



Guns in Schools

Background

Guns have no place in our nation's schools. Tragic school shootings like those which occurred at Columbine High School¹ and Virginia Tech² show that guns and schools don't mix. Irrational calls to arm teachers at elementary and high schools and to allow college students to possess guns in their dormitories and at class would only lead to more gun deaths and injuries, not less. Federal and state laws that significantly restrict or prohibit guns and pose harsh penalties for gun possession help keep our schools safe.

Guns in Elementary and Secondary Schools

Elementary and secondary schools are relatively safe from gun violence. School buildings and grounds are safer than the surrounding non-school property primarily because firearms are prohibited in and around elementary and high schools under federal law and by most states. A joint report issued by the U.S. Departments of Education and Justice found that in each school year during the period 1992 – 1993 to 2005 – 2006, at least 50 times as many murders of young people ages 5-18 occurred away from school than at school, and at least 140 times as many youth suicides were committed off school property than at school.³ Less than 1% of all homicides and suicides among school-age youth occur on school grounds, going to or from school, or on the way to or from school-sponsored events.⁴ Moreover, school-associated student homicide rates have decreased significantly from 1992 – 2006,⁵ and fewer students are carrying guns.⁶

¹ On April 20, 1999, two student gunmen killed 12 students and a teacher at a Denver, Colorado-area high school before committing suicide.

² On April 16, 2007, a lone student gunman killed 32 people, mostly students, at Virginia Tech before committing suicide.

³ U.S. Department of Education & U.S. Department of Justice Office of Justice Programs, *Indicators of School Crime and Safety: 2008* 6 (Apr. 2009), at <http://nces.ed.gov/pubs2009/2009022REV.pdf>.

⁴ Mark Anderson et al., *School-Associated Violent Deaths in the United States, 1994-1999*, 286 JAMA 2695, 2697-2699 (Dec. 5, 2001), at <http://www.cdc.gov/NCIPC/schoolviolencejoc11149.pdf>. (finding that for the period 1994-1999, firearms were used in 164 violent deaths occurring at school or a school-related event, 119 of such incidents being homicides and 27 suicides. Over the study period, 20,541 school-aged children (ages 5 through 18 years) in the U.S. died as a result of a homicide or suicide by any means.).

⁵ Morbidity & Mortality Weekly Report, Centers for Disease Control & Prevention, *School-Associated Student Homicides – United States, 1992-2006* (Jan. 18, 2008), at <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5702a1.htm>. The rates decreased from from 0.07 per 100,000 students to 0.03 per 100,000 students. *Id.* The study also found that from July 1999 – June 2006, 116 students were killed in 109 separate incidents – an average of 16.5 student homicides each year (an average annual homicide rate of 0.03 per 100,000 students); 65% of the homicides were inflicted by firearms. This research includes public and private elementary through high schools.

⁶ Between 1993 and 1999, the percentage of students who carried a gun, regardless of location, decreased from 8% to 5%. This lower percentage did not change significantly over the years 1999–2007. Danice K. Eaton et al., *Youth Risk Behavior Surveillance – United States, 2007*, Morbidity & Mortality Weekly Report, Centers for Disease Control & Prevention (June 6, 2008), at <http://www.cdc.gov/mmwr/preview/mmwrhtml/ss5704a1.htm> (surveying students in grades 9 – 12 about their behaviors throughout 2007).

Proposals offered by the gun lobby to repeal the federal Gun-Free School Zones Act and arm teachers as a solution to curb those rare instances of gun violence at school are dangerous and counter-productive.⁷ Teachers are not trained law enforcement officers – their purpose is to be educators and role models. Gun violence prevention measures for our schools should focus on educating gun-owning parents to safely own and secure firearms and ammunition, rather than on arming teachers. A study of 37 school shootings in 26 states found that in nearly two-thirds of the incidents, the attacker got the gun from his or her own home or that of a relative.⁸

Guns on College / University Campuses

America's college and university campuses are generally safe havens from gun violence. Campuses are much safer than off-campus areas,⁹ in large part because in nearly every state¹⁰ the governing bodies of public colleges and universities have exercised their authority to prohibit or significantly restrict gun possession on all or most school property.¹¹ Moreover, students under age 21 in many states are not allowed to carry handguns on campus because those states prohibit the possession of handguns by persons under age 21.¹²

Few students have access to guns on campus, and that helps make campuses safe learning environments. Consider that:

⁷ See Brady Center to Prevent Gun Violence, *No Gun Left Behind: The Gun Lobby's Campaign to Push Guns into Colleges and Schools*, 9-11, 34 n. 2 (May 2007), at <http://www.bradycampaign.org/xshare/pdf/reports/no-gun-left-behind.pdf>. The gun lobby is pushing to arm teachers in elementary and high schools, and is seeking to repeal the federal Gun-Free School Zones Act of 1996 that prohibits firearms within 1,000 feet of elementary and high schools.

⁸ United States Secret Service, U.S. Department of the Treasury, *Safe School Initiative: An Interim Report on the Prevention of Targeted Violence in Schools* 6 (Oct. 2000), at http://cecp.air.org/download/ntac_ssi_report.pdf. A growing body of research shows that keeping a gun in the home is associated with an increased risk of firearm homicide and firearm suicide in the home. See, e.g., Linda L. Dahlberg et al., *Guns in the Home and Risk of a Violent Death in the Home: Findings from a National Study*, 160 *Am. J. Epidemiology* 929, 929, 935 (2004); Garen J. Wintemute, *Guns, Fear, the Constitution, and the Public's Health*, 358 *New England J. Med.* 1421-1424 (April 3, 2008), at <http://content.nejm.org/cgi/content/full/NEJMp0800859>; and Douglas Wiebe, *Homicide and Suicide Risks Associated with Firearms in the Home: A National Case-control Study*, 41 *Annals of Emergency Medicine* 771 (June 2003). The safest way to deter gun access among youth, and keep your family safe, is to remove guns from the home entirely.

