

**2013 HOUSE JUDICIARY**

**HB 1215**

# 2013 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee  
Prairie Room, State Capitol

HB 1215  
Job 17519  
DATE January 22, 2013

☐ Conference Committee



## Explanation or reason for introduction of bill/resolution:

Relating to carrying of a firearm with a concealed weapons permit.

## Minutes:

Testimony 1, 2, 3

**Chairman Kim Koppelman:** Opened the hearing on HB 1215.

**Rep. Dwight Kiefert:** Introduced the bill and handed out proposed amendments. This bill addresses two areas of the public school system. It gives them the right to decide their own course of action on how to defend their schools. Which includes hiring who they wish, it gives them the right to give teachers a right to conceal and carry. The second part of the bill deals with the privacy issue. The Dept. Of Public Instruction is looking at the wording to see if it is correct. It deals with keeping their meeting private on their course of action what they want to do. They can get their plan together with the Police Dept., they can have the teachers and parents involved but what we don't want to happen is if a school doesn't want to partake they don't have to tell the public that they are not going to provide protection because this information could be used by a perpetrator to attack the school. The idea of privacy is to protect the student and the school.

**Chairman Kim Koppelman:** We will hold onto this bill until the additional amendments come.

**Rep. Ben Hanson:** We have heard laws addressing second amendment rights often involving churches and schools. How would this bill interact with the previous bill heard? There seems to be some overlap with regards to school choice.

**Rep. Kiefert:** The difference with this bill is it doesn't do anything about the gun free status of the school. You wouldn't be able to have parents come onto the school property with concealed weapons. It would be solely up to the school board to decide who and when is carrying on their property.

**Rep. Ben Hanson:** Your main purpose in keeping this a separate bill is to retain the confidentiality of the decision making process is by which the schools go by?

**Rep. Kiefert:** And information too that gives them the right to keep this a secret so the general public won't know. If you have the Principle who carries and he is going on vacation for 2 weeks that information can be used against them.

**Rep. Maragos:** Mark Schmidt asked me to pass around testimony as he could not stay for the hearing. See handout testimony #2.

**Dakota Draper, President of North Dakota Education Association:** Testimony handout #3. Our main opposition to this bill is the executive session piece. We question whether it's a good practice for a school board to make such an important decision in this executive session. I also question whether a decision like this can be made by the school board in executive session. That is why we are waiting for DPI to look it over. In the event of executive session, they need to report what they have done when the meeting is over.

**Chairman Kim Koppelman:** Asked if he had any objections to this bill allowing people to carry concealed weapons if the school board allowed it?

**Dakota Draper:** We would like to have a more comprehensive, more open approach and we would like to see that the educators and community have input into this and it would be a public thing. And a more comprehensive approach to trying to making our schools safer.

**Chairman Kim Koppelman:** If the executive session part was modified you would prefer a situation where a school board would be allowed to allow any concealed weapons carrier to carry guns in any school in their district versus a state law that would allow the board to allow a specific individual or a small group of individuals to do so on special approval?

**Dakota Draper:** Basically we don't want to see guns in school unless it is someone trained, like a professional student resource officer. I don't think if we are going to start going down that road that it doesn't solve the problem.

**Jack McDonald, North Dakota Newspaper Association and North Dakota Broadcasters Association:** We have opposition to section 1 on the executive sessions. We oppose executive session for any organization except in very limited circumstances. The constituent's wants to know if there is going to be guns allowed in their schools among their kids. I don't think the public would accept that the schools are going to sit behind closed doors and decide whether you are going to have guns or not and who's going to have the guns. My organization does not take a position on the rest of the bill, whatever policies there are should be debated in the open. We ask that section 1 is deleted from the bill. It is important that parents are able to participate in this discussion.

**Chairman Kim Koppelman:** The purpose of executive session is usually for personnel issues. Perhaps the intent was to say if a school board says someone is authorized to carry a concealed weapon in our school but we don't want the public to know because he could become a target. Is that objectionable or are you opposing to closing the whole process? If a district said we will allow this but we are not going to identify who it is we are allowing?

**Jack McDonald:** Right now state law only allows very limited reasons for school board to go into executive session. One of them is for consultation with their attorney about a legal issue if they are being sued. Another time is if you are negotiating with the teachers to set a salary or if you are negotiating to buy some land. Personnel matters with the limited exception of second hearing in firing a teacher are open. They are required under North Dakota law that all personnel matters have to be discussed in open meeting. We don't think executive session serves the best interest of the public.

**Chairman Kim Koppelman:** What if there was an amendment to the bill that would leave the discussion open but would allow confidentiality or executive session for identifying individuals who might be authorized to do this?

**Jack McDonald:** That would certainly be a better solution. I would like to reserve any opinion. I think in the long run if schools are going to do this it needs to be open and public. I would want to know if my child was in a class with the teacher carrying a gun.

**Bryan McKown**, Fargo, ND: I am in opposition because primarily of section 1. There are some things that are not clear. Which is concealed carry permit holders that's public knowledge anyway I believe.

**Chairman Kim Koppelman**: It's not in North Dakota.

**Bryan McKown**: My position is that parents and the community need to be involved with it. It was also mentioned earlier that we don't need to see guns in school. Concealed weapons permit holders you will not see the gun in schools. A concealed weapons permit holder will avoid confrontation and danger at all costs; the last thing that the individual needs and the community needs is for that occurrence to happen.

**Chairman Kim Koppelman**: Your main objection to the bill is the closed session as well, the executive session?

**Bryan McKown**: Yes sir and as I mentioned I am slightly confused under section 2 part j.

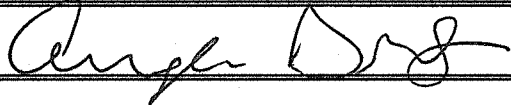
**Chairman Kim Koppelman**: Closed the hearing as there was no other testimony.

# 2013 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee  
Prairie Room, State Capitol

HB 1215  
February 19, 2013  
Job 19186

☐ Conference Committee



## Explanation or reason for introduction of bill/resolution:

Relating to school board policy; and relating to the carrying of a firearm with a concealed weapons permit.

Minutes:



Rep Delmore moved a Do Not Pass.

Chairman Koppelman: Are there amendments? Has anyone received amendments?

Rep Maragos motioned for the amendment.

Rep Boehning seconded.

Chairman read the amendment.

Rep Klemin: As I understand the amendments, what it is saying is that the school board can have a closed session at which everything they discuss concerning this issue is confidential and then the school board can authorize certain individuals with concealed weapons licenses to carry a concealed firearm in the school without telling anyone who is doing it. I think these amendments are really not a very good idea.

Chairman: The bill, as it is written, would allow the decision to be made in executive session. The amendment does expand that quite a bit. But I think even the bill itself at least allows that decision-making.

Rep Klemin: I think the procedure is that if they discuss things in executive session, they have to come back and tell us what they did and decided. The way this is written now is they are not allowed to.

Chairman: My understanding of executive session is that they don't have to disclose all of the deliberations but they do have to disclose the result.

Rep Larson: Rep Kiefert's intent is that if the janitor is allowed to carry a concealed weapon for the protection of the kids in the school, they don't want that announced to any

potential school shooter. They don't want the kids to know and they don't want a potential threat to know who it is that has a weapon.

**Rep Delmore:** As someone who taught public school, you will not keep this a secret.

**Rep Hogan:** If I were a parent with a child in school, I would want to know if there were concealed weapons in the school. There is a right to know that information from a public policy point of view.

**Chairman:** Under the bill, as written, that would happen. Under the amendments, it would not, in terms of the release of the policy.

**Voice Vote:** Motion failed.

**Rep Hogan:** I move an amendment to add on page 2, line 10 after "a valid" the Class 1 concealed weapons license.

**Rep Boehning** seconded.

**Voice Vote:** Motion carried.

**Rep Hogan:** I move an amendment to line 13 I would like to add a sentence that says if a school board authorizes individuals to carry concealed weapons, local law enforcement must be informed of the names of the authorized individuals.

**Rep Boehning** seconded.

**Voice Vote:** Motion carried.

**Rep Boehning** motioned Do Pass as Amended.

**Rep Bradbandt** seconded.

**Roll Call Vote:**

Yes: 8

No: 5

Absent: 1

Carried by **Rep Brabandt**.

February 19, 2013

VR  
2/19/13

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1215

Page 1, line 10, replace "44-09-19.2" with "44-04-19.2"

Page 2, line 10, after "valid" insert "class 1"

Page 2, line 11, replace "person" with "individual"

Page 2, line 13, after "school" insert ". If a school authorizes an individual to carry a concealed weapon, local law enforcement must be informed of the name of the authorized individual"

Renumber accordingly

Date: 2-19-13  
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. HB1215

House Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken: ☐ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment  
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Rep. Maragos Seconded By Rep. Boehning

Representatives	Yes	No	Representatives	Yes	No
Chairman Kim Koppelman			Rep. Lois Delmore		
Vice Chairman Lawrence Klemin			Rep. Ben Hanson		
Rep. Randy Boehning			Rep. Kathy Hogan		
Rep. Roger Brabandt					
Rep. Karen Karls					
Rep. William Kretschmar					
Rep. Diane Larson					
Rep. Andrew Maragos					
Rep. Gary Paur					
Rep. Vicky Steiner					
Rep. Nathan Toman					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

*Vote failed*  
*Rep. Kiefert proposed amendment*  
*January 15, 2013*



Date: 2-19-13  
Roll Call Vote #: 2

**2013 HOUSE STANDING COMMITTEE**  
**ROLL CALL VOTES**  
**BILL/RESOLUTION NO. HB 1215**

House Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken: ☐ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment  
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Rep. Hogan Seconded By Rep. Boehning

Representatives	Yes	No	Representatives	Yes	No
Chairman Kim Koppelman			Rep. Lois Delmore		
Vice Chairman Lawrence Klemin			Rep. Ben Hanson		
Rep. Randy Boehning			Rep. Kathy Hogan		
Rep. Roger Brabandt					
Rep. Karen Karls					
Rep. William Kretschmar					
Rep. Diane Larson					
Rep. Andrew Maragos					
Rep. Gary Paur					
Rep. Vicky Steiner					
Rep. Nathan Toman					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

*Voice Vote - Carried*  
*Page 2 Line 10 - insert class*

Date: 2-19-13  
Roll Call Vote #: 3

2013 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. HB1215

House Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 13.0585.01002

Action Taken: ☐ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment  
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Rep. Hogan Seconded By Rep. Boehning

Representatives	Yes	No	Representatives	Yes	No
Chairman Kim Koppelman			Rep. Lois Delmore		
Vice Chairman Lawrence Klemin			Rep. Ben Hanson		
Rep. Randy Boehning			Rep. Kathy Hogan		
Rep. Roger Brabandt					
Rep. Karen Karls					
Rep. William Kretschmar					
Rep. Diane Larson					
Rep. Andrew Maragos					
Rep. Gary Paur					
Rep. Vicky Steiner					
Rep. Nathan Toman					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

*Vote - carried -  
add language page 2 line 13 -  
law enforcement language*

Date: 2-19-13  
Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE**  
**ROLL CALL VOTES**  
**BILL/RESOLUTION NO. HB 1215**

House Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken: ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment  
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Rep. Boehning Seconded By Rep. Brabandt

Representatives	Yes	No	Representatives	Yes	No
Chairman Kim Koppelman	/		Rep. Lois Delmore		/
Vice Chairman Lawrence Klemin	/		Rep. Ben Hanson		/
Rep. Randy Boehning	/		Rep. Kathy Hogan		/
Rep. Roger Brabandt	/				
Rep. Karen Karls	/				
Rep. William Kretschmar	/	/			
Rep. Diane Larson	/				
Rep. Andrew Maragos					
Rep. Gary Paur		/			
Rep. Vicky Steiner	/				
Rep. Nathan Toman	/				

Total (Yes) 8 No 5

Absent 1

Floor Assignment Rep. Brabandt

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1215: Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1215 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "44-09-19.2" with "44-04-19.2"

Page 2, line 10, after "valid" insert "class 1"

Page 2, line 11, replace "person" with "individual"

Page 2, line 13, after "school" insert ". If a school authorizes an individual to carry a concealed weapon, local law enforcement must be informed of the name of the authorized individual"

Renumber accordingly

**2013 SENATE JUDICIARY**

**HB 1215**

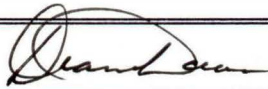
# 2013 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee  
Fort Lincoln Room, State Capitol

HB1215  
3/19/2013  
Job #20162

☐ Conference Committee

Committee Clerk Signature



**Minutes:**

*Attached testimony*

## **Relating to the carrying of a firearm with a concealed weapons permit**

### **Senator David Hogue - Chairman**

Representative Dwight Kiefert - District 24 - Explains the intent of the bill. See written testimony. **(1)** Senator Hogue asks about his reference to the Sandy Hook shooting and that the shooter planned it for months. Rep. Kiefert replies he has additional testimony to add about that. Senator Nelson states that she was a member of a school board and their job was to develop policy and the only time they were allowed in executive session was for personnel reasons or to set salary, not to develop policy. She is concerned about Section 1. Rep. Kiefert said it is not their intent to keep parents out and if that clause prevents this bill from passing he would like to see it taken out.

### **Opposition**

Valerie Fischer - Director of Safe & Healthy Schools for the Dept. Of Public Instruction - See written testimony **(2)**. Senator Hogue asks if the Dept. tracks the number of threats to which she responds they do track in all school buildings if it results in an expulsion of a student. Senator Hogue asks her if there a gun violence threats, she replies she isn't aware of any. Senator Nelson asks if there was a mandate from DPI about gun violence. Ms. Fischer said under Title 4, Safe and Drug Free Schools, the schools were monitored and accessing crisis plans were part of that. She further explains what was included in this.

Jack McDonald - ND Newspaper Association, ND Broadcasters Association - See written testimony **(3)**. Senator Grabinger asks if this would conflict with open meeting laws. Mr. McDonald replies this does change state law and make an exception and allows them to meet.

Kirsten Baesler - Superintendent of Public Instruction - She explains when the bill was first purposed they were unsure on how they would be but since that time she explains there has been over-whelming sentiment from people in the schools and who have children in the schools have expressed grave concern about this. They have decided to take a position on this. She explains some cases that have been mitigated. Senator Hogue asks her if this is optional does it have an effect on you to administer policies on a uniform basis. She replies

she is a firm believer in local control and it is a good component of this bill that lets the school boards decide. She said it does add added stress to the Department.

Troy Schuchard - Teacher, representing himself - Opposes the bill; he states it makes him nervous as a teacher having to have that responsibility.

