law*, 69.

else's property after being notified—either verbally or by signage—that weapons are prohibited. This means that open carrying onto private property where it is not permitted can result in criminal charges, even though no specific statute prohibits open carry in that location. Ultimately, the rights of property owners take precedence in these settings, and violating those rights may result in criminal liability.

In sum, A.C.A. § 5-73-306 governs the scope of concealed carry licensure. It does not regulate open carry, but other statutes and private property rights impose limits on where firearms may be carried.

Assistant Attorney General Justin Hughes prepared this opinion, which I hereby approve.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tim Griffin", with a stylized flourish at the end.

TIM GRIFFIN
Attorney General