⁹ See Katrina Baum & Patsy Klaus, Office of Justice Programs, U.S. Dept. of Justice, Bureau of Justice Statistics Special Report, *National Crime Victimization Survey – Violent Victimization of College Students, 1995-2002* 1 (Jan. 2005), at <http://bjs.ojp.usdoj.gov/content/pub/pdf/vvcs02.pdf>.

¹⁰ Utah is currently the only state that prohibits public colleges and universities from banning guns.

¹¹ Private colleges are free to regulate their campuses in conformity with state law. See Thomas L. Harnisch, American Association of State Colleges & Universities, *Concealed Weapons on State College Campuses: In Pursuit of Individual Liberty and Collective Security* 2 (Nov. 2008), at <http://www.aascu.org/media/pm/pdf/pmdec08.pdf>. See also discussion of state laws regulating guns in colleges, *infra*.

¹² See, e.g., Connecticut (Conn. Gen. Stat. § 29-36f); District of Columbia (D.C. Code Ann. § 7-2502.03(a)(1)); Hawaii (Haw. Rev. Stat § 134-2(d)); Illinois (430 Ill. Comp. Stat. 65/4(a)(2)(i); 720 Ill. Comp. Stat. 5/24-3.1); Iowa (Iowa Code § 724.22); Maryland (Md. Code Ann., Pub. Safety § 5-133(d)); Massachusetts (Mass. Gen. Laws ch. 140, § 131); New Jersey (N.J. Stat. Ann. § 2C:58-6.1); New York (N.Y. Penal Law § 400.00(1)(a)); South Carolina (S.C. Code Ann. § 16-23-30(B)).

- Less than 2% of college students report being threatened with a gun while at school.¹³
- There were 11,920 total gun homicides in the U.S. in 2003,¹⁴ but only 10 total murders or non-negligent homicides on the nation's college campuses.¹⁵
- The overall rate for criminal homicide at postsecondary schools was .07 per 100,000 students enrolled in school in 1999, when the criminal homicide rate in the United States that year was 5.7 per 100,000 persons, and 14.1 per 100,000 for persons age 17 to 29.¹⁶
- Violent crime for college students age 18 to 24 declined significantly between 1995 and 2002.¹⁷ College students are less likely than non-students to be victims of crime: though crime rates declined for both students and non-students alike from 1995 to 2002, by 2002 only 41 of every 1,000 students were victims of violent crime, while 56 out of 1,000 non-students were victimized that year.¹⁸ Students living on college campuses are less likely to be victimized than when off-campus – over 90% of victimizations occur off-campus.¹⁹

Gun-owning college students have a greater propensity for engaging in risky, sometimes violent, behavior than non-gun owning students. A 2002 study from the Journal of American College Health found that 4.3% of college students reported owning or having a firearm.²⁰ Students who owned guns were more likely than non-gun-owning students to binge drink²¹ and then engage in risky activities “such as driving when under the influence of alcohol, vandalizing property, and having unprotected intercourse.”²²

Offering young people easy access to firearms would likely lead to more campus homicides and suicides: young adults between the ages of 18-25 experience the highest rate of serious mental illness.²³ Between 9% and 11% of college students seriously considered suicide in the previous

¹³ Matthew Miller, David Hemenway & Henry Wechsler, *Guns and Gun Threats at College*, 51 J. Am. Coll. Health 57, 63 (Sept. 2002) (study focused on gun ownership and gun threats on college or university campuses, regardless of whether those schools allowed firearms on campus).

¹⁴ National Center for Injury Prevention & Control, U.S. Centers for Disease Control & Prevention, *Web-based Injury Statistics Query and Reporting System (WISQARS) Injury Mortality Reports, 1999-2006*, at http://webappa.cdc.gov/sasweb/ncipc/mortrate10_sy.html.

¹⁵ U.S. Dep't of Education, *Summary Campus Crime and Security Statistics – Criminal Offenses, Murder/Non-negligent Manslaughter* (2003), available at <http://www.ed.gov/admins/lead/safety/crime/criminaloffenses/edlite-murder.html>.

¹⁶ U.S. Dep't of Education, Office of Postsecondary Education, *The Incidence of Crime on the Campuses of U.S. Postsecondary Education Institutions: A Report to Congress 5* (Jan. 18, 2001) (available at http://www.eric.ed.gov/ERICDocs/data/ericdocs2sql/content_storage_01/0000019b/80/16/c1/a5.pdf).

¹⁷ Baum & Klaus, *supra* note 9, at 1.

¹⁸ *Id.*

¹⁹ *Id.* at 5.

²⁰ Matthew Miller, *supra* note 13, at 59.

²¹ *Id.* The study found that nearly two-thirds of gun-owning students were binge drinkers.

²² *Id.*

²³ U.S. Dep't of Health & Human Services, *Results from the 2002 National Survey on Drug Use and Health: National Findings*, Chap. 9 (2003), at <http://www.oas.samhsa.gov/NHSDA/2k2NSDUH/Results/2k2results.htm#chap9>.

school year,²⁴ and about 1,100 college students commit suicide each year.²⁵ When a gun enters this mix, the suicide attempt becomes considerably more lethal, as over 90% of gun suicide attempts are fatal.²⁶

These facts belie any need for students, faculty and visitors to carry guns on campus for self-defense or any other reason.²⁷ There is no credible statistical evidence to suggest that the presence of students carrying guns, particularly, concealed handguns, will reduce violence on our college campuses.²⁸

Finally, forcing guns onto our college campuses would pose additional concerns, such as a greater likelihood of gun thefts,²⁹ increased liability and public relations costs for colleges that lack institutional authority to restrict weapons,³⁰ and inhibiting dialogue by making students and faculty feel less safe to freely express ideas and exchange information.³¹

Summary of Federal Law

Recognizing that guns have no place in our nation's schools, the federal government has taken steps to make our elementary and secondary schools safer from gun violence by adopting: 1) The Gun-Free School Zones Act; and 2) The Gun-Free Schools Act. Establishing gun-free school zones – that prohibit possession of a gun within a school, on school property, or within a set distance of school property – helps to secure schools from gun-related violence and crime.

