

# SENATE BILL REPORT

## SB 6304

---

---

As of January 26, 2008

**Title:** An act relating to allowing institutions of higher education to adopt rules regulating firearms on campus.

**Brief Description:** Allowing institutions of higher education to adopt rules regulating firearms on campus.

**Sponsors:** Senators Kohl-Welles, Shin, McAuliffe, Fairley and McDermott.

**Brief History:**

**Committee Activity:** Higher Education: 1/24/08.

---

### SENATE COMMITTEE ON HIGHER EDUCATION

**Staff:** Aldo Melchiori (786-7439)

**Background:** Article I, §24 of the Constitution of the State of Washington provides that the "right of the individual citizen to bear arms in defense of himself, or the state, shall not be impaired . . ." This constitutional right, however, is not unfettered, but is subject to reasonable regulation by the state under its police power. A firearms regulation may be valid if it does not totally prohibit the possession and carrying of a weapon, is reasonably necessary to protect public safety or welfare, and is substantially related to a legitimate purpose. The validity of the regulation is determined by balancing the benefit of the regulation against the degree to which it frustrates the purpose of the constitutional right to bear arms.

The state has successfully restricted the possession of firearms in locations and under circumstances where, on balance, public safety and welfare trump an individual's right to bear arms. For example, specific statutes exist regarding carrying a firearm under circumstances that warrant alarm for the safety of other persons; on school facilities; in courthouses; in restricted access areas of public mental health facilities; or in restricted areas of airports. Additionally, the Legislature has specifically delegated the authority of cities, towns, counties, and municipalities to enact local ordinances restricting firearms possession in specific locations. The delegation of authority to these entities is limited and well delineated. Outside the scope of these specific delegations, the Legislature has occupied the field of firearms regulation.

Every public institution of higher education in Washington currently has rules regarding the possession of firearms on their campus. In contrast to other legislative delegations of the authority to regulate firearms, the institutions all currently rely on the Legislature's grant of general rulemaking authority.

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Summary of Bill:** Institutions of higher education are specifically authorized to adopt rules restricting or prohibiting the possession or discharge of firearms in any institutionally owned or controlled lands, buildings, or facilities.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: The bill simply clarifies that institutions can make firearm rules on their campuses. Each institution should have the right to make these regulations. Trustees across the state want to provide safety on their campuses. A common thread in serious campus violence is the use of firearms. Campus safety plans are not enough without the power to regulate firearms. Specific rule-making authority will help clarify the law in this sensitive area.

CON: To create a gun free zone is to create a zone where criminals feel safe. Good people go by the rules already. A concealed pistol license should be valid everywhere. Virginia Tech was a gun free zone. Self-defense is a human right. Unless you close campuses, this will be ineffective. Why allow unelected bureaucrats to make firearms regulations? Guns can prevent violent crimes. This keeps law abiding citizens from defending themselves.

OTHER: This may prevent colleges from having shooting clubs. Possession of weapons on state trust lands could be banned.

**Persons Testifying:** PRO: Senator Kohl-Welles, prime sponsor; Cindy Hough, State Board for Community and Technical Colleges; Randy Hodgins, University of Washington; Jake Stillwell, Associated Students of Central Washington University; Bryce McKibben, Associated Students of the University of Washington; Grace Hong, Washington State Coalition Against Domestic Violence.

CON: Merton Cooper, Myrtle Cooper, Geoffrey Hicks, Max Bruk, Brian Judy, National Rifle Association; Mark Taff, Washington State Coalition for the Right to Keep and Bear Arms.

OTHER: Ed Owens, Hunter's Heritage Council.