

2015 State Airport Gun Laws

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States with No Preemption of Local Regulations of Firearms

- ▶ Connecticut
 - ▶ Hawaii
- ▶ Massachusetts
- ▶ New Jersey
- ▶ New York

Home Rule - Colorado

Even with State preemption of firearms regulation (Co. Rev. Stat. 29-11.7-103), the Colorado Supreme Court affirmed a trial court ruling which found that state laws expressly preempting firearms regulation unconstitutionally infringed on Denver's home rule authority with respect to ordinances addressing the open carrying of firearms, but not concealed weapon permitting. *State v. City and County of Denver*, 139 P.3d 635 (Colo. 2006), (3-3 split decision). But see: *City of Cleveland v. State*, 128 Ohio St. 3d 135 (Ohio 2010) (rejecting a home rule challenge to Ohio's preemption statute).

Denver International Airport (DIA) posted sign:

It is a **FELONY OFFENSE** for any person without legal authority to bring a loaded firearm or explosive or incendiary device into the airport or aboard a commercial aircraft. Violators may be sentenced to five years imprisonment a fine of \$10,000 or both. Those with a valid permit/license can carry into the airport but not into the sterile areas of the airport. Your valid permit/license is your legal authority.

DIA Rules/Regulations states a Permit/License holder can't carry into secure areas of the airport.

Open Carry / Concealed Carry

- ▶ **NRS 202.3673** Permittee authorized to carry concealed firearm while on premises of public building; exceptions; penalty.
- ▶ ...2. A permittee shall not carry a concealed firearm while the permittee is on the premises of a public building that is located on the property of a public airport.
- ▶ 3. A permittee shall not carry a concealed firearm while the permittee is on the premises of: ...
- ▶ (b) A public building that has a metal detector at each public entrance or a sign posted at each public entrance indicating that no firearms are allowed in the building, unless the permittee is not prohibited from carrying a concealed firearm while he or she is on the premises of the public building pursuant to subsection 4....

18 USC § 926A

- ▶ “Interstate transportation of firearms”
- ▶ Notwithstanding any other provision of any law or any rule or regulation of a State or any political subdivision thereof, any person who is not otherwise prohibited by this chapter from transporting, shipping, or receiving a firearm shall be entitled to transport a firearm for any lawful purpose from any place where he may lawfully possess and carry such firearm to any other place where he may lawfully possess and carry such firearm if, during such transportation the firearm is unloaded, and neither the firearm nor any ammunition being transported is readily accessible or is directly accessible from the passenger compartment of such transporting vehicle: Provided, That in the case of a vehicle without a compartment separate from the driver’s compartment the firearm or ammunition shall be contained in a locked container other than the glove compartment or console.

49 USC 46505(b)

- ▶ **General Criminal Penalty.**— An individual shall be fined under title 18, imprisoned for not more than 10 years, or both, if the individual—
- ▶ when on, or attempting to get on, an aircraft in, or intended for operation in, air transportation or intrastate air transportation, has on or about the individual or the property of the individual a concealed dangerous weapon that is or would be accessible to the individual in flight; ...

- ▶ **49 CFR § 1540.111 Carriage of weapons, explosives, and incendiaries by individuals.**
- ▶ **(a) *On an individual's person or accessible property—prohibitions.*** Except as provided in paragraph (b) of this section, an individual may not have a weapon, explosive, or incendiary, on or about the individual's person or accessible property—
 - ▶ (1) When performance has begun of the inspection of the individual's person or accessible property before entering a sterile area, or before boarding an aircraft for which screening is conducted under this subchapter;
 - ▶ (2) When the individual is entering or in a sterile area; or
 - ▶ (3) When the individual is attempting to board or onboard an aircraft for which screening is conducted under §§ [1544.201](#), [1546.201](#), or [1562.23](#) of this chapter.
- ▶ **CIVIL PENALTY**

ARIZONA

ARS 13-3119. Misconduct involving weapons in a secured area of an airport; classifications; definitions

- ▶ A. A Person commits misconduct involving weapons by intentionally carrying, possessing or exercising control over a deadly weapon in a secured area of an airport...
- ▶ D. For the purposes of this section:
 - ▶ 1. “Secured area of an airport” means any area of an airport specified in an airport security program that is authorized and approved by the United States Transportation security administration pursuant to 49 United States Code section 44903(h)(7)(F) and defined in 49 Code of Federal Regulations section 1540.5