²⁴ American College Health Ass'n, National College Health Assessment, *Data Highlights*, at http://www.achancha.org/data/PHYSMENTAL_3_all.html (providing data from Spring 2000 – Spring 2006).

²⁵ American Psychiatric Association, *College Mental Health & Confidentiality* 1 (June 2009), at <http://www.psych.org/Departments/EDU/Library/APAOfficialDocumentsandRelated/ResourceDocuments/200905.a.spx>.

²⁶ Matthew Miller et al., *Household Firearm Ownership and Rates of Suicide Across the 50 United States*, 62 J. Trauma 1029, 1029 (Apr. 2007). Firearm suicides constitute 5% of all fatal and non-fatal suicide attempts.

²⁷ For additional information that explains why allowing concealed handguns on campus is a poor choice for self-defense, see the International Association of Campus Law Enforcement Administrators, Inc. (IACLEA), *IACLEA Position Statement Concealed Carrying of Firearms Proposals on College Campuses* (Aug. 12, 2008) (co-written by LCAV), at http://www.iaclea.org/visitors/PDFs/ConcealedWeaponsStatement_Aug2008.pdf.

²⁸ In fact, the evidence suggests that permissive concealed gun carrying generally will *increase* crime. See, e.g., Ian Ayres & John J. Donohue III, *Shooting Down the "More Guns, Less Crime" Hypothesis*, 55 Stan. L. Rev. 1193, 1285, 1296 (Apr. 2003); and Ian Ayres & John J. Donohue III, *The Latest Misfires in Support of the "More Guns, Less Crime" Hypothesis*, 55 Stan. L. Rev. 1371, 1397 (Apr. 2003).

²⁹ Brady Center to Prevent Gun Violence, *supra* note 7, at 8-9. See also Americans for Gun Safety, *Stolen Firearms: Arming the Enemy* 1 (Dec. 2002). Once a gun is stolen it is much more likely to be used in subsequent crime.

³⁰ Brady Center to Prevent Gun Violence, *supra* note 7, at 6, 11-13.

³¹ *Id.* at 15-17. For additional information on the dangers of allowing guns on campus, see the Students for Gun Free Schools fact sheets, *Why Our Campuses are Safer Without Concealed Handguns*, available at <http://www.studentsforgunfreeschools.org/SGFSWhyOurCampuses-Electronic.pdf> (noting that concealed handguns detract from a healthy learning environment and permit holders do not deter school shooters, are often not required to have law enforcement-level gun safety training, and are not always law-abiding citizens); and *How We Can Prevent Future Tragedies*, at <http://www.studentsforgunfreeschools.org/HowWeCanPrevent-Electronic.pdf> (discussing ways to prevent school shootings, including enhancing campus security, improving screening of gun purchasers, and protecting universities' right to set policies regarding guns on campus).

A) The Gun-Free School Zones Act

The Gun-Free School Zones Act (GFSZA) prohibits any person from knowingly possessing a firearm that has moved in or otherwise affects interstate or foreign commerce at a place the individual knows, or has reasonable cause to believe, is a school zone.³² The GFSZA also prohibits any person from knowingly, or with reckless disregard for the safety of another, discharging or attempting to discharge a firearm that has moved in or otherwise affects interstate or foreign commerce at a place the person knows is a school zone.³³ The GFSZA defines “school zone” as: 1) in, or on the grounds of, a public, parochial or private school; or 2) within a distance of 1,000 feet from the grounds of a public, parochial or private school.³⁴

Exceptions to the possession prohibition include:

- Firearm possessors licensed by the state or locality to possess the gun, whose law requires that before the person obtains a license, state or local law enforcement verify that the person is qualified to receive the license,³⁵ or
- Where the firearm is:
 - Unloaded and in a locked container or locked firearms rack on a motor vehicle;³⁶ or
 - Unloaded and possessed while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school authorities.³⁷

Exceptions to both the possession and discharge bans include:

- Where the firearm is possessed for use in a program approved by a school held in the school zone, or in accordance with a contract entered into between a school and the individual or an employer of the individual,³⁸ or
- Where the firearm is possessed or used by a law enforcement officer acting in his or her official capacity.³⁹

The GFSZA originally was enacted as part of the Crime Control Act of 1990. The GFSZA was eventually challenged as an unconstitutional exercise of congressional authority under the

³² 18 U.S.C. § 922(q)(2)(A).

³³ 18 U.S.C. § 922(q)(3)(A).

³⁴ 18 U.S.C. § 921(a)(25).

³⁵ 18 U.S.C. § 922(q)(2)(B)(ii).

³⁶ 18 U.S.C. § 922(q)(2)(B)(iii).

³⁷ 18 U.S.C. § 922(q)(2)(B)(vii).

³⁸ 18 U.S.C. § 922(q)(2)(B)(iv), (v); § 922(q)(3)(B)(ii), (iii).

³⁹ 18 U.S.C. § 922(q)(2)(B)(6); § 922(q)(3)(B)(iv).

Commerce Clause of the U.S. Constitution. In *United States v. Lopez*, the Supreme Court struck down the law on the grounds that the Act regulated neither commercial nor interstate activity.⁴⁰

Following the ruling in *Lopez*, Congress re-enacted the GFSZA in 1996, correcting the statute's defects identified by the Supreme Court in *Lopez* as violative of the Commerce Clause. The original GFSZA contained the same prohibitions as the 1996 revision, except the newer version added language to apply the law to any firearm "that has moved in or that otherwise affects interstate or foreign commerce."⁴¹ Challenges to the new statute have been unsuccessful.⁴²

B) The Gun-Free Schools Act

The Gun-Free Schools Act (GFSA) imposes a federal requirement on school districts to adopt a gun-free schools position that requires zero-tolerance policies and minimum one-year expulsions from school for gun possession in exchange for federal funds for district schools.