Dakota Draper - ND Education Association (NDEA) - See written testimony. **(4)**

Susan Beehler - Mandan resident - See written testimony and handout **(5)**

Doug Johnson - Executive Director of the ND Council of Educational Leaders - See written testimony **(6)**

Krystal Laskowske - Music Education major at University of Mary - See written testimony. **(7)**

Sean Johnson - Representing himself - Mr. Johnson states that he is retired military and has been through anti - terrorism force protection training which addresses active shooter. He believes the best way to protect a facility is a layered defense. He goes on to explain how that would work.

John Ertelt - District 24 - On his own behalf - Mr. Ertelt believes it should be made locally.

Close the hearing HB1215

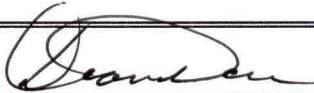
# 2013 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee  
Fort Lincoln Room, State Capitol

HB1215  
3/25/2013  
Job #20441

☐ Conference Committee

Committee Clerk Signature



## Minutes:

Vote

Senator David Hogue - Chairman

Committee work

Senator Hogue explains HB1215

Senator Sitte proposes an amendment to delete Section One  
Senator Berry seconded

Discussion

None

Verbal vote 6 yes, 1 no, motion passes

Discussion

Senator Nelson describes her discussion with a teacher saying the teacher does not want guns in school.

Senator Nelson moves a do not pass  
Senator Grabinger seconded

Discussion

Senator Grabinger relates after hearing testimony he believes this is the way to go. Senator Lyson said he will also vote no on this. Senator Hogue relays that if the Superintendent of Public Instruction speaking for rural school boards doesn't want them, how good will they be. Senator Nelson believes the good that will come of this is that the schools will now look again at their crisis plans.

Vote - 4 yes, 3 no

Motion passes

Senator Hogue will carry



13.0585.02001  
Title.03000

Adopted by the Judiciary Committee

March 25, 2013



PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1215

Page 1, line 1, remove "create and enact a new subsection to section 15.1-19-10 of the North"

Page 1, line 2, remove "Dakota Century Code, relating to school board policy; and to"

Page 1, remove lines 6 through 10

Renumber accordingly

Date: 3/25/13  
Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1215

Senate JUDICIARY Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number Delete Section One 02001

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment  
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By S. Sitte Seconded By S. Berry

Senators	Yes	No	Senator	Yes	No
Chairman David Hogue			Senator Carolyn Nelson		
Vice Chairman Margaret Sitte			Senator John Grabinger		
Senator Stanley Lyson					
Senator Spencer Berry					
Senator Kelly Armstrong					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent Verbal yes

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Date: 3/25/13  
Roll Call Vote #: 2

2013 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1215

Senate JUDICIARY Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken: ☐ Do Pass ☒ Do Not Pass ☐ Amended ☐ Adopt Amendment  
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By S. Nelson Seconded By S. Grabinger

Senators	Yes	No	Senator	Yes	No
Chairman David Hogue	X		Senator Carolyn Nelson	X	
Vice Chairman Margaret Sitte		X	Senator John Grabinger	X	
Senator Stanley Lyson	X				
Senator Spencer Berry		X			
Senator Kelly Armstrong		X			

Total (Yes) 4 No 3

Absent \_\_\_\_\_

Floor Assignment S. Hogue

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1215, as engrossed: Judiciary Committee (Sen. Hogue, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1215 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "create and enact a new subsection to section 15.1-19-10 of the North"

Page 1, line 2, remove "Dakota Century Code, relating to school board policy; and to"

Page 1, remove lines 6 through 10

Renumber accordingly

**2013 TESTIMONY**

**HB 1215**

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1215

Page 1, line 2, after the first "and" insert "to"

Page 1, line 8, after "Any" insert "record."

Page 1, line 8, replace "of policy" with ", determination, and final action"

Page 1, line 8, after "allowing" insert "a particular"

Page 1, line 8, replace "license holders" with "licenseholder"

Page 1, line 9, remove "held in executive session"

Page 1, line 10, replace "under the procedure in section 44-09-19.2" with "closed and made confidential by the board of a school district"

Page 2, line 13, replace "under a policy adopted by the governing body of the school" with "from the board of the school district in which the school is located"

Re-number accordingly

1-22-13

2

Good morning to all committee members, Chairman Koppelman,,

My name is Mark Schmidt, i am a farmer, a parent of four children, and I also happen to be the president of the Tioga school board. While I am not here representing my board today, I am here to ask you to support HB 1215.

As a North Dakotan familiar with small school districts, you know there is absolutely no way for a school board to guarantee the safety of our students. Many school districts in North Dakota rely on county sheriffs and deputies when trouble arises, oftentimes many miles and minutes away.

Another concern of the smaller districts, is that we lack the funding to hire full-time resource officers or guards to station at the main entrances of our school buildings.

If there were trained (VOLUNTEER) concealed permit holders I, as a parent and a school board member, would have some peace of mind in knowing that should something occur, not everyone in the building would be defenseless, and waiting for law enforcement to arrive

Think how much damage a gunman could do before law enforcement personnel reach many small rural schools in N.D. In my area, there are schools without even a deputy sheriff stationed within 20 miles. What would there response time be?

I believe that this bill's passage would in itself be a huge deterrent to individuals looking to inflict harm on defenseless victims. The fact that schools may no longer be a gun free zone changes the playing field for these people looking for easy targets. In granting the school board the ability to go into executive session, would-be attackers will not know for sure whether there are concealed carry holders in the building or not.

I also really like the fact that this would have to be approved by the local school boards. This may not be the thing to do in all school districts, but would offer each district another option to consider while we address parent and community concerns regarding the safety of our most precious commodity, our children.

Please consider this bill for passage,

Mark W. Schmidt  
7025 106th Ave. NW  
Tioga, ND 58852



**TESTIMONY OF DAKOTA DRAPER,  
NORTH DAKOTA EDUCATION ASSOCIATION  
HB 1215  
January 22, 2013**

Chairman Koppelman and members of the House Judiciary Committee:

My name is Dakota Draper and I'm president of the North Dakota Education Association (NDEA). We stand in opposition to HB 1215.

As indicated in our testimony for HB 1283, educators are committed to doing all that we can to help ensure the safety of America's students and the people who work in schools. Our Association is in favor of a comprehensive, common sense approach to address any safety concerns in North Dakota schools.

HB 1215 leaves significant questions for us. If we are looking to address safety in or public schools, why should school gun policy be considered only by the school board? Additionally, why should it be considered behind closed doors and not in the public eye? Our members believe that if local school districts feel the need to take extra precautions to protect students, a comprehensive, common sense approach should be developed with all education stakeholders at the table. Such an approach could include: state funding to upgrade school security systems; a professional, such as a school resource officer, made available on school grounds; or training for both educators and students on how to spot potential mental health needs, bullying or high-risk behaviors.

Thank you for the opportunity to address this important topic on the behalf of the members of NDEA. I am available for any questions from the committee.



February 19, 2013

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1215

Page 1, line 10, replace "44-09-19.2" with "44-04-19.2"

Page 2, line 10, after "valid" insert "class 1"

Page 2, line 11, replace "person" with "individual"

Page 2, line 13, after "school" insert ". If a school authorizes an individual to carry a concealed weapon, local law enforcement must be informed of the name of the authorized individual"

Renumber accordingly

## HB 1215

Thank-you Mr. Speaker and members of the committee.

For the record my name is Dwight Kiefert, I am a Representative from District 24,

HB 1215 Simply gives the school board the right to develop and deploy a plan of defense for their school. With proper training this bill would allow teachers or staff to carry a concealed weapon on school grounds with the school board's approval. This plan of defense would be developed and put into place with the cooperation of their local law enforcement.

The second part of this bill that has received the most attention is the school boards right to discuss this matter in executive session. This clause by no means requires them to do anything. They can and should include the parents or whomever they wish to help make the final decision of how or if their school will be protected, our thoughts of this portion of the bill would add a second tier of protection by limiting the knowledge of their decisions to a perpetrator, especially if they decided not to provide protection to their school. Why put this information in the paper and on TV that their school will remain a gun free, unprotected zone.

Why is this bill needed? With the recent school shootings in our country has raised the awareness of the mentally ill that have

made gun free zones a target. Some schools are considering using rubber bullets, why put this information out for the perpetrators to develop a plan?

This bill will not remove the gun free status of the school property, if this were done you could potentially have parents with weapons with good intentions of protecting their children on school grounds that could be perceived as a perpetrator.

Parents want their children protected. I have received many emails from parents in favor of this bill asking that we provide protection for their children. The best approach to this problem would be to hire police officers to provide protection, the problem is we have over 1000 public schools with a cost of over \$75,000/officer/year. If we appropriated funds just for the private schools it would cost approximately \$75 million/year. We hope and pray an attack of one of schools never happens, but if it should happen, the \$75 million dollar price tag will not seem like too much money. If an attack happens in ND, what will the people say? They will surely all ask, why didn't the legislature provide protection for our most valuable commodities, our children?

This bill comes with no Fiscal Note, it simply gives our schools the right to develop a plan of defense that would include armed personnel. At many of our schools, we already have people on site that could be trained to provide protection for our schools.

1

At Valley City we have a retired police officer that was actually on the swat team working full time at the school. If the school was attacked today, what kind of defense would he be able to offer, grab a hammer from the utility closet, or maybe a broomstick. What would be wrong with allowing him to be armed to defend the school.

Some that oppose this legislation have nothing to say when you ask them what their answer is to this problem. The real problem is mental illness, I am on the Human Services Committee, we have seen not one bill presented to deal with the violent mentally ill people that are committing these heinous crimes in our country. Some say just to put on better locks on the doors, or put up some cameras, but with a single phone call, BOMB THREAT, all the kids are on the outside of the locked doors. Take away all the guns some say, when the kids are outside from the bomb threat there are no ends of the ways to harm them when they are on the sidewalk.

We are not immune to this problem, last fall we had an individual for whatever the reason fire several shots into the local convenience store, another individual this winter was on the school grounds, pointing his finger like a gun shooting, asking them how was his shooting. This individual was not a kid, he was estimated to be around 50 years old, a teacher confronted him and he left before the police could get there to

1

apprehend him. Even in Valley City, the response time could easily be over 10 minutes before they would begin peeking through the windows. Some of our rural schools could have response times of nearly half an hour.

South Dakota last week signed into law a bill similar to HB 1215 to provide protection for their schools, I have provided a copy of their bill to each of you along with a news release.

Just having the right to protect themselves will be a strong deterrent for a would be attacker, no longer will they have the peace of mind of walking into a gun free zone. They will only know if the school is not protected if an irresponsible member of the school board informs the public that their school is not protected. This again is the reasoning behind the executive privilege portion of the bill.

The mentally ill people that attack our schools do not want to be confronted by law enforcement; as soon as the police arrive on the scene they kill themselves.

I have also provided what Michigan is doing to protect their schools, they are not waiting for their legislature to act, they are training the staff members that want to protect their schools in a Reserve Deputy program and then deputizing them.

I have also included a news story to you on this.

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Texas has had armed teachers for quite some time.

Some of our larger schools already employ their local police dept. to be on the school property full time. Some of our smaller schools are reluctant to spend the money on a event that will hopefully never happen.

Sandy Hook school did not have armed security before they were attacked, today they do.

I applaud some of the teachers that I have heard about trying to develop their own plans in case of an attack, one teachers plans is to have the children help barricade the door and then break a window so they can get out of the school. I believe that most teachers would do whatever they could to protect their students, even to sacrifice their own lives.

I have also heard of a police chief saying he thought the best thing to do was for the kids to just make a run for it.

We can do better than that, lets use common sense and give them the right to defend themselves.

HB 1215 only addresses schools, I wanted to do what I can to protect our children, I have 4 grandchildren in grade school, one is in the second room from the door of the school, I really do not believe the police could get there in time to save her.

You will hear other bills today that address the protection of the church, which would be the next targeted gun free zone.

People again are quick to reject the idea of having guns in the Church, but when you ask them what's their plan, they have little to say. In our church some discussed having a signup sheet for body shields. These volunteers could sit in strategic places along the isle and if the church was attacked, they could jump up and run towards the attacker with another running behind them to try and disarm the attacker. No one signed up. With that I will try to answer any questions you have.



## South Dakota Governor Signs Law Allowing Guns In Schools

by [Mark Memmott](#)

March 08, 2013 1:43 PM

South Dakota on Friday became what's "believed to be the first state to pass a law that specifically allows teachers to carry firearms," as *The New York Times* writes.

Gov. Dennis Daugaard (R) signed the "school sentinels" bill that gives districts the right to "create, establish, and supervise the arming of school employees, hired security personnel, or volunteers." In some other states, less specific provisions in current laws could give school employees the right to carry arms. As NBC News has reported, 18 states "allow adults to have a loaded gun on school grounds, usually as long as they have written permission."



[Enlarge image](#)

After training, teachers and other staffers in South Dakota could choose to bring guns with them to school if their districts want to set up "sentinel" programs.

Jim Urquhart /Reuters /Landov

South Dakota's *Argus Leader* writes the the law signed today was "hotly debated this legislative session ... it was pitched as a way for small schools without nearby law enforcement to protect themselves against shooters or other dangers."

The *Rapid City Journal* says the law has been enacted "despite opposition from the education community." Don Kirkegaard, superintendent of the Meade School District, tells the *Journal* that "I just wish ... everybody would have talked a little bit together before we started passing legislation."

The law's passage and signing follows, of course, the Dec. 14 school shooting in Newtown, Conn., that left 20 students and six educators dead.

Under the new law, before creating a sentinel program a school district must "obtain the approval of the law enforcement official who has jurisdiction over the school premises."

The law goes on to state that:

— "Any person who acts as a school sentinel ... shall first successfully complete a school sentinel training course as defined by the Law Enforcement Officers Standards Commission."

— Districts may not require any teacher or school employee to arm themselves, and "no individual teacher or other school employee may be censured, criticized, or discriminated against for unwillingness or refusal to carry firearms pursuant to this Act."



— "The failure or refusal of any school board to implement a school sentinel program does not constitute a cause of action against the board, the school district, or any of its employees."

— "A decision by a school board to implement a school sentinel program pursuant to section 1 of this Act may be referred to a vote of the qualified voters of the school district by the filing of a petition signed by five percent of the registered voters in the school district."

— "Any person, other than a law enforcement officer or school sentinel acting pursuant to section 1 of this Act, who intentionally carries, has in his possession, stores, keeps, leaves, places, or puts into the possession of another person, any firearm, or air gun, whether or not the firearm or air gun is designed, adapted, used, or intended primarily for imitative or noisemaking purposes, or any dangerous weapon, on or in any elementary or secondary school premises, vehicle, or building or any premises, vehicle, or building used or leased for elementary or secondary school functions, whether or not any person is endangered by such actions, is guilty of a Class 1 misdemeanor.