United States Airport Gun Laws by State

State	Permitted	Prohibited	Relevant Law	Notes
Alabama	Airport terminal & parking lot		Code of Alabama 13A-11-61.3; 13A-11-61.2;	State preemption of regulation of firearms Prohibition of firearms in area of airports beyond screening
Alaska	Airport terminal & parking lot		AS 29.35.145; 29.35.145(a)(4) and (e)(2),	State preemption of regulation of firearms Prohibition of firearms in area of airports beyond screening
Arizona	Airport terminal & parking lot		ARS 13-3118; 13-3119	State preemption of firearms regulation Firearms prohibited in secure area of airport
Arkansas		Passenger terminal and sterile area	ACA 5-73-306	Prohibits firearms inside passenger terminal of any airport except if the firearm is encased for shipment.

United States Airport Gun Laws by State

State	Permitted	Prohibited	Relevant Law	Notes
Colorado			Co. Rev. Stat. 29-11.7-103; Co. Const. Art. XX Sec. 6	<p>State preemption of firearms regulation But Denver Home Rule authority allows firearms regulation at airport. In 2006, in a 3-3 split decision, the Colorado Supreme Court affirmed a trial court ruling which found that state laws expressly preempting firearms regulation unconstitutionally infringed on Denver's home rule authority with respect to ordinances addressing the open carrying of firearms and banning assault weapons and Saturday night specials. <i>State v. City and County of Denver</i>, 139 P.3d 635 (Colo. 2006). The court also held, however, that Denver's ordinances addressing juvenile possession of firearms, carrying concealed firearms with a permit in a public park, and concealed weapon permitting were invalid because they conflicted with state law. As a result, local jurisdictions in Colorado may enact ordinances that utilize some, but not all, policy options to reduce gun violence. But see: <i>City of Cleveland v. State</i>, 128 Ohio St. 3d 135 (Ohio 2010) (rejecting a home rule challenge to Ohio's preemption statute).</p>

United States Airport Gun Laws by State

► Colorado continued

Denver International Airport (DIA) has signs posted at the entrance of the Terminal stating: It is a **FELONY OFFENSE** for any person without legal authority to bring a loaded firearm or explosive or incendiary device into the airport or aboard a commercial aircraft. Violators may be sentenced to five years imprisonment a fine of \$10,000 or both. Those with a valid permit/license can carry into the airport but not into the sterile areas of the airport. Your valid permit/license is your legal authority. The only reference to firearms in the DIA Rules/Regulations states a Permit/License holder can't carry into secure areas of the airport.

United States Airport Gun Laws by State

State	Permitted	Prohibited	Relevant Law	Notes
Connecticut		Airport property	No laws found	No state preemption Airports can restrict firearms
Delaware	Airport terminal & parking lot		De. Code Ann. 22.111	State preemption of firearms regulations
Florida		Airport terminal	Fla. Stat. 790.06 (12)(a)(14)	Prohibits firearms inside the passenger terminal and sterile area of any airport (except firearms encased for shipment) and in any place where the carrying of firearms is prohibited by federal law.
Georgia	Airport terminal & parking lot		OCGA16-11-173(a)(1); 16-11-126; 16-11-130.2.	State preemption of firearms regulation Specific right with valid weapons carry license to enter publicly-owned buildings Firearms prohibited in sterile areas.
Hawaii		Airport property	Haw. Rev. Stat. Ann. 19-14-3(e)	No state preemption Firearms banned in sterile area.
Idaho	Airport terminal & parking lot		Idaho Code 18-3302J(2)	State preemption of Firearms Regulation