The original GFSA dates to 1994, when the "Gun-Free Schools Act of 1994" was enacted under the Clinton Administration as a response to increasing levels of gun violence in schools.⁴³ Unlike the GFSZA, which applies to any person possessing a firearm in the defined prohibited areas, the GFSA focuses on student behavior, penalizing students in an attempt to deter them from bringing firearms to school or possessing them at school. The 1994 GFSA required local educational agencies to have in effect a policy that required the expulsion for a period of not less than one year of any student who brought a weapon, including a firearm, to school.⁴⁴

The GFSA was repealed and re-enacted as part of the "No Child Left Behind" Act (NCLBA).⁴⁵

⁴⁰ 514 U.S. 549 (1995). In *Lopez*, a student was convicted of violating the GFSZA for possessing a handgun and ammunition at school. Respondent's conviction was reversed on appeal. In upholding the reversal, the Supreme Court held the GFSZA was invalid because it was beyond the power of Congress under the Commerce Clause, U.S. Const. art. I, § 8, cl. 3. The Court found that the GFSZA had nothing to do with commerce or any economic activity, and thus could not be sustained as a regulation of activity arising out of or connected with a commercial transaction, which when viewed in the aggregate, substantially affected interstate commerce. In reaching this conclusion, the Court emphasized that Congress' authority under the Commerce Clause extended to only three categories of activity: 1) "the use of the channels of interstate commerce"; 2) "the instrumentalities of interstate commerce, or persons or things in interstate commerce"; and 3) "those activities having a substantial relation to interstate commerce, i.e., those activities that substantially affect interstate commerce." *Lopez*, 514 U.S. at 558-59. See also *Lopez*, 514 U.S. at 558-563.

⁴¹ 18 U.S.C. § 922(q)(2)(A), (3)(A).

⁴² See, e.g., *United States v. Danks*, 221 F.3d 1037, 1038 (8th Cir., 1999) (upholding the statute's constitutionality because the addition to 18 U.S.C. § 922(q) of the language "that has moved in or that otherwise affects interstate or foreign commerce" adds an interstate-commerce requirement to the statute that ensures through case-by-case inquiry that the firearm in question affects interstate commerce); and *United States v. Dorsey*, 418 F.3d 1038, 1045-46 (9th Cir. 2005), *rev'd on other grounds* (unlike the earlier version of the Gun-Free School Zones Act that the *Lopez* Court found unconstitutional, the new version of 18 U.S.C. § 922(q) resolves the prior statute's shortcomings because it incorporates a jurisdictional element that ensures, through a case-by-case inquiry, that the gun possession in question affects interstate commerce.)

⁴³ Avarita L. Hanson, *Have Zero Tolerance School Discipline Policies Turned into a Nightmare? The American Dream's Promise of Equal Educational Opportunity Grounded in Brown v. Board of Education*, 9 U.C. Davis J. Juv. L. & Pol'y 289, 303 (Summer, 2005) (discussing the history of the Gun-Free Schools Act of 1990 and subsequent Acts).

⁴⁴ *Id.* at 303-04.

⁴⁵ 20 U.S.C. § 7151.

The revised GFSA, effective January 8, 2002, requires that states receiving federal funds under the Elementary and Secondary Education Act of 1965 (as amended by the NCLBA) have laws requiring local educational agencies to adopt a policy that expels students for a minimum period of one year for bringing a firearm to school or possessing a firearm at school.⁴⁶ The amended GFSA also defines the term “school” more specifically than the earlier act, broadening the term to include school-sponsored events and activities, even those held off school grounds.⁴⁷ The updated GFSA also replaces the vague “weapon” with the statutorily-defined “firearm” as the proscribed instrument.⁴⁸

The strict zero-tolerance policy associated with the GFSA is softened somewhat under the newer version by allowing states to permit the chief administering officer of a local educational agency to modify an expulsion for a student, in writing, on a case-by-case basis.⁴⁹ Furthermore, the GFSA provides that a state may allow a local educational agency that has expelled a student from the student’s regular school setting to provide an alternative educational setting.⁵⁰

The GFSA requires that each local educational agency requesting financial assistance from the state educational agency charged with receiving and distributing federal funds to provide to the state agency, on an annual basis, information that includes:

- An assurance that the local educational agency is in compliance with the state expulsion law; and
- A description of the circumstances surrounding any expulsions imposed under the state expulsion law, including:
 - The name of the school concerned;
 - The number of students expelled from such school; and
 - The type of firearms concerned.⁵¹

The GFSA also requires local educational agencies to adopt policies requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm to a school served by such agency.⁵² For these purposes, “school” means a school that provides elementary or secondary education pursuant to the laws of the state.⁵³

Finally, the GFSA provides narrow exceptions to these prohibitions, permitting firearm

⁴⁶ 20 U.S.C. § 7151(b)(1).

⁴⁷ Hanson, *supra* note 43, at 305 (“school” is defined as any setting that is under the control and supervision of the local educational agency for the purpose of student activities approved and authorized by the local educational agency, per 20 U.S.C. § 7151(f)).

⁴⁸ *Id.*

⁴⁹ 20 U.S.C. § 7151(b)(1).

⁵⁰ 20 U.S.C. § 7151(b)(2).

⁵¹ 20 U.S.C. §§ 7151(d), (e).

⁵² 20 U.S.C. § 7151(h)(1).

⁵³ 18 U.S.C. § 921(a)(26).

possession where the gun is lawfully stored inside a locked vehicle on school property, or where the gun is possessed for an activity approved and authorized by the local educational agency, if the agency has adopted appropriate safeguards to ensure student safety.⁵⁴ To date, the GFSA has not been challenged.

