

Trustees Legislative Relations Committee
November 20, 2024
Boyd Conference Room
Marian H. Rochelle Gateway Center
5:00 p.m.

Closed Session: The committee chairman reserves the right to call a closed session.

Agenda #	Description	Page #
1.	General Discussion regarding Legislative Matters	n/a
2.	Discussion of Draft Rule: Storing or Carrying Dangerous Weapons in University Facilities	2

AGENDA ITEM TITLE: Discussion: Governor’s March 2024 Directive to Establish Policies that Allow for the Safe Carry of Concealed Weapons with UW Facilities, McKinley/Seidel

SESSION TYPE:

- Work Session
- Information Session
- Other
- [Committee of the Whole – Items for Approval]

APPLIES TO STRATEGIC GOALS:

- Yes (select below):
 - Institutional Excellence
 - Student Success
 - Service to the State
 - Financial Growth and Stability
- No [Regular Business]

Attachments are provided with the narrative.

EXECUTIVE SUMMARY:

During the 2024 Wyoming legislative session, the Repeal Gun Free Zones and Preemption Amendments, HB 0125, House Enrolled Act No. 49 (HB 0125), was passed by both houses but vetoed by Governor Gordon on March 22, 2024. HB 0125, as passed, would have created a new statute, entitled the Wyoming Gun Free Zones Act. The Bill would have specifically permitted that anyone lawfully carrying a concealed weapon could do so at “[a]ny public school, public college or university athletic event taking place on public property that does not sell alcoholic beverages” and “[a]ny public college or university facility.” The Bill would have given the legislature preemption of state entities, including the University, to regulate the storage, use, and possession of firearms. The Bill also included criminal and civil penalties for persons that knowingly prohibit entry to someone based on their possession of a concealed weapon.

Although the Governor vetoed the Bill, his veto memo reinforces his support for the Second Amendment, and advocates for “firearm freedom.” His veto was not based on an opposition to repealing gun-free zones, but rather that he viewed the legislation as the erosion of local control norms, and “giving sole authority to the legislature to micromanage a constitutionally protected right.” He also stated that were the bill enacted, it “would augment the Legislature's reach into local firearms regulation” and extend the separation of powers of the Wyoming Constitution. The Governor has called on “school districts, community colleges, and the University [of Wyoming] to take up these difficult conversations again and establish policies that allow for the safe carry of concealed weapons in their facilities.”

In response to the Governor’s directive, UW sought constituent feedback on potential changes to UW Regulation 6-4 (Use of University Buildings, Grounds, and Services) and the results were presented to the Board of Trustees during its September 2024 meeting. During that meeting, the Legislative Relations Committee of the Board of Trustees directed UW administration to draft a rule that would allow University faculty, staff, students, and members of the public who possess a permit to carry concealed firearms in designated University facilities. As detailed in the proposed rule, there would be prohibition against concealed firearms in certain University facilities and an annual reporting and acknowledgement process to UWPD would be required to carry concealed firearms in allowable areas. To help educate campus on the proposed rule, the Firearms Research Center will conduct several outreach sessions and will meet with campus leadership groups to discuss the proposed rule and its impacts.

The Trustees Legislative Relations Committee will discuss the draft rule and provide a recommendation for approval, disapproval, or modification.

PRIOR RELATED BOARD DISCUSSIONS/ACTIONS:

This topic was last discussed during the September 2024 Board of Trustees Meeting.

WHY THIS ITEM IS BEFORE THE BOARD:

This item was requested by the Chair of the UW Board of Trustees.

ACTION REQUIRED AT THIS BOARD MEETING:

Consideration of the rule titled “Storing or Carrying Dangerous Weapons in University Facilities.”

PROPOSED MOTION [LEGISLATIVE COMMITTEE]:

I move to [approve, disapprove, or modify] the rule titled “Storing or Carrying Dangerous Weapons in University Facilities.”

PRESIDENT’S RECOMMENDATION:

The President will share his position during the discussion.

