

# Campus Carry and the 2<sup>nd</sup> Amendment

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## 2<sup>nd</sup> Amendment to the United States Constitution

### **The U.S. Constitution states:**

“[a] well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.”

# 2<sup>nd</sup> Amendment to the United States Constitution

## Legal framework

- The U.S. Supreme Court has stated the rights protected by the Second Amendment are not unlimited – the Court in *D.C. v. Heller* (2008) said that it does not allow citizens to carry weapons anywhere for any purpose – such as government buildings and schools.
- However, in *New York State Rifle & Pistol Ass'n, Inc. v. Bruen* (2022), the Court held that “[t]he constitutional right to bear arms in public for self-defense is not ‘a second-class right, subject to an entirely different body of rules than the other Bill of Rights guarantees.’”
- **This issue is being hotly debated and refined as states and universities move to allow firearms on campuses.**

# Sensitive Places

In *Digiacinto v. Rector & Visitors of George Mason Univ.* (2011), the Virginia Supreme Court held that George Mason University is a "sensitive place":

- 30,000 enrolled students ranged in age from 16 to senior citizens
- More than 350 of the incoming freshman class would be under the age of 18
- The campus was used by elementary and high school students attending summer camps
- The university operated a child study preschool



# Federal Gun-Free School Zones Act

- The Gun-Free School Zones Act prohibits firearms in K-12 school zones and federal buildings, such as post offices and courthouses.
- “School zone” is defined as “in, or on the grounds of, a public, parochial or private school; or within 1,000 feet of the grounds of a public, parochial or private school” and includes all public roads and sidewalks within that 1,000-foot buffer zone.
- Exception allowing the carrying of firearms for those who have a concealed firearm permit issued by the state in which the school zone is located.



# Wyoming Constitution and Statutes

## Legal framework

- Article 1, Declaration of Rights, includes the right to bear arms: “[t]he right of citizens to bear arms in defense of themselves and of the state shall not be denied.”
- The language, while similar to the U.S. Constitution, affirmatively includes the phrase “in defense of themselves.”
- However, despite the additional language, Wyoming Courts have held Wyoming’s Declaration of Rights to be “parallel” to the Second Amendment.
- Consistent with the limitations in *Heller*, Wyoming Courts have held that Wyoming statutes prohibiting the carrying of a concealed weapon are permissible and consistent with the State Constitution: “[A] balance must be struck between the individual's right to exercise each constitutional guarantee and society's right to enact laws which will ensure some semblance of order.”

# Wyoming Constitution and Statutes

## Preemption

- Wyoming has a **strong** preemption statute (Wyo. Stat. § 6-8-401) stating that “the right to keep and bear arms is a fundamental right. The Wyoming legislature affirms this right as a constitutionally protected right in every part of Wyoming.”
- Additionally, the statute clarifies that **only** the “state legislature” can regulate the “sale, transfer, purchase, delivery, taxation, manufacture, ownership, transportation, storage, use and possession of firearms, weapons, and ammunition.”

# Open Carry v. Concealed Carry

- Wyoming does not have a state law that specifically prohibits openly carrying a firearm in public.
- Without a specific prohibition, individuals who are otherwise legally allowed to possess a firearm, may generally openly carry without much limitation.
- While there are some limitations to who can carry, no permit or license is required.
- Conversely, Wyoming does regulate the concealed carry of firearms. There is a prohibition on carrying a concealed deadly weapon unless an individual falls within the list of exceptions to the prohibition. Included in those exceptions are two categories of individuals eligible to carry: those who have obtained the State's permit and those who have not obtained a permit but are otherwise eligible under Wyo. Stat. § 6-8-104(a)(iv).

## Concealed Carry v. Permit-less (Constitutional) Carry

Wyo. Stat. § 6-8-104(a)(iv) allows for “permitless carry” or “constitutional carry,” meaning a person without a valid permit may still carry a concealed firearm in Wyoming as long as they would otherwise qualify for a permit, or they possess a concealed carry permit issued by a state with reciprocity for concealed carry permits.

# Concealed Carry Permit

**To obtain a concealed carry permit, an individual must meet nine distinct standards:**

- (1) has been a legal resident of Wyoming for six months prior to application;
- (2) is at least ~~21~~ **18** years of age; **[NOTE: Effective July 1, 2026, the minimum age requirement has been reduced from 21 to 18 years old]**
- (3) does not suffer from a physical infirmity which prevents the safe handling of a firearm;
- (4) is not ineligible to possess a firearm pursuant to 18 U.S.C. section 922(g) (prohibits the possession of a firearm by convicted felons, fugitives, users of controlled substances, those adjudicated mentally defective, illegal aliens, dishonorably discharged veterans, those who have renounced their U.S. citizenship, and those under a court order relating to, or having been convicted of domestic violence) or Wyo. Stat. 6-8-102 (criminalizes the use or possession of a firearm by convicted felons in Wyoming);

# Concealed Carry Permit

**To obtain a concealed carry permit, an individual must meet nine distinct standards:**

(5) has not been committed to a state or federal facility for the abuse of a controlled substance within one year prior to application, or has not have been convicted of certain felonies or misdemeanors under the Wyoming Controlled Substances act or similar laws or other states or the United States;

(6) does not chronically or habitually use alcoholic liquor and malt beverages to the extent that normal faculties are impaired;

(7) demonstrates familiarity with a firearm;

# Concealed Carry Permit

**To obtain a concealed carry permit, an individual must meet nine distinct standards:**

(8) is not currently adjudicated to be legally incompetent; and

(9) has not been committed to a mental institution.