SUMMARY OF STATE LAWS REGULATING GUNS IN SCHOOLS

States Prohibiting Firearms in Primary and Secondary (K-12) Schools

Alabama	Ala. Code § 13A-11-72(c), (g).
Alaska	Alaska Stat. §§ 11.61.210(a)(7), 11.61.210(a)(8).
Arizona	Ariz. Rev. Stat. Ann. §§ 13-3102(A)(12), (M)(3).
Arkansas	Ark. Code Ann. § 5-73-119(b)(1).
California	Cal. Penal Code §§ 626.9(b), (e); Cal Penal Code § 12316(c).
Colorado	Colo. Rev. Stat. § 18-12-105.5(1).
Connecticut	Conn. Gen. Stat. § 53a-217b(a).
Delaware	Del. Code Ann. tit. 11, § 1457(a), (c).
District of Columbia	D.C. Code Ann. § 22-4502.01(a), (b); D.C. Mun. Regs. tit. 5, § 2402.6.
Florida	Fla. Stat. §§ 790.115(1)-(2)(a)(c); 810.095(1), (2).
Georgia	Ga. Code Ann. § 16-11-127.1(a), (b).
Idaho	Idaho Code § 18-3302D(1)
Illinois	720 Ill. Comp. Stat. 5/24-1(a)(4), (a)(9), (a)(10), (c)(1.5), (c)(4).
Indiana	Ind. Code Ann. § 35-47-9-2.
Iowa	Iowa Code §§ 280.2; 724.4B(1).
Kansas	Kan. Stat. Ann. § 21-4204(a)(5).
Kentucky	Ky. Rev. Stat. Ann. § 527.070(1).
Louisiana	La. Rev. Stat. Ann. §§ 14:95.2(A); 14:95.6(C).
Maine	Me. Rev. Stat. Ann. tit. 20-A, § 6552(1).
Maryland	Md. Code Ann., Crim. Law § 4-102(b).
Massachusetts	Mass. Gen. Laws ch. 269, § 10(j).
Michigan	Mich. Comp. Laws § 750.237a(4), (6)(b), (6)(d).
Minnesota	Minn. Stat. § 609.66 Subd. 1d.
Mississippi	Miss. Code Ann. § 97-37-17.
Missouri	Mo. Rev. Stat. § 571.030.1(10).
Montana	Mont. Code Ann. § 45-8-361(1), (5).
Nebraska	Neb. Rev. Stat. § 28-1204.04(1).
Nevada	Nev. Rev. Stat. Ann. § 202.265(1)(e).

⁵⁴ 20 U.S.C. § 7151(g).

New Hampshire	N.H. Rev. Stat. Ann. §§ 193-D:3(I)(e); 193:13(III); 193-D:1(III).
New Jersey	N.J. Stat. Ann. § 2C:39-5(e).
New Mexico	N.M. Stat. Ann. § 30-7-2.1.
New York	N.Y. Penal Law § 265.01(3).
North Carolina	N.C. Gen. Stat. § 14-269.2(a)(1b), (b).
North Dakota	N.D. Cent. Code § 62.1-02-05(1).
Ohio	Ohio Rev. Code Ann. § 2923.122.
Oklahoma	Okla. Stat. tit. 21, § 1280.1.
Oregon	Or. Rev. Stat. §§ 166.360(4); 166.370(1).
Pennsylvania	18 Pa. Cons. Stat. Ann. § 912(a), (b).
Rhode Island	R.I. Gen. Laws § 11-47-60(a).
South Carolina	S.C. Code Ann. §§ 16-23-420(A); 16-23-430(A).
South Dakota	S.D. Codified Laws § 13-32-7.
Tennessee	Tenn. Code Ann. § 39-17-1309(b)(1), (c)(1).
Texas	Tex. Penal Code Ann. § 46.03(a)(1); Tex. Educ. Code Ann. § 37.125(a).
Utah	Utah Code Ann. §§ 76-3-203.2(1)(a); 76-10-505.5(1).
Vermont	Vt. Stat. Ann. tit. 13, § 4004(a), (b), (d)(1).
Virginia	Va. Code Ann. § 18.2-308.1(B).
Washington	Wash. Rev. Code Ann. § 9A.41.280(1)(a).
West Virginia	W. Va. Code § 61-7-11a(b)(1).
Wisconsin	Wis. Stat. § 948.605.

States Prohibiting Firearms in Colleges, Universities and Other Postsecondary Institutions

Arkansas	Ark. Code Ann. § 5-73-119(c)(1).
Arizona	Ariz. Admin. Code § 7-4-102(3).
California	Cal. Penal Code § 626.9(h), (i).
Colorado	Colo. Rev. Stat. § 18-12-105.5(1).
Delaware	Del. Code Ann. tit. 11, § 1457(a) – (c).
Florida	Fla. Admin. Code Ann. r. 6C1-2.001(1) (U. of Florida – add cites for other colleges?).
Georgia	Ga. Code Ann. § 16-11-127.1(a), (b).
Illinois	720 Ill. Comp. Stat. 5/24-1(a)(4), 5/24-1(a)(9), 5/24-1(a)(10), 5/24-1(c)(1.5), (c)(4).
Iowa	Iowa Admin. Code r. 681-9.1(2)(g).
Louisiana	La. Rev. Stat. Ann. § 14:95.2(A). 14:95.6(C)(1).
Maine	Me. Rev. Stat. Ann. tit. 20-A, § 6552(1).
Massachusetts	Mass. Gen. Laws ch. 269, § 10(j).
Mississippi	Miss. Code Ann. § 97-37-17
Missouri	Mo. Code Regs. Ann. tit. 6, § 250-4.010(10).

	(applies to U. of Missouri only)
Nebraska	Neb. Rev. Stat. Ann. § 28-1204.04(1).
Nevada	Nev. Rev. Stat. Ann. §§ 202.265(1)(e).
New Jersey	N.J. Stat. Ann. § 2C:39-5(e).
New Mexico	N.M. Stat. Ann. § 30-7-2.4(A), (C).
New York	N.Y. Penal Law § 265.01(3); N.Y. Comp. Codes R. & Regs. tit.8, § 590.3(a).
North Carolina	N.C. Gen. Stat. §§ 14-269.2(a) – (b).
Oregon	Or. Rev. Stat. §§ 166.360(4); 166.370(1). (Misc. regs. prohibit guns at several Oregon colleges).
South Carolina	S.C. Code Ann. § 16-23-420(A).
Tennessee	Tenn. Code Ann. § 39-17-1309(b), (c).
Virginia	8 Va. Admin. Code § 35-60-20 (George Mason); 8 Va. Admin. Code § 90-10-50(4) (V.C.U.).
Washington	(Misc. regs. prohibit guns at several Washington universities).
Wisconsin	Wis. Adm. Code UWS § 18.10(3); Wis. Adm. Code UWS § 17.09(14).

