

## C. Governance

1. Act on Proposed Amendments to the Board  
Weapons Possession Policy

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General Counsel**Summary and Recommendation**

*During its review and discussion of the state university concealed carry policies, the Governance Committee determined that the Board's policy should be amended in two ways: To allow the universities to permit storage of lawful concealed carry handguns in additional secure places, and to allow possession of stun guns for self-defense purposes while prohibiting the more dangerous Taser-like weapons. The Governance Committee has reviewed the proposed policy amendments and recommends them for adoption.*

**Background**

The Legislature enacted the Personal and Family Protection Act, K.S.A. 75-7c01 *et seq.* in 2006. As originally enacted, the law prohibited concealed carry licensees from carrying a concealed weapon into certain listed places, including any “community college, college or university facility,” L.2006, Ch. 32, Sec. 10(a)(14).<sup>7</sup> Subsequently, in 2007, the Legislature replaced this specific prohibition with a requirement that the listed places post signs at all entrances to all buildings where concealed carry was to be prohibited in order to maintain the prohibition, L.2007, Ch. 166, Sec. 5(a).<sup>8</sup> In 2013, the Legislature enacted K.S.A. 75-7c20, requiring the Board to adopt a Resolution to continue the status quo exemption for state university buildings and placing a four year limit on that continued exemption. By law, the exemption expires July 1, 2017. Thus, as of that date, concealed carry can no longer be prohibited in a state university building unless adequate security measures (*i.e.* metal detectors and armed security) are placed on every public entrance to that building.

With the 2013 legislative amendments, the Board began a process of preparing for the July 1, 2017 exemption expiration. Discussions were held with state university administrators, and amendments were made to the Board's weapons policy in January, 2016. Those amendments called for University policies to be developed and presented to the Board Governance Committee for review and approval. The Governance Committee spent most of its October and November meetings reviewing the policies and subsequently the policies were revised in accordance with Governance Committee recommendations to each university. While the Board policy does not require it, the Committee decided to send the university policies to the full Board for approval. The Board approved the university policies in December and they will be effective beginning July 1, 2017.

**Summary of Board Policy Amendments**

During its review and discussion of the state university concealed carry policies, the Governance Committee determined that the Board's policy should be amended in two ways to accommodate provisions in some or all of the university policies. The first proposed change would allow the universities to permit storage of lawfully possessed concealed carry handguns in additional secure places in order to help alleviate individuals having to run to their car or residence each time they move from an area where concealed carry is allowed to an area where concealed carry is prohibited. The other proposed change is to allow possession of stun guns for self-defense purposes while prohibiting the more dangerous Taser-like weapons.

**Recommendation**

These two Board policy amendments, shown in full below, are now ready for Board consideration. The Governance Committee recommends approval.

<sup>7</sup> Additionally, both public and private employers were authorized to restrict or prohibit employees who were licensed to carry a concealed weapon from carrying that firearm while on the premises of the employer's business, L.2006, Ch. 32, Sec. 11(a)(1).

<sup>8</sup> The statutes were also amended to specifically preclude employers from prohibiting possession of a firearm in a private means of conveyance, even if parked on the employer's premises. L.2007, Ch. 166, Sec. 6(a)(1)

## Board Policy Amendments

Chapter II: Governance - State Universities

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### E. FACILITIES

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#### 14 WEAPONS POSSESSION

- a Pursuant to the authority vested in the Board of Regents by Article 6, Section 2 of the Kansas Constitution, K.S.A. 76-712 and other state laws, and in accordance with K.S.A. 75-7c20 allowing concealed carry and K.S.A. 75-7c24 authorizing prohibition of open carry, concealed carry of handguns shall be permitted on each state university campus, while open carry of firearms and possession of weapons other than concealed handguns shall be prohibited on each state university campus.
- b For purposes of this policy:
  - i The term “weapons” includes:
    - (1) 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;
    - (2) any handgun, pistol, revolver, rifle, shotgun or other firearm of any nature, including those that are concealed or openly carried;
    - (3) any BB gun, pellet gun, air/C’O2 gun, ~~stun gun or blow gun, or any device, such as a Taser, which is designed to discharge electric darts or other similar projectiles; however, personal self-defense stun guns that do not fit within the preceding definition shall not be deemed to be a weapon for the purposes of this policy;~~
    - (4) 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;
    - (5) any incendiary or explosive material, liquid, solid or mixture equipped with a fuse, wick or other detonating device;
    - (6) 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;
    - (7) 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;
    - (8) 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;

