



TIM GRIFFIN
ATTORNEY GENERAL

Opinion No. 2025-051

November 19, 2025

The Honorable Dolly Henley
State Representative
Post Office Box 128
Washington, Arkansas 71862

Dear Representative Henley:

I am writing in response to your request for an opinion on the legality of carrying of a loaded firearm or other deadly weapon at a children's athletic event held in a municipal park. You have relayed concerns expressed by law enforcement and a mayor in your district, as well as by parents who (1) have expressed discomfort with an individual openly carrying firearms during these events and (2) fear for the safety of participants and spectators.

Against this background, you ask the following questions:

1. Is it permissible for a person to carry a loaded firearm or other deadly weapon, whether concealed or carried openly, in the portions of a municipally owned or maintained park containing a sports field where an athletic event or practice is occurring at the time?

Brief response: This question was previously answered in Opinion 2025-031, which is incorporated by reference and attached for your convenience.

2. Does a municipality have the authority to prohibit firearms, whether concealed or carried openly, in the portion of a municipally owned or maintained park containing a sports field when an athletic event or practice occurs for the duration of the athletic event or practice?

Brief response: No, under A.C.A. § 14-54-1411, municipalities are preempted from enacting their own firearm regulations.

3. If an organization or entity other than a local government that owns or maintains a park is conducting an athletic event or practice by renting or reserving a portion of the municipal park, does that organization or entity have the right to prohibit firearms, whether concealed or carried openly, in the portion of the municipal park it has rented or reserved for the duration of the athletic event or practice?

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Brief response: No, a private organization or nongovernmental entity that rents or reserves a portion of a municipal park for an event—such as an athletic event or practice—may not prohibit the possession of firearms, whether concealed or carried openly, within the area it temporarily controls, unless, and only if, it is able to exercise a level of control over that area to lawfully exclude others under A.C.A. § 5-39-203, the criminal trespass statute.

4. Does the analysis change for the first three questions if the firearm is a machine gun, as described in the Uniform Machine Gun Act, A.C.A. § 5-73-201 et seq.?

Brief response: Yes, the analysis changes if the firearm is a machine gun, as Arkansas law presumes possession of a machine gun in public places—like a municipal park—to be for an offensive or aggressive purpose under A.C.A. § 5-73-205, regardless of whether the weapon is loaded. Any rebuttal of the presumption would depend on demonstrating a clear, lawful, and non-threatening reason for possession that is consistent with both the Uniform Machine Gun Act and federal firearm regulations.

DISCUSSION

Question 1: Is it permissible for a person to carry a loaded firearm or other deadly weapon, whether concealed or carried openly, in the portions of a municipally owned or maintained park containing a sports field where an athletic event or practice is occurring at the time?

This question was previously addressed in Opinion 2025-031, which is incorporated by reference and attached for your convenience.

Question 2: Does a municipality have the authority to prohibit firearms, whether concealed or carried openly, in the portion of a municipally owned or maintained park containing a sports field where an athletic event or practice occurs for the duration of the athletic event or practice?

No, a municipality does not have the authority to prohibit firearms in municipal parks. This limitation arises from the express preemption found in A.C.A. § 14-54-1411, which bars any local unit of government—including cities, towns, and counties—from enacting ordinances or regulations that pertain to “the ownership, transfer, transportation, carrying, or possession” of firearms, ammunition, or firearm components, except as otherwise provided by state or federal law. Subsection 14-54-1411(c) provides a limited exception for emergency ordinances enacted during a state of emergency proclaimed by the governor, but absent such an emergency, municipalities are barred from regulating firearms in municipal parks or elsewhere within their jurisdiction.

Question 3: If an organization or entity other than a local government that owns or maintains a park is conducting an athletic event or practice by renting or reserving a portion of the

municipal park, does that organization or entity have the right to prohibit firearms, whether concealed or carried openly, in the portion of the municipal park it has rented or reserved for the duration of the athletic event or practice?

No, a private organization or nongovernmental entity that rents or reserves a portion of a municipal park for an event—such as an athletic event or practice—may not prohibit the possession of firearms, whether concealed or carried openly, within the area it temporarily controls, unless, and only if, it is able to exercise a level of control over that area to lawfully exclude others under A.C.A. § 5-39-203, the criminal trespass statute.