States Explicitly Permitting Firearms on College or University Property, or Prohibiting the Regulation of Firearms on College or University Property

Minnesota	Minn. Stat. § 624.714, Subd. 18(c).
Oklahoma	Okla. Stat. tit. 21, § 1277(D).
Utah	Utah Code Ann. § 53B-3-103(1), (2)(a), 76-8-311.1. Utah Admin. Code r. 765-254-3.

States Requiring Expulsion of Students from Elementary and Secondary Schools for Possessing Firearms

Alabama	Ala. Code § 16-1-24.3(a).
Alaska	Alaska Stat. § 14.03.160(a)(1).
Arizona	Ariz. Rev. Stat. § 15-841(G).
Arkansas	Ark. Code §§ 6-18-502(c)(2); 6-18-503(a)(1)(C)(ii); 6-18-507(e).
California	Cal. Ed. Code §§ 48900(b); 48915(b), (c).
Colorado	Colo. Rev. Stat. § 22-33-106(1)(d)(I), (II).
Connecticut	Conn. Gen. Stat. § 10-233d(a)(2).
Delaware	Del. Code Ann. Tit. 11, § 1457(c), (j).
District of Columbia	D.C. Code §§ 38-231, 38-234(a); D.C. Mun. Regs. tit. 5, § 2502.5(a)(13) - (15), (c).
Florida	Fla. Stat. §§ 1006.07(2)(k); 1006.13(3)(a).

Georgia	Ga. Code Ann. §§ 20-2-751.1(a); 20-2-751(4).
Hawaii	Haw. Rev. Stat. § 302A-1134(b).
Idaho	Idaho Code § 33-205.
Illinois	105 Ill. Comp. Stat. 5/10-22.6(d).
Indiana	Ind. Code Ann. § 20-33-8-16(d), (e).
Iowa	Iowa Code § 280.21B.
Kansas	Kan. Stat. Ann. §§ 72-89a02(a); 72-89a01(b).
Kentucky	Ky. Rev. Stat. Ann. § 158.150(1)(a), (2)(a).
Louisiana	La. Rev. Stat. Ann. §§ 17:416(C)(2); 17:416(A)(3)(a)(x).
Maine	Me. Rev. Stat. Ann. tit. 20-A §§ 1001(9)(C); 1001(9-A).
Maryland	Md. Code Ann., Educ. § 7-305(f)(2), (3); Md. Code Regs. 13A.08.01.12-1(B).
Massachusetts	Mass. Gen. Laws ch. 71, § 37H(a). (No law requires mandatory expulsion for students possessing guns at school.)
Michigan	Mich. Cop. Laws § 380.1311(2).
Minnesota	Minn. Stat. § 121A.44(a).
Mississippi	Miss. Code Ann. § 37-11-18.
Missouri	Mo. Rev. Stat. § 160.261(5).
Montana	Mont. Code Ann. § 20-5-202(2), (3).
Nebraska	Neb. Rev. Stat. § 79-263(1).
Nevada	Nev. Rev. Stat. Ann. § 392.466(2).
New Hampshire	N.H. Rev. Stat. Ann. §§ 193:13(III); 193-D:1(II).
New Jersey	N.J. Stat. Ann. § 18A:37-8; N.J. Admin. Code § 6A:16-5.5(a), (b).
New Mexico	N.M. Stat. Ann. § 22-5-4.7(A), (C).
New York	N.Y. Educ. Law § 3214(3)(d), (f).
North Carolina	N.C. Gen. Stat. § 115C-391(d1).
North Dakota	N.D. Cent. Code §§ 15.1-19-10(1), (2); 15.1-19-09(4).
Ohio	Ohio Rev. Code Ann. § 3313.66(B)(2).
Oklahoma	Okla. Stat. tit. 70, § 24-101.3(C)(2).
Oregon	Or. Rev. Stat. § 339.250(6)(a).
Pennsylvania	24 Pa. Stat. Ann. § 13-1317.2(a), (g).
Rhode Island	R.I. Gen. Laws § 16-21-18.
South Carolina	S.C. Code Ann. § 59-63-235.
South Dakota	S.D. Codified Laws § 13-32-4.
Tennessee	Tenn. Code Ann. § 49-6-3401(a)(7), (g).
Texas	Tex. Educ. Code §§ 37.007(a)(1)(A), (b)(3)(B), (e).

Utah	Utah Code Ann. § 53A-11-904(2)(a), (b).
Vermont	Vt. Stat. Ann. tit. 16, § 1162(a).
Virginia	Va. Code Ann. § 22.1-277.07(A), (E).
Washington	Wash. Rev. Code Ann. §§ 28A.600.420(1); 9.41.280(2).
West Virginia	W. Va. Code § 18A-5-1a(a)(ii), 18A-5-1a(i).
Wisconsin	Wis. Stat. § 120.13(1)(c)(2m).
Wyoming	Wyo. Stat. §§ 21-4-305(a); 21-4-306(a)(v).

