

Initiative #49
Carrying Restrictions for Concealed Handguns on Campuses

1 **Proposition ? proposes amending the Colorado statutes to:**

- 2 ♦ prohibit a person from carrying a concealed handgun onto the property
3 of a public college or university with specified exceptions.

4 **Summary and Analysis**

5 In Colorado, most persons over the age of 18 can possess a firearm, including a
6 handgun, with certain exceptions. Persons over the age of 21 can obtain a permit to
7 carry a concealed handgun. This measure applies only to the carrying of concealed
8 handguns on the property of a public college or university.

9 ***Carrying a handgun in Colorado.*** It is generally legal to carry a handgun openly
10 in Colorado, except in the city and county of Denver. Handguns are defined as
11 firearms with barrels not exceeding 12 inches. A person may only carry a concealed
12 handgun if he or she has a valid concealed carry permit, unless he or she is at his or
13 her own dwelling, place of business, or property. A handgun is not considered
14 concealed if it is in the possession of a person who is in a private vehicle and who is
15 carrying it for a legal use, or the handgun is in the possession of a person who is
16 legally engaged in hunting activities.

17 Federal law prohibits certain persons from possessing firearms, such as those
18 convicted of crimes punishable by more than one year in prison and those determined
19 to be mentally incompetent. Colorado law prohibits persons convicted of certain
20 crimes, including felonies and misdemeanor domestic violence, from possessing a
21 firearm, including a handgun.

22 ***Colorado's concealed carry law.*** State law allows any permit holder to carry his
23 or her concealed handgun in all areas of the state except:

- 24 • places where the carrying of firearms is prohibited by federal law;
25 • public buildings with permanent weapons security screening measures;
26 • private property with restrictions put in place by the owner; and
27 • K-12 public schools, with certain exceptions.

28 Persons aged 18 to 20 are permitted to possess handguns. However, a person
29 must be 21 years or older to obtain a concealed carry permit. A county sheriff must
30 issue a permit to carry a concealed handgun to any Colorado resident applicant who is
31 21 years of age or older, demonstrates competency with a handgun, passes a criminal
32 background check, and pays a fee. The sheriff must deny a permit under certain
33 circumstances, such as if an applicant is subject to a restraining order or is
34 determined to be a substance abuser. The sheriff may deny or revoke a concealed
35 carry permit if he or she determines that the applicant would be a danger to himself or

1 herself or to others. Concealed carry permits are valid for five years and are
2 renewable.

3 **Weapons at colleges and universities.** State law generally prohibits the
4 possession of deadly weapons, including handguns, on college and university
5 property. Exceptions to the law include individuals who have valid concealed carry
6 permits. These permit holders may carry a concealed handgun in all areas of the
7 state, with certain exceptions. Public colleges and universities have limited authority
8 to prohibit permit holders from carrying concealed handguns, such as in residential
9 dormitories and at ticketed events. Private colleges and universities may prohibit the
10 possession of firearms, including handguns, on the schools' private property.

11 **Changes proposed by Proposition ?.** Under Proposition ?, permit holders may
12 carry handguns on the schools' property only when they are:

- 13
- 14 • contracted or employed as security officers;
 - 15 • in their own vehicles, but the handgun must be stored in a compartment
16 in the locked vehicle if they are not in the vehicle; or
 - 17 • on undeveloped land owned by a public college or university that is
18 used for hunting or other shooting sports.

19 This measure would not affect the authority of campus law enforcement officers to
20 carry weapons. The restrictions on carrying concealed handguns proposed by
21 Proposition ? are the same as those that currently exist for K-12 public schools.

*For information on those issue committees that support or oppose the
measures on the ballot at the **November 4, 2014**, election, go to the
Colorado Secretary of State's elections center web site hyperlink for ballot
and initiative information:*

<http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html>

22 **Arguments For**

23 1) The presence of concealed handguns at public colleges and universities
24 presents a potential public safety threat. It is the job of trained campus law
25 enforcement to protect public safety from situations involving an imminent threat, such
26 as an individual carrying a weapon. Adding private citizens with handguns to these
27 situations interferes with the ability of law enforcement to focus on the threat. Further,
28 allowing concealed handguns in a higher education environment where alcohol and
29 controlled substances are present may increase the likelihood of violent incidents,
30 accidental shootings, and suicides.

1 2) The presence of concealed handguns at higher education institutions detracts
2 from a healthy learning environment. Students and teachers must be able to express
3 themselves freely in classroom environments where discussions frequently include
4 controversial topics. Allowing concealed handguns on public college and university
5 property inhibits the free exchange of ideas by creating fears of retaliation and feelings
6 of intimidation for students and faculty.

7 **Arguments Against**

8 1) Concealed carry permit holders may provide additional defense against
9 perpetrators of violent acts on college or university property. Many college and
10 university properties are expansive and security staff is too small to ensure the safety
11 of those present. Banning concealed handguns on public college or university
12 property does not guarantee the safety of the campus community, as would-be
13 perpetrators may still seek to commit violent acts.

14 2) Proposition ? violates a fundamental constitutional right to keep and bear arms.
15 Permit holders have been carrying concealed handguns on most public college and
16 university property with minimal negative impacts on public safety and the learning
17 environment. Concealed carry permit holders have undergone background checks
18 and have demonstrated competency with a handgun in order to receive a permit and
19 exercise their right to self-defense. Law-abiding citizens should be allowed to protect
20 themselves on college and university property, the same way they are allowed to
21 protect themselves in most other areas of the state.

22 **Estimate of Fiscal Impact**

(Please Note: A summary of the fiscal impact will be included in this space in the second draft of the analysis, and an official fiscal note will be prepared and placed on the web when the final blue book is sent to voters.)