# UW Regulations

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- Prior to 1994, there were no Wyoming state laws addressing the presence of firearms on the University's campus.
- In 1994, the Wyoming legislature enacted Wyo. Stat. § 6-8-104(t)(x), which specifically prohibits any person from carrying a concealed weapon into any University **facility** without the consent of the University by and through its "security service."
- The following year, the Wyoming Legislature enacted Wyo. Stat. § 6-8-401, which states that "the right to keep and bear arms is a fundamental right. The Wyoming legislature affirms this right as a constitutionally protected right in every part of Wyoming."

# UW Regulations

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- The statute (at the time) clarified that only the “state” can regulate the “sale, transfer, purchase, delivery, taxation, manufacture, ownership, transportation, storage, use and possession of firearms, weapons, and ammunition.”
- In 2007, the University regulation was updated to prohibit “dangerous weapons,” including firearms, from being stored or carried in University facilities and on University grounds.
- In 2016, the University regulation was narrowed to prohibit firearms only within University facilities, not grounds.
- In 2025, the University regulation was modified to allow “Campus Carry,” the common name for the law that authorizes a permit holder to carry a concealed handgun at institutions of higher education in Wyoming.

# *Williams v. University of Wyoming Board of Trustees*

- The UW Regulation was challenged in 2018 during a Wyoming Republican Convention held at the **Marian H. Rochelle Gateway Center**.
- Lyle Williams was in attendance as a delegate from Uinta County.
- While in attendance, Williams openly carried a firearm.
- Williams was approached by law enforcement officers from UWPD and asked to relinquish his firearm pursuant to UW Regulation 2-178.



## *Williams v. University of Wyoming Board of Trustees*

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- Williams made it clear that he was challenging the legality of the regulation, and that he would not give up his firearm. He was thereafter asked to leave the facility.
- Williams again refused and as a result, was cited for misdemeanor criminal trespass.
- Williams brought a lawsuit against the University, challenging its ability to regulate the carrying of firearms on campus through the creation of its own policies, pointing to W.S. § 6-8-401, which states that, with limited exception, firearm regulation, including possession, is preempted by the state and both the U.S. and Wyoming Constitutions.

## *Williams v. University of Wyoming Board of Trustees*

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- In its defense and at the direction of the Board of Trustees, the University filed a Motion for Summary Judgment arguing that due to the University's treatment as the state in other situations, similarities with two other state entities who regulate firearms within their facilities, prior Legislative Service Office (LSO) interpretations of Wyo. Stat. § 6-8-401, and the University's Board of Trustees' plenary power under the Wyoming Constitution, that the University was an arm of the state and was not preempted.
- The case was initially decided for the University on summary judgment.
- Mr. Williams appealed, and the Supreme Court reversed the lower court's decision on procedural grounds and remanded with direction to dismiss the case.
- Williams did not re-file. Therefore, as it stands currently, there is no decision from the Wyoming Supreme Court related to the University's ability to regulate firearms in University facilities.

## Other State Laws

- Nine other states have statutes that require over 300 public colleges and universities to allow campus carry, including:
- Arkansas, Georgia, Idaho, Kansas, Mississippi, South Dakota, Texas, Utah, and West Virginia.

# Campus Carry



# Campus Carry FAQs

Campus Carry FAQs

# Wyoming's Campus Carry law

- "Campus Carry" is the common name for the law that authorizes a permit holder to carry a concealed handgun at institutions of higher education in Wyoming. Campus carry was authorized by the Repeal Gun Free Zones and Preemption Amendments, HB 0172, House Enrolled Act No. 24 (2025), which is codified as Wyo. Stat. §6-8-105.
- The statute covers only handguns. A handgun is any pistol, revolver or derringer, designed to be fired by the use of a single hand. Other weapons — rifles or shotguns — are not permitted in University facilities but can be stored at the University of Wyoming Police Department (UWPD).

# UW Exclusion Zones



# UW Exclusion Zones

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## UW Exclusion Zones

Law enforcement facilities	Health service settings
Detention facilities and courtrooms (only when being used as a courtroom, not a classroom)	UW's Early Care and Education Center (ECEC)
Portions of establishments licensed to dispense alcohol	Facilities where explosive or volatile materials are present

# Unique situations on campus

- Apartments
- Field trips and field work
- Half Acre Recreation and Wellness Center
- Purses/backpacks
- Residence halls
- UW vehicles

# What if I see a handgun on campus?

- If in a UW facility, call the UW Police Department (UWPD) (307-766-5179) or 911.
- A concealed carry permit holder is required to keep the handgun out of sight.
- While brief, inadvertent exposure of a concealed handgun, including transfer of a handgun from a permit holder's person to a firearm storage container and the imprint of a handgun under a permit holder's clothes, may not rise to a violation of the law or University policy, if you see a person in a UW facility with a weapon, you can help with campus safety by alerting police about suspicious activity.



# What if the inherent nature of the class or activity (swimming, dancing) makes concealment difficult?

- It is advised that you check in advance regarding the status of the area you will be visiting to make sure that handguns are not excluded from the location or if carrying would be difficult (swimming, dancing, sleeping, etc.).
- You may use your normal work breaks, including lunch, if necessary, to store your gun at the UW Police Department (UWPD), in your car, at a location off campus, or within a concealed biometric firearms storage container or a lock box within your direct control.
- Firearm storage containers may be bought locally at sporting goods stores or through online retailers.



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# Questions?