



## KANSAS BOARD OF REGENTS

### PROPOSED AMENDMENTS TO THE BOARD OF REGENTS POLICY ON WEAPONS POSSESSION

The 2013 Kansas Legislature enacted a statute to preclude state and municipal entities from prohibiting the **concealed carry of handguns** by eligible individuals into state and municipal buildings, except those buildings having adequate security measures (as defined by the statute) at all public entrances. The enactment was codified at K.S.A. 2014 Supp. 75-7c20. This statute did allow for the governing body or chief administrative officer of certain government entities to exempt buildings from application of the law, but for only a period of up to four years. The Kansas Board of Regents, on behalf of the six state universities, acted to exempt all state university buildings for up to the maximum period allowed. This exemption period expires, in accordance with the statute, on July 1, 2017. *Accordingly, concealed carry is prohibited in all university buildings until July 1, 2017 and the proposed Board of Regents policy amendments now under consideration do not alter the established exemption period in any way.*

The following year, the 2014 Legislature enacted K.S.A. 75-7c24, which allows state and municipal entities to prohibit **open carry** (*i.e.* the carrying of an unconcealed firearm) into any building that has signs posted in accordance with legal requirements. Attorney General Opinion No. 2014-06 concludes that at least some public entities (in that case a community college) may also prohibit open carry from other areas on campus. K.S.A. 75-7c24 took effect on July 1, 2014 and *all state universities have posted the appropriate signage to prohibit open carry in all buildings and elsewhere on those campuses, the proposed Board of Regents policy amendments do not alter that prohibition and the prohibition will continue beyond July 1, 2017 unless changed by law.*<sup>1</sup>

The Board believes it is in the best interests of campus communities' to begin planning for implementation of the law, given the amount of time remaining before the July 1, 2017 statutory expiration date for the Board's exemption of state university buildings from application of the concealed carry law. Should the law be amended between now and July 1, 2017, the Board and universities will certainly make adjustments to accommodate those changes, but in order to give the campuses sufficient time to develop policies, write procedures, train constituencies and otherwise prepare for implementation, amendments to the Board's policy on weapons possession need to be made soon.

We invite campus groups to review the following proposed amendments and provide feedback to the Board office by December 4, 2015. Any feedback received by November 13, 2015, will be shared with the Board's Governance Committee at their November meeting. Comments received after that date will be shared with the Governance Committee at their December meeting.

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<sup>1</sup> However, the statutes do require that new signage be posted for buildings within which concealed carry will be allowed but open carry will not. The signs currently in place are for buildings in which both concealed and open carry are prohibited.

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- a. To the extent allowed by law Pursuant to the authority vested in it by Article 6, Section 2 of the Kansas Constitution, K.S.A. 75-7c20 and K.S.A. 75-7c24, and except as otherwise provided herein, the Board hereby declares that the campus of each state university shall be weapons-free. Each entrance to each building and facility on each campus shall be posted in accordance with K.S.A. 2007 Supp. 75-7e10, 75-7e11, K.A.R. 16-11-7, K.S.A. 21-6309 and K.A.R. 1-49-11, and amendments thereto. Additional signs may be posted as appropriate. Notice of this policy shall also be given in each state university's student code of conduct, housing contracts and employee policies.
- b. Nothing in this section shall be read to prohibit possession of weapons on campus (1) as necessary for the conduct of Board approved academic programs or university approved activities or practices, or (2) by university police or security officers while acting within the scope of their employment. Beginning July 1, 2017, any individual who is 21 years of age or older and who is lawfully eligible to carry a concealed handgun in Kansas may do so on state university campuses except in buildings and areas of buildings for which adequate security measures are provided, and except as otherwise prohibited by law. Each university shall develop and follow policies and procedures for the safe possession, use and storage of such weapons, shall submit such policies and procedures to the Board office for review and approval by the Board's Governance Committee prior to publication or implementation, and shall notify the Board in writing of any activities or practices involving weapons that are approved by the university under subparagraph b(1) of this subsection 14.b. Each university's policies and procedures shall include detailed provisions regarding how and where to report suspected violations of this policy and how faculty, staff and students shall be advised of the laws and policies pertaining to weapons on campus, and shall also provide interested students, faculty and staff with information about locally or regionally available firearm safety instruction.
- c. Open carry of any weapon anywhere on campus, both in buildings and in green spaces, shall be prohibited. Each entrance to each building and facility on each campus shall be conspicuously posted with appropriate signs indicating that openly carrying a weapon into that building or facility is prohibited. Additional signs may be posted as appropriate.
- d. Except in those instances where necessary for self-defense or transferring to safe storage and except as otherwise provided in subparagraphs b(1) and b(2), it shall be a violation of Board policy to openly display any weapon while on campus.
- e. Regardless whether the individual is otherwise lawfully eligible to carry a concealed handgun, it shall be a violation of Board policy to commit any of the following offenses on a university campus:
- i. Possess a firearm under the influence of alcohol or drugs, as defined by K.S.A. 21-6332, and amendments thereto;
  - ii. discharge a firearm in violation of K.S.A. 21-6308, and amendments thereto;
  - iii. discharge a firearm within or into the corporate limits of any city in violation of K.S.A. 21-6308a; or
  - iv. otherwise possess, store, transport, trade, sell, or in any other way use a firearm in violation of any applicable law.
- f. Each state university shall provide a secure storage location, such as its public safety office, for the safe storage of the handgun of any individual who lawfully possesses that handgun on campus. Beginning July 1, 2017, for any residence hall or scholarship hall that does not have adequate security measures, residents who lawfully possess a handgun on campus and elect not to use the university's secure storage location shall provide their own secure storage device and shall store the handgun they possess in the room to which