"This section does not apply to starting guns while in use at athletic events, firearms, or air guns at firing ranges, gun shows, and supervised schools or sessions for training in the use of firearms. This section does not apply to the ceremonial presence of unloaded weapons at color guard ceremonies."

We asked in December whether teachers who have "concealed weapons" permits should be allowed to have guns in schools. Nearly 58 percent of those who answered said yes; about 42 percent said no.

## AN ACT

ENTITLED, An Act to provide for the creation of school sentinel programs and for the training of school sentinels.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. Any school board may create, establish, and supervise the arming of school employees, hired security personnel, or volunteers in such manner and according to such protocols as the board may believe to be most likely to secure or enhance the deterrence of physical threat and defense of the school, its students, its staff, and members of the public on the school premises against violent attack. Those so authorized shall be referred to as school sentinels.

Section 2. Before any school board may implement any school sentinel program pursuant to section 1 of this Act, or effect any material changes in the personnel or protocols of the school sentinel program, the school board shall obtain the approval of the law enforcement official who has jurisdiction over the school premises. Any material changes in the school sentinel program's personnel or protocols shall be reported to all law enforcement agencies with jurisdiction over the school premises forthwith.

Section 3. Any person who acts as a school sentinel, pursuant to section 1 of this Act, shall first successfully complete a school sentinel training course as defined by the Law Enforcement Officers Standards Commission pursuant to subdivision 23-3-35(16).

Section 4. No school board, in implementing the provisions of section 1 of this Act, may arm any individual teacher or other school employee without the latter's free, willing, and voluntary consent. No individual teacher or other school employee may be censured, criticized, or discriminated against for unwillingness or refusal to carry firearms pursuant to this Act.

Section 5. No provision of § 13-32-7 or any other provisions of state statute is effective to restrict or limit the provisions of this Act. However, nothing in this Act authorizes any person to carry a

concealed weapon without a valid permit.

Section 6. The failure or refusal of any school board to implement a school sentinel program does not constitute a cause of action against the board, the school district, or any of its employees.

Section 7. That § 23-3-35 be amended to read as follows:

23-3-35. In addition to powers conferred upon the Law Enforcement Officers Standards Commission elsewhere in this chapter, the commission may:

- (1) Promulgate rules for the administration of §§ 23-3-26 to 23-3-47, inclusive, including the authority to require the submission of reports and information by law enforcement agencies within this state;
- (2) Establish minimum educational and training standards for admission to employment as a law enforcement officer:
  - (a) In permanent positions; and
  - (b) In temporary or probationary status;
- (3) Certify persons as being qualified under the provisions of §§ 23-3-26 to 23-3-47, inclusive, to be law enforcement officers, and by rule to establish criteria and procedure for the revocation or suspension of the certification of officers who have been convicted of a felony or misdemeanor involving moral turpitude, have intentionally falsified any application or document to achieve certification, or have been discharged from employment for cause, or have engaged in conduct unbecoming of a law enforcement officer;
- (4) Establish minimum curriculum requirements for preparatory, in-service, and advanced courses and programs for schools operated by or for the state or any political subdivisions of the state for the specific purpose of training recruits or other law enforcement officers;
- (5) Consult and cooperate with counties, municipalities, agencies of this state, other

governmental agencies, and with universities, colleges, junior colleges, and other institutions concerning the development of law enforcement training schools and programs or courses of instruction;

- (6) Approve institutions and facilities for school operation by or for the state or any political subdivision of the state for the specific purpose of training law enforcement officers and recruits;
- (7) Make or encourage studies of any aspect of police administration;
- (8) Conduct and stimulate research by public and private agencies which is designed to improve police administration and law enforcement;
- (9) Make recommendations concerning any matter within its purview pursuant to §§ 23-3-26 to 23-3-47, inclusive;
- (10) Make such evaluations as may be necessary to determine if governmental units are complying with the provisions of §§ 23-3-26 to 23-3-47, inclusive;
- (11) Adopt and amend bylaws, consistent with law, for its internal management and control;
- (12) Enter into contracts or do such things as may be necessary and incidental to the administration of its authority pursuant to §§ 23-3-26 to 23-3-47, inclusive;
- (13) License and regulate the activities of private or law enforcement polygraph and computer voice stress analyzer examiners;
- (14) Certify canine teams; and
- (15) Establish minimum educational and training standards for newly selected county coroners and advanced training standards for incumbent county coroners;
- (16) Establish minimum educational and training standards for school sentinels authorized in section 1 of this Act.

Section 8. That § 13-32-7 be amended to read as follows:

13-32-7. Any person, other than a law enforcement officer or school sentinel acting pursuant to section 1 of this Act, who intentionally carries, has in his possession, stores, keeps, leaves, places, or puts into the possession of another person, any firearm, or air gun, whether or not the firearm or air gun is designed, adapted, used, or intended primarily for imitative or noisemaking purposes, or any dangerous weapon, on or in any elementary or secondary school premises, vehicle, or building or any premises, vehicle, or building used or leased for elementary or secondary school functions, whether or not any person is endangered by such actions, is guilty of a Class 1 misdemeanor. This section does not apply to starting guns while in use at athletic events, firearms, or air guns at firing ranges, gun shows, and supervised schools or sessions for training in the use of firearms. This section does not apply to the ceremonial presence of unloaded weapons at color guard ceremonies.

Section 9. A decision by a school board to implement a school sentinel program pursuant to section 1 of this Act may be referred to a vote of the qualified voters of the school district by the filing of a petition signed by five percent of the registered voters in the school district, based upon the total number of registered voters at the last preceding general election. The board shall allow sufficient time for the referendum process authorized in this section.

Section 10. A petition to refer a school board decision pursuant to section 9 of this Act may be filed with the business manager of the school district within twenty days after its publication. The filing of the petition shall require the submission of the decision to a vote of the qualified voters of the school district for its rejection or approval.

Section 11. The petition shall contain the school board decision regarding the school sentinel program and the date of its passage.

Section 12. Voters signing a referendum petition under section 9 of this Act shall comply with the same requirements provided for counties under § 7-18A-11, and the petition shall be verified in the same manner as provided for counties in § 7-18A-12.



Section 13. The election shall be held with the regular school district election.

Section 14. The business manager of the school district shall have the entire referred decision published once a week for two successive weeks immediately preceding the election. The publication shall include a notice stating the date of election.

Section 15. The business manager of the school district shall have ballots printed for the vote upon the referred school board decision and have them distributed as other official ballots are distributed. Such ballots shall conform as near as may be to the law governing the submission of questions by the Legislature, except that the statement required to be printed on the ballots shall be prepared by the state's attorney. All questions to be voted upon at the same election may be submitted upon the same ballot.

Section 16. No referred school board decision regarding the school sentinel program becomes operative unless approved by a majority of the votes cast for or against the same. If approved, the decision shall take effect upon completion of the canvass of the election returns relating to the school sentinel program.

Section 17. No law enforcement officer or county sheriff, nor the Law Enforcement Officers Standards Commission, Division of Criminal Investigation, Office of Attorney General, the State of South Dakota, nor any agents, employees, or members thereof, is liable for any injury caused by, related to, or resulting from:

- (1) The implementation of the school sentinel program established by this Act;
- (2) The adoption, promulgation, administration, or implementation of educational and training standards for school sentinels;
- (3) The training provided by the Law Enforcement Officers Standards Commission, the Division of Criminal Investigation, the Office of Attorney General, or the state;
- (4) The approvals required by the county sheriff under this Act; or

- (5) The performance, administration, or implementation of any services or programs that assist a school district in carrying out its duties under this Act.

Section 18. Nothing in this Act shall be deemed to waive the sovereign immunity of the public entities of the State of South Dakota or of their employees.

An Act to provide for the creation of school sentinel programs and for the training of school sentinels.

I certify that the attached Act  
originated in the

HOUSE as Bill No. 1087

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

House Bill No. 1087  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

Received at this Executive Office  
this \_\_\_\_\_ day of \_\_\_\_\_,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor

STATE OF SOUTH DAKOTA,  
ss.  
Office of the Secretary of State

Filed \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State



NATIONAL REVIEW ONLINE [www.nationalreview.com](http://www.nationalreview.com) PRINT

## Teachers as Armed Guards in Michigan

By Jillian Kay Melchior

February 28, 2013 4:00 A.M.

Putting guns in schools has struck many as a radical suggestion since the Sandy Hook massacre. But in one rural Michigan township, the police chief has come up with a thoughtful, serious plan to do just that.

During his 33-year-career in law enforcement, Victor Pierce has seen the bodies of murdered children, and he's struggled to reckon with it. After Sandy Hook, he felt compelled to do something, he says. So he decided to invite teachers and school administrators to participate in the reserve-officer-training program. After they'd completed the class, Pierce would swear them in as volunteer reserve officers, and if the school district gave its blessing, they could carry concealed weapons on campus.

"Edmund Burke said it so well: The only thing necessary for the triumph of evil is for good men to do nothing," Pierce says. "We are trying to make a difference. . . . Schools are in a weapons-free zone, and typically, that's why a perpetrator [chooses them, taking] the path of least resistance. If he knows that there's a soft target, he'll reach that objective. You can put in all the locks and metal detectors you want. That's not going to stop him from doing something sadistic or creating carnage. You need force."

The training program takes place in Barry Township, a community 25 miles northeast of Kalamazoo with fewer than 4,000 inhabitants. Over the course of twelve weeks, enrollees get 60 hours of training about the law, application and use of force, defensive tactics, handgun use and safety, and other basics. The current class has 31 members, including two teachers and an administrator. Pierce plans to provide those who complete the program with ongoing training. Under Michigan state law, schools are gun-free zones, meaning that even residents with concealed-carry permits are not permitted to possess guns on campus. However, the federal Law Enforcement Officer Safety Act, signed by George W. Bush in 2004, exempts qualified law-enforcement officers from local and state prohibitions on the carrying of concealed firearms. The relation between the federal law and state law remains ambiguous, but Pierce has collaborated with the local school district, hoping to get its full blessing. His approach prepares teachers to protect their students, and it also ensures their legal status as law-enforcement officers.



Pierce and trainees at the Delton District Library

Last week, during practice in the Delton District Library, Pierce taught his enrollees to clear a large room. Armed with plastic decoy pistols, the trainees broke into groups of four, each of which clustered in a diamond formation, which gives them a tactical advantage. Covering each other, they rushed through the door, searching for the "shooter," played by a young

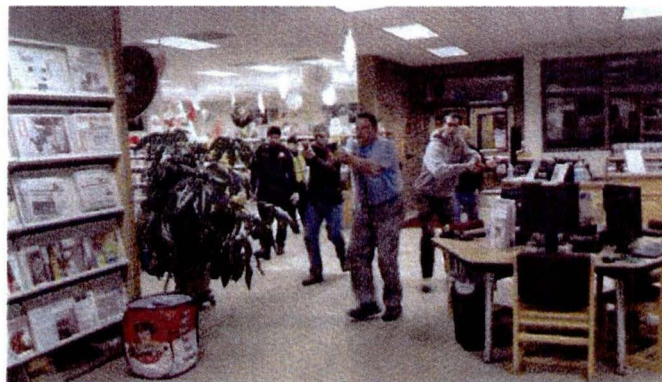
volunteer officer. They learned to disarm and apprehend him while minimizing the risk to themselves and any bystanders. Pierce shouted out commands, running his students through repeated drills. He takes it seriously, and it rubs off on his students, who study hard.



Pierce's idea has many significant merits. Only the most extreme gun opponents want to see police disarmed. By having school employees serve as reserve officers, Pierce legitimizes their choice to bear weapons to protect their students.

Such training programs could minimize risks, says Bill Page, a senior risk consultant for the Michigan Municipal Risk Management Authority, a public-entity self-insurance pool that covers municipal governments across the state.

Indiscriminately allowing all teachers to carry guns could create problems as well as prevent them. However, "if you selectively arm people who are capable of diffusing the situation before police get there, that would be positive," Page says. His research has led him to "very, very qualified" support of arming trained school workers.



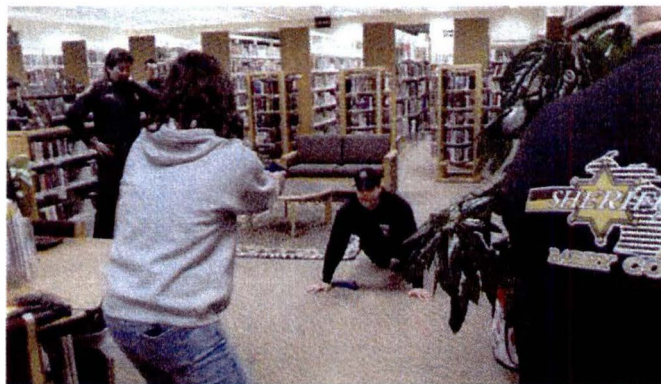
Taking point: Steve Scoville, principal of Delton's Kellogg Elementary School

Under Pierce's plan, the school district would make the ultimate determination about whether to allow its employees to bear arms on campus. And those who might carry weapons would be trained and prepared. That emphasis on skill and education has motivated many parents in the region to support the program, says Steve Scoville, principal of Delton's Kellogg Elementary School and a participant in the course.



“Teachers [wouldn’t be] walking around with a gun strapped to their hip,” Scoville says. “Having trained people in each building, capable of response if something terrible happened, is way better than waiting around, hiding under our desks. The incidents when we’ve had the shootings in schools, the criminal didn’t adhere to the weapons ban.”

Pierce’s approach is also cheap. By partnering with the school district and the community, he’s gained free access to libraries, schools, and other venues for training drills. An adjunct instructor at Kellogg Community College’s police academy in Battle Creek, Mich., Pierce teaches the reserve-officer program himself, inviting cops, prosecutors, and other experts to help out. He uses teaching equipment the police department already owns. And reserve officers are volunteers, not paid employees. All in all, the reserve-officer-training program costs less than \$100 per participant, Pierce says, adding that even cash-strapped cities and districts could use this approach. Barry County waives the registration fee altogether for school employees.



Most important, arming teachers as reserve officers would ensure rapid response in an emergency. And in school shootings, response times matter. At Columbine, law enforcement remained outside the school for three hours before reaching the wounded. At Sandy Hook, there was a 20-minute delay. At Virginia Tech, it took less than ten minutes, but the perpetrator was quicker still. Two of the SWAT-team members who searched Columbine the day of the shooting, Sergeant. A. J. DeAndrea and now-retired Sheriff’s Sargeant Grant Whitus, currently train respondents to assume that in a mass shooting, a person dies every 15 seconds.





Pierce says having an armed reserve officer on campus ensures that help is already on the scene if it's needed.