- (9) any martial arts weapon such as nunchucks or throwing stars;
- (10) any longbow, crossbow and arrows or other projectile that could cause serious harm to any person; or
- (11) any other dangerous or deadly weapon or instrument of like character.
- ii The term “handgun” means:
  - (1) A pistol or revolver which is designed to be fired by the use of a single hand and which is designed to fire or capable of firing fixed cartridge ammunition; or
  - (2) any other weapon which will or is designed to expel a projectile by the action of an explosive and which is designed to be fired by the use of a single hand.
- iii The term “firearm” includes any handgun, rifle, shotgun, and any other weapon which will or is designed to expel a projectile by the action of an explosive.
- iv The term “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” is defined in K.S.A. 75-7c20.
- v The term “campus” means any building or grounds owned by a state university or the Board and any building or grounds leased by a state university or the Board for state university use.
- c Nothing in this policy 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. Each university shall develop and follow policies and procedures for the safe possession, use and storage of such weapons and shall notify the Board in writing of any activities or practices involving weapons that are approved by the university under subparagraph c(1).
- d 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 shall not be precluded from doing 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.
  - i Each individual who lawfully possesses a handgun on any state university campus shall be wholly and solely responsible for carrying, storing and using that handgun in a safe manner and in accordance with the law, Board policy and university policy. Nothing in this policy shall be interpreted to require individuals who lawfully possess a handgun to use it in defense of others.
  - ii Each university shall develop and follow policies and procedures for the safe possession and storage of lawfully possessed handguns, and shall submit such policies and procedures to the Board office for review and approval by the Board Governance Committee prior to publication or implementation. Each university’s policies and procedures shall include detailed provisions regarding how and where to report suspected violations of this policy, how faculty, staff and students shall be notified of the laws and policies pertaining to concealed carry on campus, and shall also provide interested students, faculty and staff with information about any known locally or regionally available firearm safety instruction.

- e Open carry of any firearm anywhere on any campus 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 firearm into that building or facility is prohibited. Additional signs may be posted as appropriate.
- f Except in those instances where necessary for self-defense or transferring to safe storage and except as otherwise provided in subparagraphs c(1) and c(2), it shall be a violation of Board policy to openly display any lawfully possessed concealed carry handgun while on campus.
- g 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.
- h Beginning July 1, 2017, each individual who lawfully possesses a concealed handgun on campus shall at all times have that handgun in their custody and control, and shall either keep it on their person with safety mechanism, if any, engaged, or stored 1) in any secure storage location provided by or authorized by the university specifically for that purpose, 2) at their residence, or 3) in their vehicle. If stored in a location provided or authorized by the university specifically for that purpose, the handgun must be secured, concealed from view, and in a location that can be accessed only by the individual and the university. If stored in a vehicle on campus, the handgun must be secured and concealed from view. For any dormitory or scholarship hall that does not have adequate security measures, each resident who lawfully possesses a handgun on campus and elects to store the handgun they possess in the room to which they are assigned when not carrying it on their person in a concealed fashion shall secure the handgun in a secure storage device that conceals the gun from view. Such storage devices shall be provided by the individual who possesses the handgun and must meet minimum industry standards for safe-keeping of handguns.
- i Beginning July 1, 2017, each state university shall determine whether and to what extent otherwise lawfully possessed concealed handguns 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 handgun 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 to the Board office for review and approval by the Board Governance Committee a list of the buildings and areas of buildings so restricted, the rationale therefor, and a description of the adequate security measures to be provided.

- i The list shall be provided at the time such buildings and areas are first identified as requiring adequate security and, as buildings or areas of buildings are added to the list, at the time so amended. Once the Governance Committee has approved a building or area for provision of adequate security measures, re-approval of that building or area is not required.
- ii Because safety and security considerations may warrant a university implementing adequate security measures on an as-needed, temporary basis that are intended to address a specific concern, each university shall include in its annual security report to the Board information regarding all instances in which adequate security measures were implemented on an as needed, temporary basis during the previous year and the reasons therefor.
- j Any individual who violates one or more provisions of this policy may 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 may be cited accordingly. Any employee or student of the university who violates one or more provisions of this policy shall be subject to discipline in accordance with applicable university codes of conduct. Any individual who violates state or federal law may be detained, arrested or otherwise subjected to lawful processes appropriate to the circumstances.
- 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.