they are assigned in the residence hall or scholarship hall when not carrying it on their person in a concealed fashion. Such storage devices must meet minimum industry standards and be pre-approved by the university.

- g. Beginning July 1, 2017, each state university shall determine whether and to what extent concealed carry will be prohibited in any campus buildings or areas of buildings by provision of adequate security measures, permanent or temporary, at each public entrance to the building or area. Each entrance to each building where concealed carry is prohibited as provided in this paragraph shall be conspicuously posted with appropriate signs indicating that carrying a concealed weapon into that building is prohibited. Additional signs may be posted as appropriate. Each state university that prohibits concealed carry pursuant to this paragraph shall submit a list of the buildings and areas of buildings so restricted, and the rationale therefore, to the Board office for review and approval by the Board's Governance Committee.
- h. Any individual who violates one or more provisions of this policy shall be issued a lawful directive to leave campus with the weapon immediately. Any individual who violates the directive shall be considered to be in trespass and shall be cited accordingly. Any employee or student of the university who violates one or more provisions of this policy shall be disciplined in accordance with applicable university codes of conduct.
- i. For the purpose of this policy, "weapons" means:

  - i Any object or device which will, is designed to, or may be readily converted to expel bullet, shot or shell by the action of an explosive or other propellant;
  - ii any handgun, pistol, revolver, rifle, shotgun or other firearm of any nature, including concealed and openly carried weapons ~~licensed pursuant to the Personal and Family Protection Act, and amendments thereto;~~
  - iii any BB gun, pellet gun, air/C'O2 gun, stun gun or blow gun;
  - iv any explosive, incendiary or poison gas (A) bomb, (B) mine, (C) grenade, (D) rocket having a propellant charge of more than four ounces, or (E) missile having an explosive or incendiary charge of more than ¼ ounce;
  - v any incendiary or explosive material, liquid, solid or mixture equipped with a fuse, wick or other detonating device;
  - vi any tear gas bomb or smoke bomb; however, personal self-defense items containing mace or pepper spray shall not be deemed to be a weapon for the purposes of this policy;
  - vii any knife, commonly referred to as a switch-blade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement;
  - viii any straight-blade knife of four inches or more such as a dagger, dirk, dangerous knife or stiletto; except that an ordinary pocket knife or culinary knife designed for and used solely in the preparation or service of food shall not be construed to be a weapon for the purposes of this policy;
  - ix any martial arts weapon such as nunchucks or throwing stars; or

- x any longbow, crossbow and arrows or other projectile that could cause serious harm to any person.
- j. For the purpose of this policy, “adequate security measures” shall have the same meaning as the term is defined in K.S.A. 75-7c20, and “building” shall have the same meaning as the term “state building” as defined in K.S.A. 75-7c20.
- k. Notice of this policy shall be given in each state university’s weapons policy and housing contracts. To the extent adequate security measures are used to prohibit concealed carry into stadiums, arenas and other large venues that require tickets for admission, the tickets shall state that concealed carry will be prohibited at that event.

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