"If the school is in lockdown, where is the help?" Pierce asks. "It might be a long way away, so you have to create a firewall, a way to help protect those children until help arrives." Furthermore, he says, the very idea of teachers doubling as reserve officers might deter violence.

In Barry County and across Michigan, the idea is gaining support. Jim Alden, a Barry Township trustee, says local leaders like what they see in Pierce's program.

"We're leaders," Alden says, adding that the program could easily be replicated across America. "We come from the standpoint that if there's going to be a gun in schools, we want it in an officer's hand, and we want trained people. Columbine wasn't a big place. Sandy Hook wasn't a big place. In today's world, it could happen anywhere. Are we prepared?"



Pierce's idea may be bolstered by a legislative effort to institutionalize similar programs across Michigan. State

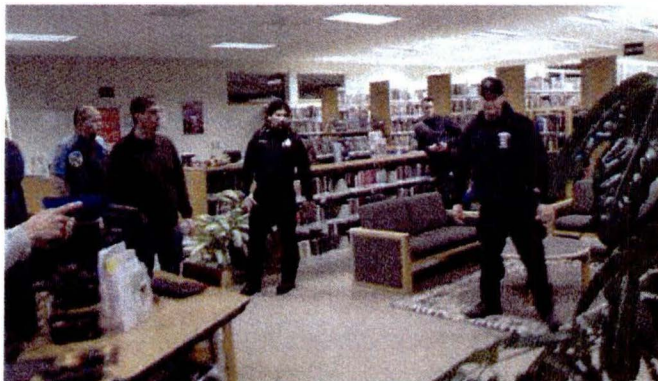
representative Greg MacMaster has proposed legislation that would grant individual school districts the authority to allow teachers and personnel to carry concealed weapons. The bill is in its infancy, awaiting its hearing before the House Education Committee.



But, like Pierce, MacMaster says he hopes for a program rooted in emergency-response education for teachers and administrators, “which would include shooting training as well as psychological training.” By using a reserve-officer program to equip employees, schools would also limit their liabilities, MacMaster says.

“We do know this: Gun-free zones don’t work,” MacMaster says. “It’s a place of weakness. People who want to do harm know they can go there.”

The program conceived in Michigan could be copied nationwide, MacMaster and Pierce say.



“I foresee that this will resonate all over the United States and will continue to resonate — that people, schools, and parents will say enough is enough,” Pierce says. He adds that “I can’t take every school administrator to every ugly crime scene, but if I did, it would change their tune immediately. People don’t want to see the underbelly of society, and it *is* ugly. . . . You know that certain things could be in place to protect [children and teens]. People want to focus on [instances] where the weapon is a bad thing. I’ve seen situations where weapons have saved them. If it’s used effectively or properly, it can be a deterrent.”

— *Jillian Kay Melchior is a Thomas L. Rhodes Fellow for the Franklin Center for Government and Public Integrity.*

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## DAILY NEWS

U.S.

# Lupica: Morbid find suggests murder-obsessed gunman Adam Lanza plotted Newtown, Conn.'s Sandy Hook massacre for years



Law enforcement reportedly discovers a sickeningly thorough 7-foot-long, 4-foot-wide spreadsheet with names, body counts and weapons from previous mass murders and even attempted killings. 'It sounded like a doctoral thesis, that was the quality of the research,' an anonymous law enforcement veteran said.

NEW YORK DAILY NEWS

PUBLISHED: SUNDAY, MARCH 17, 2013, 8:11 PM

UPDATED: MONDAY, MARCH 18, 2013, 10:05 AM



KEVIN P. COUGHLIN/FLYING DOG PHOTOS.COM

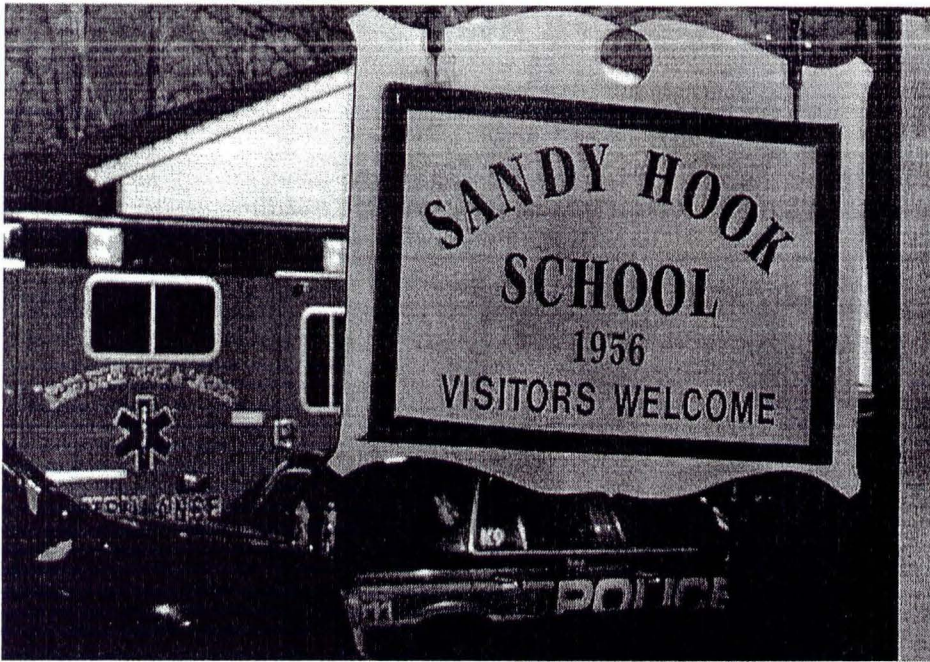
Authorities believe Adam Lanza targeted Sandy Hook, because a school would provide little resistance, allowing him to rack up victims in a quest for notoriety.

It is three months since the killings in Newtown, since 20 children and six adults were gunned down at Sandy Hook Elementary School less than two weeks before Christmas. And as bad as the story was, and will always be, it is even worse than we originally knew because now we discover that this was slaughter by spreadsheet.

It has been reported previously that law enforcement found research about previous mass murderers at the Newtown, Conn., home the shooter, video gamer Adam Lanza, shared with his mother, the first victim of Dec. 14.

It was more than that, and worse than that.





Following the Sandy Hook massacre first responders quit after seeing dead teachers with their arms wrapped about the children they tried to save.

What investigators found was a chilling spreadsheet 7 feet long and 4 feet wide that required a special printer, a document that contained Lanza's obsessive, extensive research — in nine-point font — about mass murders of the past, and even attempted murders.

RELATED: PAPER-COVERED WINDOW SPARES ENTIRE NEWTOWN CLASSROOM FROM SHOOTER  
ADAM LANZA: REPORT

But it wasn't just a spreadsheet. It was a score sheet.



GETTY IMAGES

Nancy J. Lanza, Adam Lanza's mother and his first victim. A law enforcement veteran had some jarring words about what the tragedy has taught us about Adam and Nancy Lanza. He said, "The amazing thing is, as much of a tragedy as it was, it really could have been much worse."

"We were told (Lanza) had around 500 people on this sheet," a law enforcement veteran told me Saturday night. "Names and the number of people killed and the weapons that were used, even the precise make and model of the weapons. It had to have taken years. It sounded like a doctoral thesis, that was the quality of the research."

The law enforcement vet attended the International Association of Police Chiefs and Colonels mid-year meeting in New Orleans last week, a conference where state police colonels share information with each other, and learn from each other. One of the speakers this year was Danny Stebbins, a colonel from the Connecticut State Police.



Stebbins spoke for a long time about the morning of Dec. 14 at Sandy Hook Elementary.

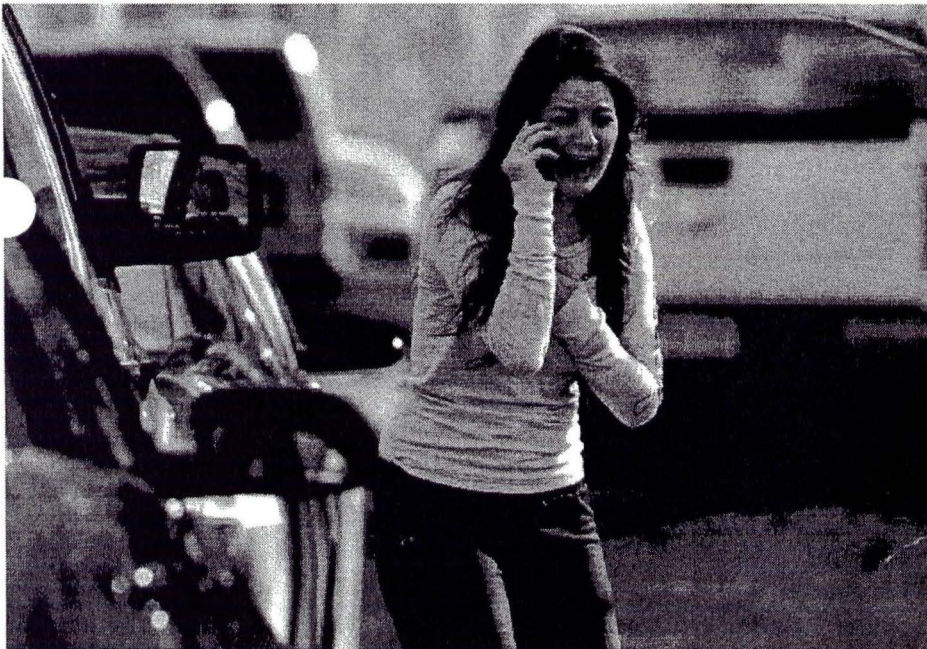


An AR-15 rifle. Video games may have given Lanza his strategy. The 20-year-old reloaded before entering new rooms, even if he had not exhausted the ammunition he was using.

#### PHOTOS: GUNMAN KILLS 26 AT CONN. ELEMENTARY SCHOOL

Those in the room were told of first responders in Newtown who have since quit their jobs, so shattered were they by what they found when they got to the school that morning, when they saw dead teachers with their arms wrapped around the children they had tried in vain to save.

The man to whom I spoke, a tough career cop who did not wish to see his name in the newspaper, was in the room when the state cop from Connecticut spoke, said the man was well into his presentation when he began to talk of the spreadsheets that had been found at "the shooter's" home.



AP PHOTO

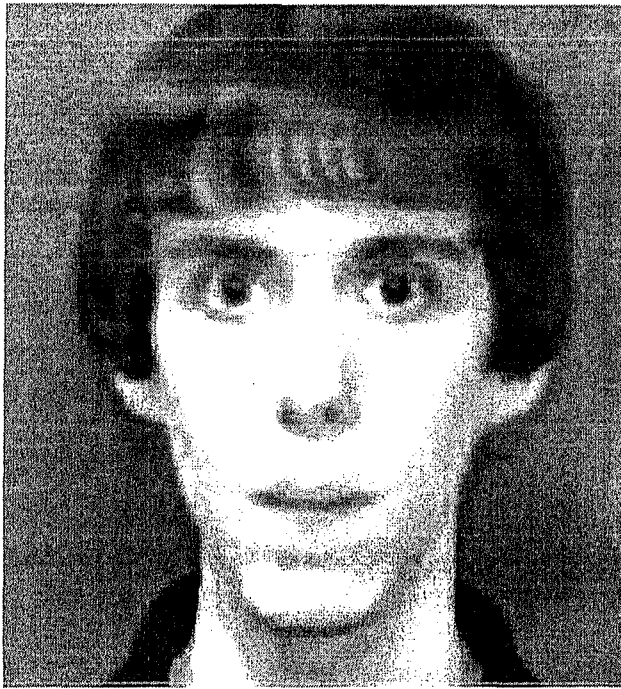
Carlee Soto says the above photo is a painful reminder of the moments before she learned her sister, Victoria Soto, died in the mass shooting at Sandy Hook Elementary School.

He didn't use Lanza's name, saying he did not want to give him even an hour more of fame, just because that is what Lanza wanted; what all these shooters want, from Tucson to Newtown to Virginia Tech.

"We keep calling them mass murderers," the veteran cop to whom I spoke said. "But there should be a new way of referring to them: Glory killers.

#### RELATED: DAD OF NEWTOWN VICTIM BEGS SENATORS TO BAN ASSAULT WEAPONS





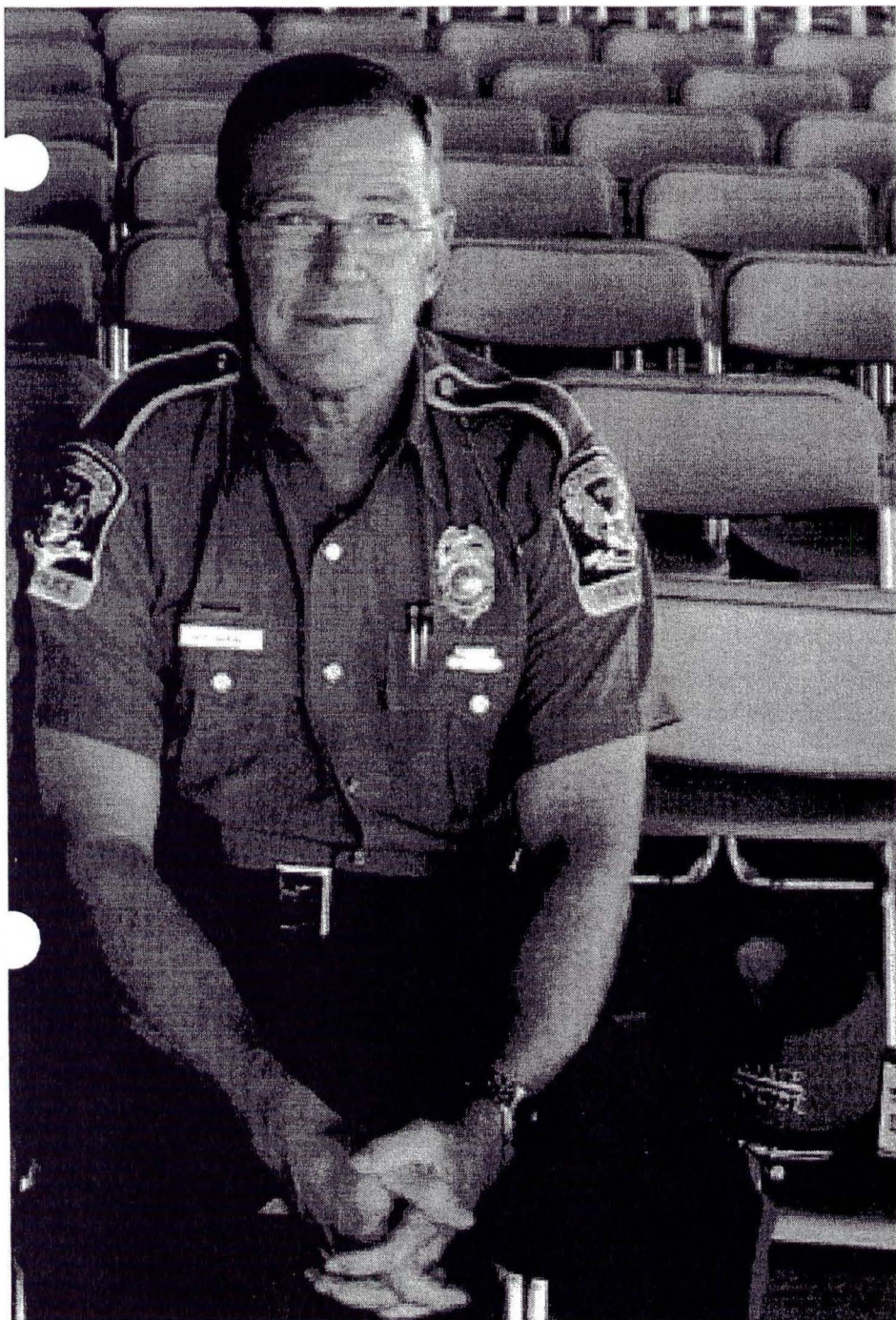
AP

Adam Lanza was repeatedly supplied guns by his mother, a gun enthusiast herself, who ignored his growing fixation with them, law enforcement said.