STORING OR CARRYING DANGEROUS WEAPONS IN UNIVERSITY FACILITIES

Authority

The University of Wyoming is a constitutionally established entity of the State of Wyoming, and pursuant to Wyoming Statutes § 21-17-203 et seq., the University Board of Trustees has custody and management over its buildings and all other property of the University. Wyoming Statute § 6-8-104(t)(x) requires prior written consent of the University's Security Service prior to any person other than a Peace Officer carrying a concealed firearm in a University Facility.

Purpose

To establish a rule related to the storing or carrying of Dangerous Weapons in University Facilities.

Definitions

- A. **"Controlled Substances"** means a drug, substance, or immediate precursor as listed in W.S. § 35-7-1002(a)(iv).
- B. **"Dangerous Weapon"** includes any Firearm, explosive, paintball gun, airsoft gun, taser or other electronic restraint device, sling-shot, mace or pepper spray container in excess of 1 ounce, knife (blades 3" or longer except in the apartments or for cooking purposes only), precursor for explosives, brass knuckles, blowgun, dart gun, bow, arrow, and martial arts weapons, including but not limited to a star, sword, nun chuck, and club.
- C. **"Facilities"** means buildings or structures or portions thereof, owned and controlled by the University. Buildings or structures leased by the University from another entity are excluded from this definition.
- D. **"Firearm"** means any pistol, revolver, or derringer designed to be fired by the use of a single hand, as defined by W.S. § 6-8-104(y)(ii).
- E. **"Hazardous Materials"** means any substance or chemical which because of their chemical, physical, or biological nature may present a health or physical hazard to individuals when handled in the normal course of their work, or which can cause harm to people, plants, or animals when released to the environment. A "release" may occur by spilling, leaking, emitting toxic vapors, or any other process that enables the material to escape its container, enter the environment, and create a potential hazard.
- F. **"Firearm Storage Container"** means a locked, hard-sided safe, gun case, lock box, or similar secure device designed specifically for storing firearms when not in use. This container must be accessible only by a key, combination, biometric device, or similar security measure to prevent unauthorized access.

- G. **“Patient Care”** means providing health care services or supplies to patients to prevent, diagnose, or treat illness, injury, conditions, disease or symptoms including but not limited to medical, dental, mental health, and substance abuse services.
- H. **“Security Service”** means, for the purpose of this rule only, the University of Wyoming Police Department (UWPD).
- I. **“Peace Officer”** means those officers assigned to duty in the state of Wyoming as listed in W.S. § 6-1-104(a)(vi).

Prohibitions and Exceptions

- A. **Dangerous Weapons Prohibited.** Except as otherwise provided in Sections B or C below, no Dangerous Weapon may be carried in University Facilities.
- B. **General Exception.** Dangerous Weapons may be carried in University Facilities by the following individuals:
 - 1. Authorized Peace Officers;
 - 2. ROTC faculty members, or ROTC cadets under the direct and immediate supervision of ROTC faculty members, as part of official University business or University approved activities;
 - 3. Individuals directly transporting Dangerous Weapons to and from storage Facilities; and
 - 4. Individuals engaged in official University business or University approved activities with the written permission of the responsible Vice President.
- C. **Exception for Carry of Concealed Firearms.** University faculty, staff, students, and members of the public who possess a permit to carry a concealed Firearm under W.S. § 6-8-104(b) (a valid Wyoming permit) or W.S. § 6-8-104(a)(iii) (a valid permit authorized and issued by a governmental agency or entity in another state that recognizes Wyoming permits and is a valid statewide permit) may lawfully carry concealed Firearms in designated University Facilities as set forth below:
 - 1. Annual notice, including the name of the permittee and confirmation of possession of a valid permit, shall be provided to UWPD prior to a permitted individual carrying a concealed Firearm in University Facilities. Permittees will be required to sign a written acknowledgement along with this annual notice stating the following:
 - a. Per W.S. § 6-8-104(b), they will carry their permit, together with valid identification, at all times when carrying a concealed Firearm;

- b. They will display both the permit and valid identification upon request by UWPD;
 - c. Any Firearm carried will be fully concealed and secured while on their person; and
 - d. Firearms not carried on their person will be secured in a Firearm Storage Container within their direct control at all times.
2. Lists or other records maintained by UWPD pursuant to this Rule, which identify an individual applicant or permittee, are not considered a public record pursuant to W.S. § 6-8-104(bb) and will be kept confidential to the extent permitted by law.