States Prohibiting or Restricting Concealed Weapons Permit/License Holders from Carrying on Elementary and Secondary School Property

Alaska	Alaska Stat. §§ 18.65.755; Alaska Statutes § 11.61.210(a)(7), (a)(8).
Arkansas	Ark. Code Ann. § 5-73-306(14).
Colorado	Colo. Rev. Stat. § 18-12-214(3).
Delaware	Del. Code Ann. Tit. 11, § 1457(b)(1).
District of Columbia	D.C. Code Ann. § 22-4502.01
Florida	Fla. Stat. § 790.06(12).
Georgia	Ga. Code Ann. § 16-11-127.1(b).
Idaho	Idaho Code Ann. §§ 18-3302C, 18-3302D(1)(a).
Illinois	720 Ill. Comp. Stat. 5/24-1(a)(4), (a)(9), (a)(10), (c)(1.5), (c)(4).
Indiana	Ind. Code Ann. § 35-47-9-2.
Iowa	Iowa Code § 724.4B.
Kansas	Kan. Stat. Ann. § 75-7c10(a)(10), (13).
Kentucky	Ky. Rev. Stat. § 237.110(16)(f).
Louisiana	La. Rev. Stat. Ann. §§ 40:1379.3(N)(11); 14:95.6.
Maine	Me. Rev. Stat. Ann., tit. 20-A, § 6552.
Maryland	Md. Code Ann., Crim. Law § 4-102(b).
Massachusetts	Mass. Gen. Laws ch. 269, § 10(j).
Michigan	Mich. Comp. Laws § 28.425o(1)(a).
Minnesota	Section 609.66, subd. 1d(c).
Mississippi	Miss. Code Ann. §§ 45-9-101(13); 97-37-17(2).
Missouri	Mo. Rev. Stat. § 571.107.1(10).
Montana	Mont. Code Ann. § 45-8-361(1).
Nebraska	Neb. Rev. Stat. § 69-2441(1)(a).
Nevada	Nev. Rev. Stat. Ann. § 202.3673(3)(a).
New Jersey	N.J. Rev. Stat. § 2C:39-5e.
New Mexico	N.M. Stat. Ann. § 29-19-8(B), (C).
New York	N.Y. Penal Law §§ 265.01(3),

	265.20(a)(3).
North Carolina	N.C. Gen. Stat. § 14-269.2(b).
North Dakota	N.D. Cent. Code § 62.1-02-05(1).
Ohio	Ohio Rev. Stat. Ann. § 2923.122(B).
Oklahoma	Okla. Stat. tit. 21, § 1280.1(A), (D).
Pennsylvania	18 Pa. Cons. Stat. Ann. § 912.
South Carolina	S.C. Code Ann. § 16-23-420.
South Dakota	S.D. Codified Laws § 13-32-7.
Tennessee	Tenn. Code Ann. § 39-17-1309(b)(1), (c)(1).
Texas	Tex. Penal Code § 46.03(a)(1), (f).
Vermont	Vt. Stat. Ann. tit. 13, § 4004.
Virginia	Va. Code Ann. § 18.2-308.1(B).
Washington	Wash. Rev. Code Ann. § 9.41.280.
West Virginia	W.Va. Code section 61-7-11a(b).
Wisconsin	Wis. Stat. Section 948.605(2)(a).
Wyoming	Wyo. Stat. Ann. § 6-8-104(t).

States Prohibiting or Restricting Concealed Weapons Permit/License Holders from Carrying on College and University Property

Arkansas	Ark. Code § 5-73-306(14).
Delaware	Del. Code Ann. Tit. 11, § 1457(b)(1), (c).
District of Columbia	D.C. Code Ann. § 22-4502.01(b), (c). (Allows some persons to possess if licensed.)
Florida	Fla. Stat. § 790.06(12).
Georgia	Ga. Code Ann. § 16-11-127.1(b).
Illinois	720 Ill. Comp. Stat. 5/24-1(a)(4), 5/24-1(a)(9), 5/24-1(a)(10), 5/24-1(c)(1.5), (c)(4).
Kansas	Kan. Stat. Ann. § 75-7c10(a)(13), (14).
Kentucky	Ky. Rev. Stat. Ann. § 237.115(1). (Schools <i>may</i> regulate firearm possession)
Maine	Me. Rev. Stat. Ann. tit 20-A, §§ 10009(2), 6552(1). (Colleges and universities <i>may</i> prohibit gun possession)
Massachusetts	Mass. Gen. Laws ch. 269, § 10(j).
Michigan	Mich. Comp. Laws § 28.425o(1)(h).
Mississippi	Miss. Code Ann. § 45-9-101(13).
Missouri	Mo. Rev. Stat. § 571.107.1(10).
Nebraska	Neb. Rev. Stat. § 69-2441(1)(a).
Nevada	Nev. Rev. Stat. Ann. § 202.3673(3)(a), (6)(b).
New Jersey	N.J. Stat. Ann. § 2C:39-5(e).
New Mexico	N.M. Stat. Ann. § 30-7-2.4(A), (C).
New York	N.Y. Penal Law §§ 265.01(3), 265.20(a)(3).
North Carolina	N.C. Gen. Stat. § 14-269.2(a)(1b), (b).

North Dakota	N.D. Cent. Code § 62.1-02-05(1).
Ohio	Ohio Rev. Stat. Ann. § 2923.122(B).
Oklahoma	Okla. Stat. tit. 21, § 1280.1(A), (D).
South Carolina	S.C. Code Ann. §§ 16-23-420(A), 23-31-215(M)(5), (6), (7).
Tennessee	Tenn. Code Ann. § 39-17-1309(b)(1), (c)(1).
Texas	Tex. Penal Code Ann. § 46.03(a), (f), (g).
Virginia	See Op. Att'y Gen. Va. 05-078 (2006), 2006 Va. AG LEXIS 3, *7. (Colleges and universities may not impose a general prohibition on the carrying of concealed weapons by concealed weapons permittees, but may regulate the conduct of students and employees to prohibit them from carrying concealed firearms on campus)
Washington	(Several administrative regulations prohibit all persons, including concealed pistol license holders, from possessing a firearm on property owned or leased by public universities and colleges)
Wisconsin	Wis. Adm. Code UWS § 18.10(3)(a), (b).
Wyoming	Wyo. Stat. Ann. § 6-8-104(t).

Description of State Laws Regulating Guns in Schools

1. States Prohibiting Firearms in Primary and Secondary (K-12) Schools

The vast majority of states – 47 of them – and the District of Columbia generally prohibit any person from carrying a firearm onto or possessing a firearm in or on school-property, within safe school or gun-free school zones, or on school-provided transportation.

Hawaii, New Hampshire and Wyoming do not generally prohibit the possession of a firearm in school-related locations. Hawaii has no relevant statute. Wyoming prohibits students and concealed weapons permit holders from possessing guns on or in elementary or secondary school facilities. New Hampshire only bans pupils from possessing a firearm in a safe school zone.