"They don't believe this was just a spreadsheet. They believe it was a score sheet," he continued. "This was the work of a video gamer, and that it was his intent to put his own name at the very top of that list. They believe that he picked an elementary school because he felt it was a point of least resistance, where he could rack up the greatest number of kills. That's what (the Connecticut police) believe."

The man paused and said, "They believe that (Lanza) believed that it was the way to pick up the easiest points. It's why he didn't want to be killed by law enforcement. In the code of a gamer, even a deranged gamer like this little bastard, if somebody else kills you, they get your points. They believe that's why he killed himself."

"They have pictures from two years before, with the guy all strapped with weapons, posing with a pistol to his head. That's the thing you have to understand: He had this laid out for years before."



MARK BORDERUD

Col. Danny Stebbins of the Connecticut State Police recalled the morning of Dec. 14 during a conference of police chiefs in New Orleans.

Another pause.

#### RELATED: FACEBOOK AGREES TO REMOVE SOME NEWTOWN PAGES

"He didn't snap that day, he wasn't one of those guys who was mad as hell and wasn't going to take it anymore," the man said. "He had been planning this thing forever. In the end, it was just a perfect storm: These guns, one of them an AR-15, in the hands of a violent, insane gamer. It was like porn to a rapist. They feed on it until they go out and say, enough of the video screen. Now I'm actually going to be a hunter."





REUTERS

The Lanza home in Newtown, Conn. Police believe Lanza, immersed in a perverse video game world, killed himself to prevent law enforcement from taking his "points."

Those who didn't know about Lanza's life on its way to the gates of hell were told in New Orleans about the plastic that covered his own windows in Newtown, the Connecticut town he would make famous as a way of making himself, the newest glory killer, famous. Were told about how in the last days of his life, not a single ray of light could get into his room.

He was finished with his spreadsheet by then, the old score sheet, one that did not yet have his name on it.

"The whole thing was chilling and riveting," the law enforcement official said.



GETTY IMAGES

Lanza obsessed over shooter video games and kept a spreadsheet of real-life mass killings.

RELATED: EDUCATORS CRACK DOWN ON KIDS' IMAGINARY WEAPONS IN WAKE OF NEWTOWN SHOOTING

"The fascination (Lanza) had with this subject matter, the complete and total concentration. There really was no other subject matter inside his head. Just this: Kill, kill, kill.

"It really was like he was lost in one of his own sick games. That's what we heard. That he learned something from his game that you learn in (police) school, about how if you're moving from room to room — the way he

was in that school — you have to reload before you get to the next room. Maybe he has a 30-round magazine clip, and he's only used half of it. But he's willing to dump 15 rounds and have a new clip before he arrives in the next room."

The career law enforcement veteran paused again, and when he started speaking again his voice was shaking, a wind had blown through it.

"They believe he learned the principles of this — the tactical reload — from his game. Reload before you're completely out. Keep going. When the strap broke on his first weapon (the AR-15), he went to his handgun at the end. Classic police training. Or something you learn playing kill games."

The police in Connecticut believe that Lanza's mother, a gun lover herself, was an enabler of her son's increasing obsession with guns, that she was making straw purchases of guns for him all along, and ignoring the fact that he was getting more and more fixated on them.

At this point I asked the man what we can possibly learn from what happened with Adam Lanza and his mother and what finally happened at Sandy Hook Elementary on that Friday morning in December.

He said, "The amazing thing is, as much of a tragedy as it was, it really could have been much worse. We heard that in New Orleans, too. Those teachers . . . the whole school . . . they did everything they could. There is nothing more they could have done. Despite the great loss of lives, they did save lives by acting the way they did."

He said when the presentation was over that day, he walked out of the hotel and into the New Orleans morning, three months removed from Sandy Hook Elementary but unable now to shake what he called the "visual" of Adam Lanza's spreadsheets, the seemingly endless list of names and numbers compiled for God knows how long; the list on which he wanted his name at the top, because of all the easy kills he thought he could get at an elementary school.

"Then I called my wife," he said, "and told her about it, and started to cry about Newtown all over again."

## OTHERSTORIES



North Carolina teacher who had sex with student, 15, escapes jail by MARRYING in



Rich New York woman poisoned dogs to death in 1937, claiming she was on a humane mission



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Strangers on a Flight, Just Taking a Fling (The New York Times)

[?]



**SB 1215 TESTIMONY  
SENATE JUDICIARY COMMITTEE**

**March 19, 2013**

**Valerie Fischer, Director of Safe & Healthy Schools  
Department of Public Instruction**

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Good morning Chairman Hogue and members of the Senate Judiciary Committee. I'm Valerie Fischer, Director of Safe & Healthy Schools for the Department of Public Instruction. Pursuant to the crisis at Newtown, Connecticut this past December, we recognize and acknowledge the conscientious intent of this bill and its sponsors to impact student and school security. However, the Department stands in opposition to SB 1215.

Rather than allow weapons to be used as a method of intervention, we believe it is best to focus on prevention. The only individuals in any school setting who should be allowed to be in possession of a weapon are school resource officers, law enforcement and trained security personnel.

Administrators and teachers are not trained in law enforcement practices and do not want to be. In a crisis situation, their first and only responsibility is to follow their building crisis management plan and secure a safe classroom for students until directed by school officials or law enforcement.

Daily conversations with administrators and teachers across the state reveal a high level of anxiety about how to implement this proposed legislation. Real issues surrounding who will be allowed to carry a concealed weapon, where the weapon would be kept, when and how to retrieve the weapon, load the weapon, accurately identify, aim and actually shoot another human being are not processes taken lightly. The question and fear of "friendly fire" by staff and students as well as liability, both financially and emotionally, have created equal if not more fear, by educators.

In North Dakota, there are two types of concealed weapon permits – class 1 and class 2; the latter is available at age 18, requires no weapon familiarity or actual shooting practice or proficiency, but merely passage of an open book test, a \$50 fee and a completed application. This does not begin to compare to the weapon training required of law enforcement, who spend up to twenty weeks in training and engage routinely in conversation and training about the implications of carrying a weapon, pulling their weapon from their holster, aiming, and most importantly, the emotional and psychological aftermath of using their weapon to injure or kill another human being. However, for teachers to be armed and use a weapon, an open book test is deemed sufficient.

Schools remain a safe place to provide a quality education for students and are made safer by better prevention. Our goal is to work towards a comprehensive prevention-approach to school violence and plan appropriately for the safety of staff and students. SB 2267 provides funding for school districts to make constructional improvements to their buildings in terms of safety and security. But, security alone is not enough. Funding is needed for schools to address prevention in the areas of risk and threat assessments, staff professional development on positive school culture and climate, curriculum, and mental health indicators, as well as community drills and practice.

Decades ago, when children were killed in the inner city of Cleveland schools, you probably never heard about them. When the killings moved to suburbs such as Columbine, they became national news. The Newtown shootings shocked us like no other school violence. Now, school violence prevention is front-page news. School violence can happen anywhere, but it is best to be prepared, not scared. Schools are not powerless. Schools and districts need to have a school-community emergency plan of action in place for students, staff, and parents. It should be both practiced and proactive. Research indicates comprehensive mental health approaches for schools, families, and communities are effective. Screening for at risk students may prove to be more helpful in identifying those at risk of hurting themselves as well as others. Hurt people hurt people; and the use of mental health professionals, such as school counselors, school social workers, school nurses, school psychologists, and school resource officers may enable us to help people help people. Building relationships is key. Teaching to the heart, as well as, to the head to reach the whole child, not only academically, but also to the social, mental, emotional and physical dimensions will help build a school and community of respect. School safety needs to be built in, not tacked on.

School safety has entered uncharted waters. In the past, the weapon of choice for school violence was a box cutter or knife, now it is automatic weapons. What will be next? The unthinkable is now doable. The Newtown shootings raise disturbing issues and questions and controversial approaches are now being debated. There are no guarantees, no easy solutions, only intelligent alternatives. Today we are better prepared to deal with and prevent school violence than we were in the earlier days in Cleveland and Columbine. There still is no 100-percent guarantee that our schools will be free from violence, but this bill does not make schools safer as the risks outweigh the benefits. Working collectively, we can promote our right and responsibility to keep students safe. In North Dakota, we have 107,114 reasons to do so.

Thank you sincerely for your time – this concludes my testimony and I'm available to answer any questions you may have.

Tuesday, March 19, 2013

SENATE JUDICIARY COMMITTEE  
HB 1215

CHAIRMAN HOGUE AND COMMITTEE MEMBERS:

My name is Jack McDonald. I appear today on behalf of the North Dakota Newspaper Association and the North Dakota Broadcasters Association. We oppose the closed meetings provisions of Section 1 of this bill and ask that you delete it.

North Dakota doesn't need more secret meetings. North Dakotans want transparency in its government and it does not need the national Rifle Association telling us we need more secret meetings.

If there was ever a subject that should be debated in public it is the issue of guns in school. What parent would not want to hear the pros and cons of having weapons in the school where their children attend and...hopefully...be able to participate in that discussion? A school district owes it to its patrons to discuss this in public.

The premise that closed meetings are needed to keep the "shooters" from knowing who has the guns is simple not credible. It presumes that the "shooters" are going to be reading the legal notices and the minutes of school board proceedings to find out who has the guns. I don't think so!

We cherish open government in North Dakota. Keep discussions of these issues open to parents and the public who pays the bills.

We respectfully ask that you adopt the amendment below. If you have any questions, I will be happy to try to answer them.

THANK YOU FOR YOUR TIME AND CONSIDERATION.

PROPOSED AMENDMENT TO ENGROSSED HOUSE BILL 1215

Page 1, remove lines 6 through 10

Renumber accordingly



**TESTIMONY OF DAKOTA DRAPER,  
NORTH DAKOTA EDUCATION ASSOCIATION  
HB 1215  
MARCH 19, 2013**

Chairman Hogue and members of the Senate Judiciary Committee:

My name is Dakota Draper and I'm here representing North Dakota Education Association (NDEA). I stand in opposition to HB 1215.

Educators are committed to doing all that we can to help ensure the safety of America's students and the people who work in schools. Our Association is in favor of a comprehensive, common sense approach to address any safety concerns in North Dakota schools.

HB 1215 leaves significant questions for us. If we are looking to address safety in or public schools, why should school gun policy be considered only by the school board? Additionally, why should it be considered behind closed doors and not in the public eye? Our members believe that if local school districts feel the need to take extra precautions to protect students, a comprehensive, common sense approach should be developed with all education stakeholders being at the table. Such an approach could include: state funding to upgrade school security systems; a professional, such as a school resource officer; or training for both educators and students on how to spot potential mental health needs, bullying or high-risk behaviors.

Thank you for the opportunity to address this important topic on the behalf of the members of NDEA. I am available for any questions from the committee.



HB 1215

Good morning Chairman Hogue and committee members. My name is Susan Beehler a Mandan resident.

I am opposed to any decision to be made about allowing concealed weapons in our schools to be done in an executive session. You will find I have been an advocate for open and transparent government, I believe it prevents government "tyranny". Executive meetings are not immune to being abused for other discussions.

As parents and grandparents we have a right and a say in how our children are educated and the environment they are educated in. As local communities it is the taxpayers which would be paying for the safety and security and the liability issues of our local schools with our property taxes.

The First Amendment of our Constitution something you are all asked to uphold; states no law should be made to abridge the freedom of speech or of the press; a meeting in secret excludes a public discussion about the safety of our children and should not be legislated. It is a silencer to public input. Just as the Second Amendment is to protect our citizens from government tyranny, so is the First Amendment. This is "nanny" statism, our local folks are completely capable of deciding of what safety plan best meets the needs of their students and families.

Again doesn't Section 3 give local political subdivisions the ability to enact ordinances as the voters would choose? I have heard time and time again from legislators voters need to be involved in their local government, this is the perfect opportunity, if a city or township or a county wants to allow concealed weapons in their schools let the local voters bring it forward to their respective communities.

Susan Beehler 701 220-2297 suzybbuzz@gmail.com

<http://smartgunlaws.org/guns-in-schools-policy-summary/>

Guns have no place in our nation's schools. Tragic school shootings like those which occurred at Columbine High School<sup>1</sup> and Virginia Tech<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup> Moreover, school-associated student homicide rates have decreased significantly from 1992 – 2006,<sup>5</sup> and fewer students are carrying guns.<sup>6</sup> 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.<sup>7</sup> 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.<sup>8</sup>

### 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,<sup>9</sup> in large part because in nearly every state<sup>10</sup> 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.<sup>11</sup> 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.<sup>12</sup>; 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)).