D. Prohibition against Concealed Carry

1. Even those individuals who possess a permit and provide the required information to UWPD as noted above may not possess concealed Firearms in locations further restricted by federal and state law.
2. Per W.S. § 6-8-104(t), no person authorized to carry a concealed weapon shall carry a concealed Firearm into:
- a. Any facility used primarily for law enforcement operations or administration without the written consent of the chief administrator;
 - b. Any detention facility, prison or jail;
 - c. Any courtroom, when being used as a courtroom by official judges of the United States or the State of Wyoming to hear or adjudicate or deliberate over actual cases at law or in equity, except that nothing in this section shall preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in the courtroom (for the avoidance of doubt, this section does not apply when a courtroom is being used as a classroom to instruct students in the ordinary course of the College of Law's business);
 - d. Any meeting of the legislature or a committee thereof;
 - e. Any meeting of a governmental entity;
 - f. Any school athletic event, college athletic event or professional athletic event not related to Firearms; and
 - g. Any portion of an establishment licensed to dispense alcoholic liquor and malt beverages for consumption on the premises, which portion of the establishment is primarily devoted to that purpose.

3. Per the Federal Gun Free School Zone Act of 1990 (18 USC 922(q)(B)(ii)), it is illegal for any individual to knowingly possess a Firearm within a distance of 1000 feet of elementary or secondary school grounds unless that individual is licensed by their state to carry.
4. Concealed Firearms are **further** prohibited in the following University Facilities:
 - a. Any portion of a Facility primarily devoted to providing Patient Care, including but not limited to:
 1. Athletic Training Services and Wellness Center at Half Acre;
 2. Education Health Center of Wyoming: Family Medicine Residency Centers in Casper and Cheyenne and the Albany Community Health Clinic in Laramie;
 3. Mountain View Medical Plaza
 4. Psychology Center;
 5. Speech, Hearing, and Telepractice Clinic;
 6. Sports Medicine;
 7. Student Health Service and the Campus Pharmacy;
 8. University Counseling Center; and
 9. Wellspring Counseling Clinic.
 - b. Laboratories or locations with Hazardous Materials or Controlled Substances as identified by the University's Safety Office, including but not limited to:
 1. Chemical Stock Room;
 2. Regulated Materials Management Center; and
 3. Wyoming State Veterinary Laboratory.
 - c. A meeting of the Faculty Senate, Staff Senate, or Associated Students of the University of Wyoming (ASUW).

E. Injury or Property Damage Involving a Firearm

A person who carries a concealed Firearm is solely responsible for any injury or property damage involving the Firearm. Those carrying concealed Firearms shall abide by Wyoming law regarding the use of force and the defense of self or others. Any action taken will be in

the individual's personal capacity, and any potential criminal or civil recourse that may result shall be the responsibility of the individual. Nothing contained herein shall be construed as a waiver of the State of Wyoming or the University of Wyoming's sovereign immunity.

- F. Administration.** Notwithstanding Sections B and C above, UWPD is authorized to request that any persons carrying a Dangerous Weapon in University Facilities, including a lawfully concealed Firearm, relinquish the Dangerous Weapon due to their failure to comply with this Rule, applicable law or regulation, or unsafe behavior, including alcohol or drug use while carrying a Firearm.
1. The Dangerous Weapon shall be returned to the person when that person leaves the University Facility, unless UWPD has probable cause to detain either the person or the Dangerous Weapon or determines the Dangerous Weapon needs to be retained as part of a law enforcement investigation.
 2. If a person carrying a Dangerous Weapon refuses to relinquish the weapon to UWPD, that person shall be denied access to the University Facility.
- G. Sanctions.** University students, faculty, and staff may be subject to disciplinary action for violation of this Rule up to and including termination or expulsion, as applicable. All persons violating this Rule may also be subject to criminal sanctions in accordance with Wyoming state law.