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Illinois		Airport terminal & parking lot	430 Ill. Comp. Stat. 65/13.1(b); 66/65(a)(19)	State preemption of firearms regulation, CCW registration. Firearms prohibited in any building, real property, or parking area under the control of an airport.
Indiana	Airport terminal & parking lot		IC 35-47-11.1; 35-47-2-1; 35-47-6-1; 35-47-6-1.3	State preemption of firearms regulation Firearms prohibited only in secured area.
Iowa		Airport property	Iowa Code 724.28, AG Opinion No. 03-4-1, Des Moines Airport Authority Rule 3-24.	State law limits local regulation of firearms BUT Attorney General Opinion and the Attorney General's letter to Des Moines County Attorney, dated Dec. 29, 2010, both opine that Iowa home rule rights allow local governments to place restrictions on the use of firearms on city/county property, including airports. Local ordinances ban firearms at airports.
Kansas		Airport terminal	Ks. Stat. Ann. 12-6,124(a); 75C17(a); 12-16,124(b); 75-7C10(b)	State preemption of firearms regulations, including CCW Local government can regulate open carry in public buildings Can prohibit CCW in public building if post notice Home Rule
Kentucky	Airport terminal & parking lot		Ky. RS 65.870; 237.110; 237.115	State preemption of firearms regulation Firearms prohibited in airport per federal law. CCW prohibited in government building

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Louisiana	Airport terminal & parking lot		La. RS 40:1796; 40:1379.3	State preemption of firearms regulation. Firearms prohibited only in secure airport areas per federal law.
Maine	Airport terminal & parking lot (Specific to Augusta State Airport)		MRS 252-A Section 2011(1)	State preemption of regulation of firearms. Note: City of Bangor Ord. 54-7 still bans firearms from city airport.
Maryland			MD Transp. Code 5-426(a)(3)&(4); COMAR 11.03.01.09(C)	Permits adoption of regulations of an airport for safety. Prohibits weapons from the airport (BWI). NOTE: MD has a statute preempting the local regulation of firearms, BWI is a state-owned airport.
Massachusetts		Airport property	Chapter 90: Sec. 61; 740 CMR 30.05,	Logan Airport security zone; Firearms or explosives banned on any Massport Airport.
Michigan	Airport terminal & parking lot		MCL 123.1102; 259.80f	State preemption of firearms regulation. Firearms banned in sterile areas.

United States Airport Gun Laws by State

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Minnesota	Airport terminal & parking lot		Minn. Stat. § § 471.633 to 471.635	State preemption of all firearms regulation.
Mississippi		Airport terminal	Miss. Code Ann. 45-9-101	Firearms prohibited inside passenger terminal of airport, except if encased for shipment. Buildings not specifically named can place 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." An enhanced permit holder could of course still be arrested under federal law for possessing a weapon in areas prohibited by federal law. (See Mississippi Attorney General Jim Hood Opinion dated December 5, 2013)
Missouri	Airport terminal & parking lot		Mo. State Const. Art. I, Section 23 (2014 Amendment) Mo. Rev. Stat. 571.107 1	Right to bear arms is unalienable and any restriction is subject to strict scrutiny. CCW banned in any controlled access area of an airport.
Montana		Terminal building	Mont. Rev. Stat. 45-8-351	Restriction on local government regulation of firearms except, for public safety purposes, local government can prohibit open or concealed carry in public building.

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Nebraska	Terminal building & parking lot (open carry)	Terminal building if posted (CCW)	Neb. Rev. Stat. 18-1703 69-2441	State preemption of CCW firearms regulation CCW banned if post sign at each entrance
Nevada		Airport public buildings ABOUT TO BE CHANGED	NRS 244.364; NRS 202.3673 AB 148	State preemption of firearms regulations except those enacted in Clark County prior to 1989. CCW prohibited in public building located on public airport. Also can post sign at each public entrance indicating that no firearms are allowed in the building. Pending legislation to only restrict weapons in secure areas.
New Hampshire	Airport terminal & parking lot		RSA 159.26	State preemption of firearms regulation.
New Jersey		Airport property	NJS 40:48-1(18)	Regulation left to local government. PANYNJ does not have any airport regulation of firearms. Local firearms laws apply and are among the strictest in the country. Anyone with a firearm traveling through the PANYNJ Airports, even with a properly cased and declared firearm, had better know the applicable federal and local laws, e.g., 18 USC 926A. See, also: "Letter" from the United States Attorney General on the application of United States Code Title 18 - Part I - Chapter 44 § 926A. on the interstate transportation of firearms.