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

- Less than 2% of college students report being threatened with a gun while at school.<sup>13</sup>
- There were 11,920 total gun homicides in the U.S. in 2003,<sup>14</sup> but only 10 total murders or non-negligent homicides on the nation's college campuses.<sup>15</sup>
- 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.<sup>16</sup>
- Violent crime for college students age 18 to 24 declined significantly between 1995 and 2002.<sup>17</sup> 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.<sup>18</sup> Students living on college campuses are less likely to be victimized than when off-campus – over 90% of victimizations occur off-campus.<sup>19</sup>

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.<sup>20</sup> Students who owned guns were more likely than non-gun-owning students to binge drink<sup>21</sup> and then engage in risky activities “such as driving when under the influence of alcohol, vandalizing property, and having unprotected intercourse.”<sup>22</sup>

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.<sup>23</sup> Between 9% and 11% of college students seriously considered suicide in the previous school year,<sup>24</sup> and about 1,100 college students commit suicide each year.<sup>25</sup> When a gun enters this mix, the suicide attempt becomes considerably more lethal, as over 90% of gun suicide attempts are fatal.<sup>26</sup>

These facts belie any need for students, faculty and visitors to carry guns on campus for self-defense or any other reason.<sup>27</sup> 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.<sup>28</sup>

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

### **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.

#### **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.<sup>32</sup> 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.<sup>33</sup> 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.<sup>34</sup>

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;<sup>35</sup> or
- Where the firearm is:
  - Unloaded and in a locked container or locked firearms rack on a motor vehicle;<sup>36</sup> 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.<sup>37</sup>

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;<sup>38</sup> or
- Where the firearm is possessed or used by a law enforcement officer acting in his or her official capacity.<sup>39</sup>



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 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.<sup>40</sup>

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."<sup>41</sup> Challenges to the new statute have been unsuccessful.<sup>42</sup>)

### 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.<sup>43</sup> 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.<sup>44</sup>

The GFSA was repealed and re-enacted as part of the "No Child Left Behind" Act (NCLBA).<sup>45</sup> 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.<sup>46</sup> 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.<sup>47</sup>)) The updated GFSA also replaces the vague "weapon" with the statutorily-defined "firearm" as the proscribed instrument.<sup>48</sup>

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.<sup>49</sup> 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.<sup>50</sup>

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.<sup>51</sup>

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.<sup>52</sup> For these purposes, "school" means a school that provides elementary or secondary education pursuant the laws of the state.<sup>53</sup>

Finally, the GFSA provides narrow exceptions to these prohibitions, permitting firearm 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.<sup>54</sup> 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

1. Alabama<sup>55</sup>
2. Alaska<sup>56</sup>
3. Arizona<sup>57</sup>
4. Arkansas<sup>58</sup>
5. California<sup>59</sup>
6. Colorado<sup>60</sup>
7. Connecticut<sup>61</sup>
8. Delaware<sup>62</sup>
9. District of Columbia<sup>63</sup>
10. Florida<sup>64</sup>
11. Georgia<sup>65</sup>
12. Idaho<sup>66</sup>
13. Illinois<sup>67</sup>
14. Indiana<sup>68</sup>
15. Iowa<sup>69</sup>
16. Kansas<sup>70</sup>
17. Kentucky<sup>71</sup>
18. Louisiana<sup>72</sup>
19. Maine<sup>73</sup>
20. Maryland<sup>74</sup>
21. Massachusetts<sup>75</sup>
22. Michigan<sup>76</sup>
23. Minnesota<sup>77</sup>
24. Mississippi<sup>78</sup>
25. Missouri<sup>79</sup>
26. Montana<sup>80</sup>
27. Nebraska<sup>81</sup>
28. Nevada<sup>82</sup>
29. New Hampshire<sup>83</sup>
30. New Jersey<sup>84</sup>
31. New Mexico<sup>85</sup>
32. New York<sup>86</sup>
33. North Carolina<sup>87</sup>
34. North Dakota<sup>88</sup>

- 35 Ohio<sup>89</sup>  
36 Oklahoma<sup>90</sup>  
37 Oregon<sup>91</sup>  
38 Pennsylvania<sup>92</sup>  
39 Rhode Island<sup>93</sup>  
40 South Carolina<sup>94</sup>  
41 South Dakota<sup>95</sup>  
42 Tennessee<sup>96</sup>  
43 Texas<sup>97</sup>  
44 Utah<sup>98</sup>  
45 Vermont<sup>99</sup>  
46 Virginia<sup>100</sup>  
47 Washington<sup>101</sup>  
48 West Virginia<sup>102</sup>  
49 Wisconsin<sup>103</sup>

**States Prohibiting Firearms in Colleges, Universities and Other Postsecondary Institutions**

- Arkansas<sup>104</sup>  
Arizona<sup>105</sup>  
California<sup>106</sup>  
Colorado<sup>107</sup>  
Delaware<sup>108</sup>  
Florida<sup>109</sup>  
Georgia<sup>110</sup>  
Illinois<sup>111</sup>  
Iowa<sup>112</sup>  
Louisiana<sup>113</sup>  
Maine<sup>114</sup>  
Massachusetts<sup>115</sup>  
Mississippi<sup>116</sup>  
Missouri<sup>117</sup>  
Nebraska<sup>118</sup>  
Nevada<sup>119</sup>  
New Jersey<sup>120</sup>  
New Mexico<sup>121</sup>  
New York<sup>122</sup>  
North Carolina<sup>123</sup>  
Oregon<sup>124</sup>  
South Carolina<sup>125</sup>  
Tennessee<sup>126</sup>  
Virginia<sup>127</sup>

Washington<sup>128</sup>

Wisconsin<sup>129</sup>

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

Minnesota<sup>130</sup>

Oklahoma<sup>131</sup>

Utah<sup>132</sup>

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

Alabama<sup>133</sup>

Alaska<sup>134</sup>

Arizona<sup>135</sup>

Arkansas<sup>136</sup>

California<sup>137</sup>

Colorado<sup>138</sup>

Connecticut<sup>139</sup>

Delaware<sup>140</sup>

District of Columbia<sup>141</sup>

Florida<sup>142</sup>

Georgia<sup>143</sup>

Hawaii<sup>144</sup>

Idaho<sup>145</sup>

Illinois<sup>146</sup>

Indiana<sup>147</sup>

Iowa<sup>148</sup>

Kansas<sup>149</sup>

Kentucky<sup>150</sup>

Louisiana<sup>151</sup>

Maine<sup>152</sup>

Maryland<sup>153</sup>

Massachusetts<sup>154</sup>

Michigan<sup>155</sup>

Minnesota<sup>156</sup>

Mississippi<sup>157</sup>

Missouri<sup>158</sup>

Montana<sup>159</sup>

Nebraska<sup>160</sup>

Nevada<sup>161</sup>

New Hampshire<sup>162</sup>

New Jersey<sup>163</sup>

New Mexico<sup>164</sup>

New York<sup>165</sup>

North Carolina<sup>166</sup>

North Dakota<sup>167</sup>

Ohio<sup>168</sup>

Oklahoma<sup>169</sup>

Oregon<sup>170</sup>

Pennsylvania<sup>171</sup>

Rhode Island<sup>172</sup>

South Carolina<sup>173</sup>

South Dakota<sup>174</sup>

Tennessee<sup>175</sup>

Texas<sup>176</sup>

Utah<sup>177</sup>

Vermont<sup>178</sup>

Virginia<sup>179</sup>

Washington<sup>180</sup>

West Virginia<sup>181</sup>

Wisconsin<sup>182</sup>

Wyoming<sup>183</sup>

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

1. Alaska<sup>184</sup>

2. Arkansas<sup>185</sup>

3. Colorado<sup>186</sup>

4. Delaware<sup>187</sup>

5. District of Columbia<sup>188</sup>

6. Florida<sup>189</sup>

7. Georgia<sup>190</sup>

8. Idaho<sup>191</sup>

9. Illinois<sup>192</sup>

10. Indiana<sup>193</sup>

11. Iowa<sup>194</sup>

12. Kansas<sup>195</sup>

13. Kentucky<sup>196</sup>

14. Louisiana<sup>197</sup>

15. Maine<sup>198</sup>

16. Maryland<sup>199</sup>

17. Massachusetts<sup>200</sup>

18. Michigan<sup>201</sup>

19. Minnesota<sup>202</sup>



- 20 Mississippi<sup>203</sup>
- 21 Missouri<sup>204</sup>
- 22 Montana<sup>205</sup>
- 23 Nebraska<sup>206</sup>
- 24 Nevada<sup>207</sup>
- 25 New Jersey<sup>208</sup>
- 26 New Mexico<sup>209</sup>
- 27 New York<sup>210</sup>
- 28 North Carolina<sup>211</sup>
- 29 North Dakota<sup>212</sup>
- 30 Ohio<sup>213</sup>
- 31 Oklahoma<sup>214</sup>
- 32 Pennsylvania<sup>215</sup>
- 33 South Carolina<sup>216</sup>
- 34 South Dakota<sup>217</sup>
- 35 Tennessee<sup>218</sup>
- 36 Texas<sup>219</sup>
- 37 Vermont<sup>220</sup>
- 38 Virginia<sup>221</sup>
- 39 Washington<sup>222</sup>
- 40 West Virginia<sup>223</sup>
- 41 Wisconsin<sup>224</sup>
- 42 Wyoming<sup>225</sup>

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

- Arkansas<sup>226</sup>
- Delaware<sup>227</sup>
- District of Columbia<sup>228</sup>
- Florida<sup>229</sup>
- Georgia<sup>230</sup>
- Illinois<sup>231</sup>
- Kansas<sup>232</sup>
- Kentucky<sup>233</sup>
- Maine<sup>234</sup>
- Massachusetts<sup>235</sup>
- Michigan<sup>236</sup>
- Mississippi<sup>237</sup>
- Missouri<sup>238</sup>
- Nebraska<sup>239</sup>
- Nevada<sup>240</sup>

New Jersey<sup>241</sup>

New Mexico<sup>242</sup>

New York<sup>243</sup>

North Carolina<sup>244</sup>

North Dakota<sup>245</sup>

Ohio<sup>246</sup>

Oklahoma<sup>247</sup>

South Carolina<sup>248</sup>

Tennessee<sup>249</sup>

Texas<sup>250</sup>

Virginia<sup>251</sup>

Washington<sup>252</sup>

Wisconsin<sup>253</sup>

Wyoming<sup>254</sup>

### 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.<sup>255</sup> 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.<sup>256</sup>

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.

#### *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,<sup>257</sup> 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.<sup>258</sup> 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.<sup>259</sup>

### 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](#)

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), available 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), available 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), available at <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5702a1.htm>. The rates decreased 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), available at <http://www.cdc.gov/mmwr/preview/mmwrhtml/ss5704a1.htm> (surveying students in grades 9 – 12 about their behaviors throughout 2007). [↵]
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), available 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), available at [http://cecp.air.org/download/ntac\\_ssi\\_report.pdf](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), available 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), available at <http://bjs.ojp.usdoj.gov/content/pub/pdf/vvcs02.pdf>. [↵]
- 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. Hamisch, *American Association of State Colleges & Universities, Concealed Weapons on State College Campuses: In Pursuit of Individual Liberty and Collective Security* 2 (Nov. 2008), available 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) [↵]
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*, available at [http://webappa.cdc.gov/sasweb/ncipc/mortrate10\\_sy.html](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](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), available at <http://www.oas.samhsa.gov/NHSDA/2k2NSDUH/Results/2k2results.htm#chap9>. [↵]
- American College Health Ass'n, *National College Health Assessment, Data Highlights*, available at [http://www.achancha.org/data/PHYSMENTAL\\_3\\_all.html](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), available at <http://www.psych.org/Departments/EDU/Library/APAOfficialDocumentsandRelated/ResourceDocuments/200905.aspx>. [↵]
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](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*, available 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). [↵]
32. 18 U.S.C. § 922(q)(2)(A). [↵]
- 18 U.S.C. § 922(q)(3)(A). [↵]
- 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). [↵]
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 *Id.* 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. [↵]
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) [↵]
- Id.* [↵]
- 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). [↵]
54. 20 U.S.C. § 7151(g). [↵]
55. Ala. Code § 13A-11-72(c), (g). [↵]
56. Alaska Stat. §§ 11.61.210(a)(7), 11.61.210(a)(8). [↵]
57. Ariz. Rev. Stat. Ann. §§ 13-3102(A)(12), (M)(3). [↵]
58. Ark. Code Ann. § 5-73-119(b)(1). [↵]
59. Cal. Penal Code §§ 626.9(b), (e); Cal Penal Code § 12316(c). [↵]
60. Colo. Rev. Stat. § 18-12-105.5(1). [↵]
61. Conn. Gen. Stat. § 53a-217b(a). [↵]
62. Del. Code Ann. tit. 11, § 1457(a), (c). [↵]
63. D.C. Code Ann. § 22-4502.01(a), (b); D.C. Mun. Regs. tit. 5, § 2402.6. [↵]
64. Fla. Stat. §§ 790.115(1)-(2)(a)(c); 810.095(1), (2). [↵]
65. Ga. Code Ann. § 16-11-127.1(a), (b). [↵]
66. Idaho Code § 18-3302D(1). [↵]
67. 720 Ill. Comp. Stat. 5/24-1(a)(4), (a)(9), (a)(10), (c)(1.5), (c)(4). [↵]
68. Ind. Code Ann. § 35-47-9-2. [↵]
69. Iowa Code §§ 280.2; 724.4B(1). [↵]
70. Kan. Stat. Ann. § 21-4204(a)(5). [↵]
71. Ky. Rev. Stat. Ann. § 527.070(1). [↵]
- La. Rev. Stat. Ann. §§ 14:95.2(A); 14:95.6(C). [↵]
- Me. Rev. Stat. Ann. tit. 20-A, § 6552(1). [↵]
74. Md. Code Ann., Crim. Law § 4-102(b). [↵]
75. Mass. Gen. Laws ch. 269, § 10(j). [↵]
76. Mich. Comp. Laws § 750.237a(4), (6)(b), (6)(d). [↵]
77. Minn. Stat. § 609.66 Subd. 1d. [↵]