Under A.C.A. § 5-39-203 (criminal trespass), a person commits criminal trespass by entering or remaining unlawfully on premises owned or leased by another after being lawfully notified that his or her presence is prohibited. This provision does not limit its application to ownership interests; rather it extends to temporary possessory interests as well, including rented or reserved areas of a public space.

To legally prohibit firearms in a rented or reserved area of a municipal park, the entity must satisfy two conditions:

1. The entity must have a valid rental or reservation agreement granting it temporary control over a specific area of the municipal park for the duration of the event or practice. The control must be like that of a lessee or licensee, such that the entity can enforce rules over the space, including the exclusion of weapons.
2. The entity must provide clear notice that firearms are prohibited. This notice may be accomplished through conspicuous signage at entry points around the perimeter of the reserved area or through verbal communication.

If an individual enters or remains in the reserved area with a firearm after being notified that firearms are not allowed, that person could face criminal trespass charges, even though the property is publicly owned. However, enforcing such restrictions may be challenging. Athletic fields are open and unenclosed spaces. Establishing the level of control necessary to support a criminal trespass charge may be difficult, particularly because activities of this nature have traditionally taken place in areas that remain open and accessible to the public.

Question 4: Does the analysis change for the first three questions if the firearm is a machine gun, as described in the Uniform Machine Gun Act, A.C.A. § 5-73-201 et seq.?

Yes, the analysis changes if the firearm is a machine gun, as defined by the Uniform Machine Gun Act.¹ Under the Act, possession or use of a machine gun for an offensive or aggressive purpose

¹ A.C.A. § 5-73-202(2) (“‘Machine gun’ means a weapon of any description by whatever name known, loaded or unloaded, from which more than five (5) shots or bullets may be rapidly, or semi-automatically, discharged from a magazine, by a single function of the firing device[.]”).

constitutes a felony offense.² Importantly, the Act establishes a rebuttable presumption that such possession or use is for an offensive or aggressive purpose under certain specific situations.

According to A.C.A. § 5-73-205(a), possession or use of a machine gun is presumed to be for an offensive or aggressive purpose in the following situations:

1. When the machine gun is found on premises not owned or rented as a bona fide permanent residence or business by the person possessing it;
2. When the machine gun is in the possession of or used by an unnaturalized foreign-born person;
3. When the machine gun is in the possession of or used by a person who has been convicted of a crime of violence in any federal or state court of the United States, its territories, or insular possessions; or
4. When empty or loaded pistol shells of 30 (.30 in. or 7.63 mm.) caliber or larger that could be used in the machine gun are found near it.³

The statute provides a narrow exemption from the presumption if all the following are true:

1. The machine gun is registered to a corporation (or a representative of the corporation) that manufactures ammunition under the National Firearms Act or the Gun Control Act of 1968;
2. The machine gun is being used primarily to test ammunition in a non-offensive and non-aggressive way; and
3. The corporation or representative is legally allowed to possess firearms under state and federal law.⁴

I understand this to mean that, except for the narrow exception outlined above, a person is generally not allowed to openly carry a machine gun, as defined by the Uniform Machine Gun Act. No Arkansas or federal court has addressed what other factors might rebut the presumption. This stands in sharp contrast to the treatment of handguns under A.C.A. § 5-73-120(a), which requires proof of unlawful intent to use a handgun against another person for a conviction.⁵ As such, anyone who decides to openly carry a machine gun at a municipal park runs the risk of criminal

² A.C.A. § 5-73-204 (“Possession or use of a machine gun for offensive or aggressive purpose is declared to be a crime punishable by imprisonment in the state penitentiary for a term of not less than ten (10) years.”).

³ A.C.A. § 5-73-205(a)(1)–(4).

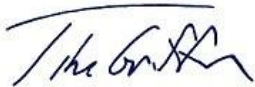
⁴ A.C.A. § 5-73-205(b)(1)–(3).

⁵ See *Taff*, 2018 Ark. App. at 9–10, 562 S.W.3d at 882–83; Ark. Att’y Gen. Ops. 2025-031, 2015-64.

prosecution for merely possessing the machine gun, loaded or unloaded, because the possession would be presumed to be for an offensive or aggressive purpose. Any rebuttal of the presumption would depend on demonstrating a clear, lawful, and non-threatening reason for possession that is consistent with both the Uniform Machine Gun Act and federal firearm regulations.

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