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New Mexico	Airport terminal & parking lot	Airport terminal beyond screening	Const. of NM Art 2 Sec. 6; NMSA 30-7-2	State constitution preempts firearms regulation. Unlawful to carry deadly weapon unless have valid CCW license. Firearms banned in “airport security zones.”
New York		Airport property	No state law found. Regulation left to local government.	PANYNJ does not have any airport regulation of firearms. NYC firearms laws apply and are among the strictest in the country. Anyone with a firearm traveling through the New York Airports, even with a properly cased and declared firearm, had better know the applicable federal and local laws, e.g., 18 USC 926A. See, also: “Letter” from the United States Attorney General on the application of United States Code Title 18 - Part I - Chapter 44 § 926A. on the interstate transportation of firearms.
North Carolina		Airport property	NCGS § 14-409.40(f)	General state preemption of regulation of firearms permits local governments to restrict firearms from public buildings, including airports. Both Raleigh-Durham and Charlotte prohibit carrying firearms on airport premises by ordinance.
North Dakota	Parking lot	Airport terminal	NDCC 62.1-02-05(1)	Firearms prohibited in public buildings.
Ohio	Parking lot	Airport terminal	Ohio R. C. 2923.126 (B)(1); 2923.1212(A)(5)	CCW permit holders can’t carry in airport. Airport must post sign banning possession of a deadly weapon at airport (broader than concealed?)

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Oklahoma	Parking lot	Airport terminal	OS § 21-1277	CCW permit does not authorize open or concealed carry in a government building.
Oregon	Airport terminal & parking lot (CCW license)	Airport terminal & parking lot (if no CCW license)	ORS 166.170-166.638	Can prohibit possession of loaded firearms in public places, but exempts CCW license holders.
Pennsylvania	Airport terminal & parking lot		61 Pa. C.S. 6120	State preemption of regulation of firearms. No airport specific laws found.
Rhode Island	Airport terminal and parking lot		R.I. Gen. Laws 11-47-58	State preemption of regulation of firearms. No airport-specific laws found.
South Carolina	Parking lot	Terminal Building	S.C. Ann. 16-23-420(a)	Further ban of CCW if posted. S.C. 23-31-215(L)(7)&(10)
South Dakota	Airport terminal & parking lot		SDCL 9-19-20; 8-5-13; & 7-18A-36	State preemption of firearms regulation. No airport specific laws found.
Tennessee		Terminal building and parking lot but signs must be posted	TN Code Ann. § 39-17-1359(a)(1)	Permits prohibiting firearms on property owned by a government entity if post notice.

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State	Permitted	Prohibited	Relevant Law	Notes
Texas	Parking lot	Terminal building (CCW)but must be posted	TX Penal Code 30.06(c)(3)(A); 46.03	Can ban CCW in terminal if post notice. All firearms banned from secure areas.
Utah	Airport terminal & parking lot		UT Code 76-10-500; 76-10-529	State preemption of firearm regulation. Firearms restricted only in secure areas of airport.
Vermont	Airport terminal & parking lot		24 VSA 2295	State preemption of firearms regulations. No airport-specific law found.
Virginia		Airport terminal	Va. Code Ann. § 18.2-287.01	Unlawful for any person to possess or transport any firearm into any air carrier airport terminal.
Washington	Airport pre-security in terminal & parking lot		RCW 9.41.290; RCW 9.41.300,	RCW 9.41.290, State preemption of firearms regulations. RCW 9.41.300 firearms prohibited in restricted access areas of airport These areas do not include airport drives, general parking areas and walkways, and shops and areas of the terminal open to unscreened passengers or visitors.
West Virginia		Airport terminal	W. Va. Code 8-12-5(a); 61-6-19(b)	Despite a general state preemption of all firearms regulation a municipality may prohibit or regulate carrying firearm in municipal buildings. Posting notice required in municipal buildings.

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Wisconsin		Airport terminal	Wisc. Stat. 175.60(2)(g)(a) & 943.(1m)(c)(4)	175.60(2)(g)(a) excepts from the right to carry a concealed weapon as provided in 943.(1m)(c)(4), which prohibits carrying a firearm in any public building which has posted notice prohibiting firearms.
Wyoming	Airport terminal & parking lot		Wyo Code R. 6-8-401, <i>et seq.</i>	Complete state preemption of <u>all</u> firearms regulations. No exemption for airports.
District of Columbia				There are no airports in D.C.