78. Miss. Code Ann. § 97-37-17. [↵]
79. Mo. Rev. Stat. § 571.030.1(10). [↵]
80. Mont. Code Ann. § 45-8-361(1), (5). [↵]
81. Neb. Rev. Stat. § 28-1204.04(1). [↵]
82. Nev. Rev. Stat. Ann. § 202.265(1)(e). [↵]
83. N.H. Rev. Stat. Ann. §§ 193-D:3(I)(e); 193:13(III); 193-D:1(III). [↵]
84. N.J. Stat. Ann. § 2C:39-5(e). [↵]
85. N.M. Stat. Ann. § 30-7-2.1. [↵]
86. N.Y. Penal Law § 265.01(3). [↵]
87. N.C. Gen. Stat. § 14-269.2(a)(1b), (b). [↵]
88. N.D. Cent. Code § 62.1-02-05(1). [↵]
89. Ohio Rev. Code Ann. § 2923.122. [↵]
90. Okla. Stat. tit. 21, § 1280.1. [↵]
91. Or. Rev. Stat. §§ 166.360(4); 166.370(1). [↵]
92. 18 Pa. Cons. Stat. Ann. § 912(a), (b). [↵]
93. R.I. Gen. Laws § 11-47-60(a). [↵]
94. S.C. Code Ann. §§ 16-23-420(A); 16-23-430(A). [↵]
95. S.D. Codified Laws § 13-32-7. [↵]
96. Tenn. Code Ann. § 39-17-1309(b)(1), (c)(1). [↵]
97. Tex. Penal Code Ann. § 46.03(a)(1); Tex. Educ. Code Ann. § 37.125(a). [↵]
98. Utah Code Ann. §§ 76-3-203.2(1)(a); 76-10-505.5(1). [↵]
99. Vt. Stat. Ann. tit. 13, § 4004(a), (b), (d)(1). [↵]
100. Va. Code Ann. § 18.2-308.1(B). [↵]
101. Wash. Rev. Code Ann. § 9A.41.280(1)(a). [↵]
102. W. Va. Code § 61-7-11a(b)(1). [↵]
103. Wis. Stat. § 948.605. [↵]
104. Ark. Code Ann. § 5-73-119(c)(1). [↵]
105. Ariz. Admin. Code § 7-4-102(3). [↵]
106. Cal. Penal Code § 626.9(h), (i). [↵]
107. Colo. Rev. Stat. § 18-12-105.5(1). [↵]
108. Del. Code Ann. tit. 11, § 1457(a) – (c). [↵]
109. Fla. Admin. Code Ann. r. 6C1-2.001(1) (U. of Florida – add cites for other colleges?). [↵]
110. Ga. Code Ann. § 16-11-127.1(a), (b). [↵]
111. 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). [↵]
112. Iowa Admin. Code r. 681-9.1(2)(g). [↵]
113. La. Rev. Stat. Ann. § 14:95.2(A), 14:95.6(C)(1). [↵]
114. Me. Rev. Stat. Ann. tit. 20-A, § 6552(1). [↵]
115. Mass. Gen. Laws ch. 269, § 10(j). [↵]
116. Miss. Code Ann. § 97-37-17 [↵]
117. Mo. Code Regs. Ann. tit. 6, § 250-4.010(10). (applies to U. of Missouri only). [↵]
118. Neb. Rev. Stat. Ann. § 28-1204.04(1). [↵]
119. Nev. Rev. Stat. Ann. §§ 202.265(1)(e). [↵]
120. N.J. Stat. Ann. § 2C:39-5(e). [↵]
121. N.M. Stat. Ann. § 30-7-2.4(A), (C). [↵]
122. N.Y. Penal Law § 265.01(3); N.Y. Comp. Codes R. & Regs. tit.8, § 590.3(a). [↵]
123. N.C. Gen. Stat. §§ 14-269.2(a) – (b). [↵]
124. Or. Rev. Stat. §§ 166.360(4); 166.370(1). (Misc. regs. prohibit guns at several Oregon colleges). [↵]
125. S.C. Code Ann. § 16-23-420(A). [↵]
126. Tenn. Code Ann. § 39-17-1309(b), (c). [↵]
127. 8 Va. Admin. Code § 35-60-20 (George Mason); 8 Va. Admin. Code § 90-10-50(4) (V.C.U.). [↵]
128. Misc. regs. prohibit guns at several Washington universities. [↵]
129. Wis. Adm. Code UWS § 18.10(3); Wis. Adm. Code UWS § 17.09(14). [↵]
130. Minn. Stat. § 62A.714, Subd. 18(c). [↵]
131. Okla. Stat. tit. 21, § 1277(D). [↵]
132. Utah Code Ann. § 53B-3-103(1), (2)(a), 76-8-311.1. Utah Admin. Code r. 765-254-3. [↵]
133. Ala. Code § 16-1-24.3(a). [↵]

134. Alaska Stat. § 14.03.160(a)(1). [↵]

135. Ariz. Rev. Stat. § 15-841(G). [↵]

136. Ark. Code §§ 6-18-502(c)(2); 6-18-503(a)(1)(C)(ii); 6-18-507(e). [↵]

137. Cal. Ed. Code §§ 48900(b); 48915(b), (c). [↵]

138. Colo. Rev. Stat. § 22-33-106(1)(d)(I), (II). [↵]

139. Conn. Gen. Stat. § 10-233d(a)(2). [↵]

140. Del. Code Ann. Tit. 11, § 1457(c), (j). [↵]

141. D.C. Code §§ 38-231, 38-234(a); D.C. Mun. Regs. tit. 5, § 2502.5(a)(13) – (15), (c). [↵]

142. Fla. Stat. §§ 1006.07(2)(k); 1006.13(3)(a). [↵]

143. Ga. Code Ann. §§ 20-2-751.1(a); 20-2-751(4). [↵]

144. Haw. Rev. Stat. § 302A-1134(b). [↵]

145. Idaho Code § 33-205. [↵]

146. 105 Ill. Comp. Stat. 5/10-22.6(d). [↵]

147. Ind. Code Ann. § 20-33-8-16(d), (e). [↵]

148. Iowa Code § 280.21B. [↵]

149. Kan. Stat. Ann. §§ 72-89a02(a); 72-89a01(b). [↵]

150. Ky. Rev. Stat. Ann. § 158.150(1)(a), (2)(a). [↵]

151. La. Rev. Stat. Ann. §§ 17:416(C)(2); 17:416(A)(3)(a)(x). [↵]

152. Me. Rev. Stat. Ann. tit. 20-A §§ 1001(9)(C); 1001(9-A). [↵]

153. Md. Code Ann., Educ. § 7-305(f)(2), (3); Md. Code Regs. 13A.08.01.12-1(B). [↵]

154. Mass. Gen. Laws ch. 71, § 37H(a). (No law requires mandatory expulsion for students possessing guns at school). [↵]

155. Mich. Cop. Laws § 380.1311(2). [↵]

156. Minn. Stat. § 121A.44(a). [↵]

157. Miss. Code Ann. § 37-11-18. [↵]

158. Mo. Rev. Stat. § 160.261(5). [↵]

159. Mont. Code Ann. § 20-5-202(2), (3). [↵]

160. Neb. Rev. Stat. § 79-263(1). [↵]

161. Nev. Rev. Stat. Ann. § 392.466(2). [↵]

162. N.H. Rev. Stat. Ann. §§ 193:13(III); 193-D:1(II). [↵]

163. N.J. Stat. Ann. § 18A:37-8; N.J. Admin. Code § 6A:16-5.5(a), (b). [↵]

164. N.M. Stat. Ann. § 22-5-4.7(A), (C). [↵]

165. N.Y. Educ. Law § 3214(3)(d), (f). [↵]

166. N.C. Gen. Stat. § 115C-391(d1). [↵]

167. N.D. Cent. Code §§ 15.1-19-10(1), (2); 15.1-19-09(4). [↵]

168. Ohio Rev. Code Ann. § 3313.66(B)(2). [↵]

169. Okla. Stat. tit. 70, § 24-101.3(C)(2). [↵]

170. Or. Rev. Stat. § 339.250(6)(a). [↵]

171. 24 Pa. Stat. Ann. § 13-1317.2(a), (g). [↵]

172. R.I. Gen. Laws § 16-21-18. [↵]

173. S.C. Code Ann. § 59-63-235. [↵]

174. S.D. Codified Laws § 13-32-4. [↵]

175. Tenn. Code Ann. § 49-6-3401(a)(7), (g). [↵]

176. Tex. Educ. Code §§ 37.007(a)(1)(A), (b)(3)(B), (e). [↵]

177. Utah Code Ann. § 53A-11-904(2)(a), (b). [↵]

178. Vt. Stat. Ann. tit. 16, § 1162(a). [↵]

179. Va. Code Ann. § 22.1-277.07(A), (E). [↵]

180. Wash. Rev. Code Ann. §§ 28A.600.420(1); 9.41.280(2). [↵]

181. W. Va. Code § 18A-5-1a(a)(ii), 18A-5-1a(i). [↵]

182. Wis. Stat. § 120.13(1)(c)(2m). [↵]

183. Wyo. Stat. §§ 21-4-305(a); 21-4-306(a)(v). [↵]

184. Alaska Stat. §§ 18.65.755; Alaska Statutes § 11.61.210(a)(7), (a)(8). [↵]

185. Ark. Code Ann. § 5-73-306(14). [↵]

186. Colo. Rev. Stat. § 18-12-214(3). [↵]

187. Del. Code Ann. Tit. 11, § 1457(b)(1). [↵]

188. D.C. Code Ann. § 22-4502.01. [↵]

189. Fla. Stat. § 790.06(12). [↵]



190. Ga. Code Ann. § 16-11-127.1(b). [↵]  
191. Idaho Code Ann. §§ 18-3302C, 18-3302D(1)(a). [↵]  
192. 720 Ill. Comp. Stat. 5/24-1(a)(4), (a)(9), (a)(10), (c)(1.5), (c)(4). [↵]  
193. Ind. Code Ann. § 35-47-9-2. [↵]  
194. Iowa Code § 724.4B. [↵]  
195. Kan. Stat. Ann. § 75-7c10(a)(10), (13). [↵]  
196. Ky. Rev. Stat. § 237.110(16)(f). [↵]  
197. La. Rev. Stat. Ann. §§ 40:1379.3(N)(11); 14:95.6. [↵]  
198. Me. Rev. Stat. Ann., tit. 20-A, § 6552. [↵]  
199. Md. Code Ann., Crim. Law § 4-102(b). [↵]  
200. Mass. Gen. Laws ch. 269, § 10(j). [↵]  
201. Mich. Comp. Laws § 28.425o(1)(a). [↵]  
202. Section 609.66, subd. 1d(c). [↵]  
203. Miss. Code Ann. §§ 45-9-101(13); 97-37-17(2). [↵]  
204. Mo. Rev. Stat. § 571.107.1(10). [↵]  
205. Mont. Code Ann. § 45-8-361(1). [↵]  
206. Neb. Rev. Stat. § 69-2441(1)(a). [↵]  
207. Nev. Rev. Stat. Ann. § 202.3673(3)(a). [↵]  
208. N.J. Rev. Stat. § 2C:39-5e. [↵]  
209. N.M. Stat. Ann. § 29-19-8(B), (C). [↵]  
210. N.Y. Penal Law §§ 265.01(3), 265.20(a)(3). [↵]  
211. N.C. Gen. Stat. § 14-269.2(b). [↵]  
212. N.D. Cent. Code § 62.1-02-05(1). [↵]  
213. Ohio Rev. Stat. Ann. § 2923.122(B). [↵]  
214. Okla. Stat. tit. 21, § 1280.1(A), (D). [↵]  
215. 18 Pa. Cons. Stat. Ann. § 912. [↵]  
216. S.C. Code Ann. § 16-23-420. [↵]  
217. S.D. Codified Laws § 13-32-7. [↵]  
218. Tenn. Code Ann. § 39-17-1309(b)(1), (c)(1). [↵]  
219. Tex. Penal Code § 46.03(a)(1), (f). [↵]  
220. Vt. Stat. Ann. tit. 13, § 4004. [↵]  
221. Va. Code Ann. § 18.2-308.1(B). [↵]  
222. Wash. Rev. Code Ann. § 9.41.280. [↵]  
223. W.Va. Code section 61-7-11a(b). [↵]  
224. Wis. Stat. Section 948.605(2)(a). [↵]  
225. Wyo. Stat. Ann. § 6-8-104(t). [↵]  
226. Ark. Code § 5-73-306(14). [↵]  
227. Del. Code Ann. Tit. 11, § 1457(b)(1), (c). [↵]  
228. D.C. Code Ann. § 22-4502.01(b), (c). (Allows some persons to possess if licensed). [↵]  
229. Fla. Stat. § 790.06(12). [↵]  
230. Ga. Code Ann. § 16-11-127.1(b). [↵]  
231. 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). [↵]  
232. Kan. Stat. Ann. § 75-7c10(a)(13), (14). [↵]  
233. Ky. Rev. Stat. Ann. § 237.115(1). (Schools may regulate firearm possession). [↵]  
234. Me. Rev. Stat. Ann. tit 20-A, §§ 10009(2), 6552(1). (Colleges and universities may prohibit gun possession). [↵]  
235. Mass. Gen. Laws ch. 269, § 10(j). [↵]  
236. Mich. Comp. Laws § 28.425o(1)(h). [↵]  
237. Miss. Code Ann. § 45-9-101(13). [↵]  
238. Mo. Rev. Stat. § 571.107.1(10). [↵]  
239. Neb. Rev. Stat. § 69-2441(1)(a). [↵]  
240. Nev. Rev. Stat. Ann. § 202.3673(3)(a), (6)(b). [↵]  
241. N.J. Stat. Ann. § 2C:39-5(e). [↵]  
242. N.M. Stat. Ann. § 30-7-2.4(A), (C). [↵]  
243. N.Y. Penal Law §§ 265.01(3), 265.20(a)(3). [↵]  
244. N.C. Gen. Stat. § 14-269.2(a)(1b), (b). [↵]  
245. N.D. Cent. Code § 62.1-02-05(1). [↵]

246. Ohio Rev. Stat. Ann. § 2923.122(B). [↵]

247. Okla. Stat. tit. 21, § 1280.1(A), (D). [↵]

248. S.C. Code Ann. §§ 16-23-420(A), 23-31-215(M)(5), (6), (7). [↵]

249. Tenn. Code Ann. § 39-17-1309(b)(1), (c)(1). [↵]

250. Tex. Penal Code Ann. § 46.03(a), (f), (g). [↵]

251. 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. [↵]

252. 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. [↵]

253. Wis. Adm. Code UWS § 18.10(3)(a), (b). [↵]

254. Wyo. Stat. Ann. § 6-8-104(t). [↵]

255. Op. Att'y Gen. Va. 05-078 (2006), 2006 Va. AG LEXIS 3, \*6. [↵]

256. *Id.* [↵]

257. See Gun-Free Schools Act discussion, *supra* at pages 6-7. [↵]

258. Op. Att'y Gen. Va. 05-078 (2006), 2006 Va. AG LEXIS 3, \*6. [↵]

259. *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. [↵]

Mother Jones [reported the other day](#), based on a pretty thorough look at mass shootings, that “not one of the 62 mass shootings in the United States over the last 30 years has been stopped” by an armed civilian. In a couple of cases a bystander subdued the gunman *after the fact*. In a couple of other cases, attempted interventions went horribly wrong, with well-intentioned civilians shot dead or wounded by the assailants.

While other advanced countries have imposed gun control laws, America has conducted a natural experiment in what happens when a society has as many guns as people. The results are in, and they’re not counterintuitive.

*This blog post has been revised to reflect the following correction:*

***Correction: December 21, 2012***

This blog post originally stated that New York police officers fired 16 times in an altercation outside the Empire State Building and hit nine people, all bystanders. Actually, they hit ten people. The gunman and nine bystanders.

"Richard your organizations have been proposing policies for the last 20 odd years and they've gotten us to a point where we've had 16 mass shooting in 2012 alone and American moms and women won't stand for it any longer".