Common exceptions to this prohibition include: 1) guns locked in vehicles on school property; 2) guns possessed for a hunter or firearm safety course; 3) guns possessed as part of a school-authorized sporting or recreational program; 4) military or peace officer training programs; 5) lawful possession within a residence, place of business, or other private property that lies within a school zone but is not part of the school grounds or property; 6) while hunting on school grounds or traversing school grounds to access hunting lands during a lawful hunting season on lands owned by the educational institution; and 7) where the possessor has obtained prior permission of the principal, school board, or chief administrative officer of the school or district.

2. States Prohibiting Firearms in Colleges, Universities and Other Postsecondary Institutions

Twenty-six states currently have a statute or regulation that explicitly prohibits the possession of firearms in colleges, universities and other post-secondary educational institutions. In every state but Utah, the governing bodies of public colleges and universities have authority to prohibit or significantly restrict gun possession in school buildings and on school property.

3. States Explicitly Permitting Firearms on College and University Property, or Prohibiting the Regulation of Firearms on College or University Property

Utah's state universities, Michigan State University, and Blue Ridge Community College in Weyers Cave, Virginia are currently the only public colleges or universities that permit some gun possession on campus. In Utah, the state legislature assumed jurisdiction of the state's public universities in 2004. Those schools now permit the lawful possession or carrying of concealed firearms in most areas of campus.

In June 2009, the Michigan State University Board of Trustees voted to allow the carrying of concealed firearms pursuant to state permit on campus grounds. Possession of guns is still prohibited in University buildings, including classrooms and dormitories.

Blue Ridge Community College in Weyers Cave, Virginia prohibits firearms generally, but allows concealed weapons permit holders to carry on campus, among other narrow exceptions. In 2006, in response to a question posed by the University of Virginia regarding the prohibition of carrying of weapons on campus, the Virginia Attorney General opined that the governing boards of colleges and universities may not impose a general prohibition on the carrying of concealed weapons by persons who have a valid permit to carry them.⁵⁵ Pursuant to specific grants of statutory authority, however, colleges and universities in Virginia may regulate the conduct of students and employees to prohibit them from carrying concealed weapons on campus. *Id.*

On December 4, 2009, Colorado State University changed its policy and now bans firearms on its campuses, located in Fort Collins and Pueblo.

States are now restricting regulation of guns by colleges and universities in certain campus areas. Minnesota restrains public colleges and universities from prohibiting the lawful carrying or possession of firearms in parking facilities. In Oklahoma, colleges and universities are not authorized to establish any policy or rule that would prohibit any person in lawful possession of a concealed handgun license from possessing a handgun in or on any property: 1) set aside for the use of any vehicle, provided the handgun is carried or stored as required by law and not removed from the vehicle without the prior consent of the college or university president; 2) authorized for the possession or use of handguns by college or university policy; or 3) authorized by the written consent of the college or university president.

⁵⁵ Op. Att'y Gen. Va. 05-078 (2006), 2006 Va. AG LEXIS 3, *6.

4. States Requiring Expulsion of Students from Elementary and Secondary Schools for Possessing Firearms

Forty-nine states and the District of Columbia have statutory and/or regulatory provisions requiring that any student possessing a firearm at an elementary or secondary school or on school property be expelled for not less than one year. Consistent with the federal Gun-Free Schools Act,⁵⁶ these states commonly grant authority to the school board, superintendent or principal to modify the expulsion of a particular student on a case-by-case basis. In addition, most states authorize school districts to provide educational services to an expelled student in an alternative setting.

Only Massachusetts does not have a law that requires the expulsion for students possessing guns at school. Massachusetts law states only that, as part of the each school district's policies pertaining to the conduct of students, any student found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a firearm may be subject to expulsion from the school or school district.

5. States Prohibiting or Restricting Concealed Weapons Permit/License Holders from Carrying on Elementary and Secondary School Property

Forty-one states and the District of Columbia prohibit concealed weapons permit or license holders from possessing in primary or secondary schools, in school zones or on school property or school-provided transportation. One notable exception common to these laws is where an adult is in lawful possession of a firearm, and the firearm is within a vehicle, when the adult is dropping off or picking up a student on school property.

6. States Prohibiting or Restricting Concealed Weapons Permit/License Holders from Carrying on College and University Property

Twenty-five states and the District of Columbia prohibit persons with a concealed weapons permit or license from carrying their concealable firearms on college or university property.

Statutes in Kentucky and Maine provide that colleges and universities may prohibit gun possession. In Virginia, it is unclear whether colleges and universities have authority to completely ban the possession of guns on school property. In response to a question posed by the University of Virginia regarding a policy that prohibited the carrying of weapons on campus, the Virginia Attorney General opined that the governing boards of colleges and universities may not impose a general prohibition on the carrying of concealed weapons by persons who have a valid permit.⁵⁷ Pursuant to specific grants of statutory authority, however, such schools may regulate the conduct of students and employees to prohibit them from carrying concealed weapons on campus.⁵⁸

⁵⁶ See Gun-Free Schools Act discussion, *supra* at pages 6-7.

⁵⁷ Op. Att'y Gen. Va. 05-078 (2006), 2006 Va. AG LEXIS 3, *6.

⁵⁸ *Id.* Note that George Mason University (8 Va. Admin. Code § 35-60-20) and Virginia Commonwealth University (8 Va. Admin. Code § 90-10-50) prohibit the possession of firearms on campus, regardless of whether the possessor is licensed to carry.

Guns in Schools – Selected Resources

[Armed Campuses – A Guide for Students and Parents](#)

[Children’s Defense Fund – Protect Children, Not Guns](#)

[Campaign to Keep Guns Off Campus \(GunFreeKids.org\)](#)

[Common Sense About Kids & Guns](#)

[Fight Crime: Invest In Kids](#)

[Harvard Youth Violence Prevention Center](#)

[Student Pledge Against Gun Violence](#)

[Students for Gun-Free Schools](#)

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