<http://www.thenation.com/blog/171774/fifteen-us-mass-shootings-happened-2012-84-dead#>

## Sixteen US Mass Shootings Happened in 2012, Leaving at Least 88 Dead

*George Zornick on December 14, 2012 - 5:18 PM ET*

*President Barack Obama wipes his eye as he talks about the Connecticut elementary school shooting, Friday, December 14, 2012, in the White House briefing room in Washington. (AP Photo/Carolyn Kaster)*

Today's nearly indescribable tragedy in Newtown, Connecticut, where twenty-seven people, including eighteen children, were shot to death inside an elementary school, is at least the sixteenth mass shooting to take place in America this year. The death toll is now at eighty-four.

Here is a list of every fatal mass shooting that's taken place since January 1—defined as multi-victim shootings where those killed were chosen indiscriminately. The tragedies took place at perfectly random places—at churches, movie theatres, soccer tournaments, spas, courthouses and, now, an elementary school. But given the frequency of these awful events, perhaps in the long view their occurrence isn't so random after all—it's predictable.

**February 22, 2012**—[Five people were killed](#) in at a Korean health spa in Norcross, Georgia, when a man opened fire inside the facility in an act suspected to be related to domestic violence.

**February 26, 2012**—Multiple gunmen [began firing](#) into a nightclub crown in Jackson, Tennessee, killing one person and injuring 20 others.

**February 27, 2012**—[Three students](#) at Chardon High School in rural Ohio were killed when a classmate opened fire.

**March 8, 2012**—Two people were killed and seven wounded at a [psychiatric hospital in Pittsburgh, Pennsylvania](#), when a gunman entered the hospital with two semiautomatic handguns and began firing.

**March 31, 2012**—A gunman [opened fire](#) on a crowd of mourners at a North Miami, Florida, funeral home, killing two people and injuring 12 others.

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**April 2, 2012**—A 43-year-old former student at Oikos University in Oakland, California, walked into his former school and [killed seven people](#), “execution-style.” Three people were wounded.

**April 6, 2012**—Two men went on a [deadly shooting spree](#) in Tulsa, Oklahoma, shooting black men at random in an apparently racially motivated attack. Three men died and two were wounded.

**May 29, 2012**—A man in Seattle, Washington, [opened fire](#) in a coffee shop and killed five people and then himself.

**July 9, 2012**—At a [soccer tournament](#) in Wilmington, Delaware, three people were killed, including a 16-year-old player and the event organizer, when multiple gunmen began firing shots, apparently targeting the organizer.

**July 20, 2012**—James Holmes enters a midnight screening of *The Dark Knight Rises* and [opens fire](#) with a semi-automatic weapon; twelve people are killed and fifty-eight are wounded.

**August 5, 2012**—A white supremacist and former Army veteran [shot six people](#) to death inside a Sikh temple in suburban Milwaukee, Wisconsin, before killing himself.

**August 14, 2012**—Three people [were killed](#) at Texas A&M University when a 35-year-old man went on a shooting rampage; one of the dead was a police officer.

**September 27, 2012**—A 36-year-old man who had just been laid off from Accent Signage Systems in Minneapolis, Minnesota, entered his former workplace and [shot five people to death](#), and wounded three others before killing himself.

**October 21, 2012**—45-year-old Radcliffe Franklin Haughton [shot three women to death](#), including his wife, Zina Haughton, and injured four others at a spa in Brookfield, Wisconsin, before killing himself.

**December 11, 2012**—A 22-year-old began shooting at random [at a mall near Portland, Oregon](#), killing two people and then himself.

**December 14, 2012**—One man, and possibly more, murders a reported twenty-six people at an elementary school in Newtown, Connecticut, including twenty children, before killing himself.



Nick Myers contributed to research for this post.

*Editor's Note: An earlier version of this post omitted the October 21 shooting in Brookfield, Wisconsin. The post, including its title, has been updated.*

*Now's the time to talk about gun control. [Here are three common-sense bills that should, but still can't pass Congress.](#)*

<http://www.newscientist.com/article/dn17922-carrying-a-gun-increases-risk-of-getting-shot-and-killed.html>

## Carrying a gun increases risk of getting shot and killed

- 15:26 06 October 2009 by [Ewen Callaway](#)
- For similar stories, visit the [US national issues](#) Topic Guide

Packing heat may backfire. People who carry guns are far likelier to get shot – and killed – than those who are unarmed, a study of shooting victims in Philadelphia, Pennsylvania, has found. It would be impractical – not to say unethical – to randomly assign volunteers to carry a gun or not and see what happens. So [Charles Branas's](#) team at the University of Pennsylvania analysed 677 shootings over two-and-a-half years to discover whether victims were carrying at the time, and compared them to other Philly residents of similar age, sex and ethnicity. The team also accounted for other potentially confounding differences, such as the socioeconomic status of their neighbourhood.

Despite the US having the [highest rate of firearms-related homicide in the industrialised world](#), the relationship between gun culture and violence is poorly understood. A recent study found that [treating violence like an infectious disease](#) led to a dramatic fall in shootings and killings.

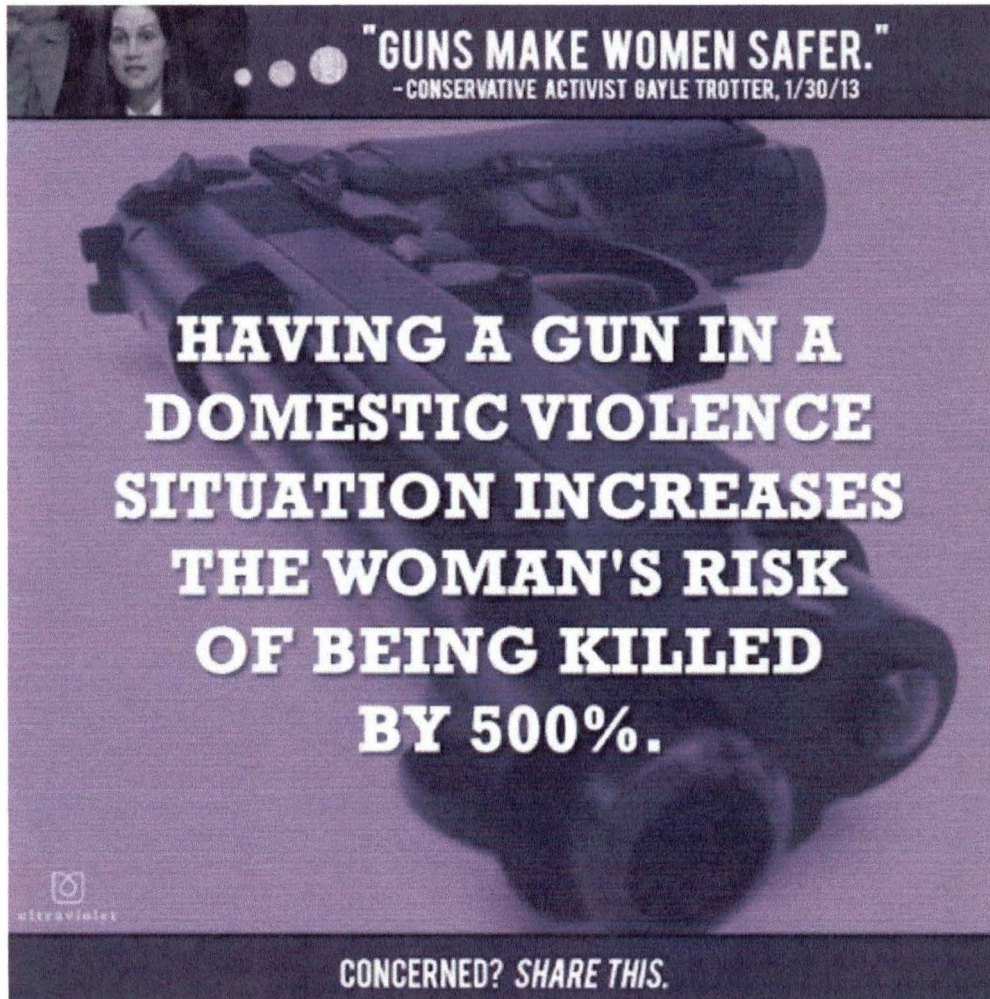
Overall, Branas's study found that people who carried guns were 4.5 times as likely to be shot and 4.2 times as likely to get killed compared with unarmed citizens. When the team looked at shootings in which victims had a chance to defend themselves, their odds of getting shot were even higher.

While it may be that the type of people who carry firearms are simply more likely to get shot, it may be that guns give a sense of empowerment that causes carriers to overreact in tense situations, or encourages them to visit neighbourhoods they probably shouldn't, Branas speculates. Supporters of the Second Amendment shouldn't worry that the right to bear arms is under threat, however. "We don't have an answer as to whether guns are protective or perilous," Branas says. "This study is a beginning."

[Daniel Webster](#), co-director of the Johns Hopkins Center for Gun Policy and Research in Baltimore, Maryland, thinks it is near-sighted to consider only the safety of gun owners and not their communities. "It affects others a heck of a lot more," he says.

Journal reference: [American Journal of Public Health](#), DOI: [10.2105/AJPH.2008.143099](#)

ccw  $\frac{1}{2}$  >



<http://www.domesticviolencedatabase.org/warningsigns.asp>

American Journal of Public Health: <http://ajph.aphapublications.org/doi/abs/10.2105/AJPH.93.7.1089>

Trotter conveniently ignored the research that shows that in states that require a background check for every handgun sale, 38 percent fewer women are shot to death by intimate partners. She failed to mention that in the United States, women are 11 times more likely to be murdered than women in other high-income countries with sensible gun restrictions. She didn't tell us that the presence of a gun in a domestic violence situation increases the risk of homicide for women by 500 percent. Trotter attached a list of 21 self-defense incidents that occurred over the course of two years and four months to her written testimony. In that same period, 1,900 women were murdered with guns by current or former intimate partners. The women Trotter speaks of are outliers in a society where women are far more likely to be injured or killed by someone they know. More guns won't fix this.

**Testimony on HB1215**  
**By**  
**Dr. M. Douglas Johnson, Executive Director—NDCEL**

Chairman Hogue, members of the Senate Judiciary Committee my name is Doug Johnson, executive director of the North Dakota Council of Educational Leaders (NDCEL) and I am here to testify in opposition to HB1215.

The recent shootings at the elementary school in Newtown, CT, have refocused Americans on the question of how to best protect children in our schools. Parents send their children off to school in the morning, trusting that they will return home at the end of the school day. Yet recent events demonstrate that more attention and more resources to improving school safety must be considered thoughtfully and sustained over time.

The NDCEL believes all children have the right to live and learn in a safe and nurturing environment. Research demonstrates that learning is enhanced when children feel safe and have their physical and emotional needs met in a healthy school environment. These are issues that we must face as a state-wide community and work together to solve. Schools play a critical role in helping students feel safe and supported, and in providing students more intensive services and supports as necessary.

A comprehensive approach is necessary to prevent future school violence and believe school districts must do to ensure their students are safe at all times. But school districts cannot solve this problem alone. The NDCEL has recommended that school districts adopt safety programs and procedures to enhance school safety and we believe are common sense approach to gun safety legislation. Most if not all school districts in the state have adopted the following recommendations:

**NDCEL recommends that every school district have the following**

**Safety Programs and Procedures:**

- Every district should have policies in place requiring individual school and building safety plans, as well as district wide safety plans. These plans should serve as a guide to address the various safety needs in the school such as lockdown procedures, evacuations, drills and safety protocols, and personnel assignments.



- Every district should conduct regular audits to evaluate and analyze the effectiveness of their school safety and security plans. First-responders, local law enforcement and the entire school community should be engaged in this process.
- Every district should communicate with parents and community members about the school-level emergency preparedness protocols to the greatest extent possible.
- Every district should provide regular training for all school employees on the district's school emergency management systems and protocols.
- Every district should work to create partnerships between schools, local law enforcement and appropriate community agencies (such as mental health) to prevent and reduce school violence.

We cannot make our schools armed fortresses. Whether to bring school resource officers(SROs) into schools should be decided on a school-by-school basis. We oppose efforts to bring more guns into our schools by teachers and administrators. North Dakota schools are large buildings designed with many doors for other safety reasons, and it is unreasonable to assume that a school resource officer or an armed teacher will always be able stop a determined shooter with an assault weapon and a large ammunition magazine. We fear that even the ability of a school board to discuss such policy in executive session even if they would decide not to allow concealed weapon's license holders to possess a firearm or dangerous weapon in school, would make school students and staff more vulnerable to this type of violence.

If we hope to prevent future tragedies at schools, we must comprehensively address both school safety and gun safety. Funding of school building maintenance as currently proposed in the Senate's deferred maintenance bill, SB22667, will be much more effective in deterring the possibility of on an assault on as school by an armed individual the would the ability of a staff member to have concealed weapon. In addition, increased state-wide community support systems for youth and new attitudes about gun violence must all be part of this approach. We must be willing to spend the time and resources necessary to make sustainable changes. The NDCEL has encouraged all leaders to find ways of enhancing their current school safety procedures as outlined above.

It is our hope that your committee would seriously reconsider the action of the House on HB1215 and give HB1215 a Do Not Pass recommendation. Chairman Hogue, members of the Judiciary Committee, this concludes my testimony and I would be glad to answer any questions that members of the committee may have.



Krystal Laskowske  
kllaskowske1@umary.edu  
HB 1215 Testimony  
March 19, 2013

Good Morning Chairman Hogue and members of the Senate Judiciary Committee. My name is Krystal Laskowske, and I am a senior Music Education major at the University of Mary.

Although I believe it is a great idea to maintain and clarify laws which limit the ability to carry a gun in schools, I do think that some concealed or open weapons should be allowed into the environment of a school and classroom. Specifically speaking, I would like you to consider the advantages of permitting teachers and other school personnel to carry a taser.

Within the current era when school shootings are a bleak reality, I believe the state of North Dakota should not wait to take the necessary measures for protecting our students and school staff. However, I do not believe that guns are the answer, because they bring too many moral, ethical and possible safety issues into schools. Instead, I think you should consider allowing school personnel in the state to carry a taser. I believe a taser is the best weapon for schools because it can provide an excellent defense mechanism for school personnel, and it is more ethically acceptable than guns. In addition, a taser is not considered a lethal option, and requires minimal training to be successful in incapacitating an assailant, which makes it more easily accessible to school personnel who are not licensed or trained to carry and operate a lethal weapon.

Chairman Hogue and members of the Senate Judiciary Committee, this ends my testimony. Thank you for your time, and I hope the committee amends HB 1215 to not allow concealed weapons such as guns in schools, but possibly tasers.