

I know many of you have heard about the bill to remove from the State Board of Education and the administrations of public universities and colleges in Idaho the right, currently held, to prohibit weapons on their campuses. It has passed the Idaho Senate and now awaits a hearing in the House. I have very serious concerns about the bill and its implications and have spoken out against it in recent media. I should note that every public college and university president in our state and every member of the State Board of Education, with responsibility for K-20 schools in Idaho, also oppose the bill. I think it's important for everyone in the Boise State family to know and understand my concerns about this bill.

Bob Kustra, President Boise State University

- **An 'Open Carry' Law:** This bill permits those with certain permits to carry concealed weapons on campus except in residence halls and in public entertainment facilities with seating capacity of 1000 or more. Naturally, folks are focusing on this being about concealed weapons being allowed on campus. *But under Idaho law, anyone with a concealed carry permit can also openly carry a weapon.*

So that means this bill would allow students and others to strap weapons openly on their hips or across their shoulders as they stroll across campus or enter their classrooms. Ironically, while they would be prohibited from carrying a concealed weapon into Bronco Stadium or the Morrison Center, we could not prohibit anyone with a permit from *openly* carrying their weapons into either of those venues or into Taco Bell Arena.

We have no idea how much this will affect booking entertainment and athletic events into Taco Bell Arena or conferences into the Student Union Building, but staff warns that it will surely have a chilling effect on these opportunities and revenues based on weapon-ban requirements by these groups in past booking contracts.

That is not the picture of Boise State University that any of us should need or want. The sponsor keeps saying this will not change campus life, but it surely will. What sort of message does this send about our schools and, indeed, our state? The bill also requires signage "conspicuously posted at each point of public ingress" throughout our campus implementing these changes. Again, what kind of message does this send about Boise, about Idaho and about our priorities?

Utah allows concealed weapons on campuses (most states do not) but even Utah does not permit open carrying of weapons on its public university campuses. In fact, of the handful of states that allow concealed carry on

public campuses, *none* allow open carry of weapons as this bill allows.

- **A “basic right?”** Sen. Curt MacKenzie, sponsor of the bill, claims this is about restoring a basic right, which implies that anyone opposed to this bill would be opposed to and is seeking to infringe upon the rights granted in the Second Amendment. Yet the United States Supreme Court, including its most conservative members, have recognized that firearms prohibitions in “schools and government buildings” and other “sensitive areas” could well be necessary and thus never extended constitutional protection *against* regulations or prohibitions when schools or government buildings are involved. Justice Scalia wrote in the *Heller* case that “nothing in our opinion should be taken to cast doubt on the longstanding ...laws forbidding the carrying of firearms in sensitive places such as schools and government buildings...” In the *McDonald* case, Justice Alito added that the laws prohibiting weapons in schools and government building are valid and that the Court “repeat[s] those assurances here.”

It is also interesting that when universities are given a choice, as private schools are, they most always choose to be gun free on their campuses. Two prominent examples are BYU-Idaho and Northwest Nazarene University, the latter the school from which Sen. MacKenzie is an alumnus. This bill will not affect private school policies. Those “basic rights” purported by proponents will not be available there.

- **Unfunded mandate:** It is currently unknown what regulations will be promulgated to guide universities in the implementation of this bill should it become law. But it is a certainty that it will lead to major expenditures in the arming and training of security forces; in the likelihood of needing metal detectors at residence hall entrances and entrances of other venues on campus where this law would prohibit concealed weapons. *Early estimates from affected institutions from across the state are running into the millions of dollars with no state funding provided.*

The bill likely would require such costly inspection measures because if we did not take these steps, we could be open to lawsuits for not enforcing the law and its restrictions. The immunity clause in the bill does not provide protection to the universities in those cases.

- **Loss of local control:** This bill strips a critically important policy decision from the members of the State Board of Education, and from the locally elected trustees of community colleges from across Idaho. It imposes central control from the State Capitol that assumes one size will fit all in this matter, when certainly we are seeing how that is not the case as each university or college is realizing its particular problems with this bill.

- **Children unintended participants:** Weapons, concealed or otherwise, are not allowed in Idaho's elementary, middle and high schools. Yet children of these same ages are frequently on Boise State's campus and cannot be kept separate from where guns would now be permitted.

The bill's sponsor may be targeting universities in the belief that all students are aged 18 and above. This assumption misses completely our strong role and mission to serve youth of all ages. Since we have young people on our campus nearly constantly throughout the year, it is impossible to list all the occasions. For just one example, this week our Student Union is hosting the Idaho High School Student Council meetings involving 800 high school students from across the state.

It bears noting specifically that we operate a Children's Center with 182 children annually ages 2 months to 6 years on campus.

In the summer, our campus is alive with young people participating in athletic and academic camps. During this time, they are all over campus including the Student Union and, often, residence halls. A partial list follows: Summer Chamber Music Camp; e-Camp; football, swim, volleyball, soccer, tennis, softball, cross country, lacrosse, gymnastics and wrestling camps; DanceFest; Adventure Program, Youth Sports Program, Elementary-Level Academy, Literacy Academy, Morrison Center Performance Camps, Teen GameLab Design Camp, STEM Summer Adventure.

- **Law enforcement concerns:** There are good reasons that the police force that provides our campus security is opposed to this bill. Boise Police Chief Mike Masterson was prohibited from offering testimony in the Senate State Affairs Committee chaired by the bill's sponsor, but if he had been permitted to testify, he had planned to focus on the vast gulf in training between constantly drilled police officers and the "enhanced" concealed weapons permit holders, who go through one 8-hours class once every five years. He and other law enforcement leaders have pointed out the difficulty in having armed "good guys" and armed "bad guys" as law enforcement comes upon an emergency scene. It will be almost impossible for them to sort it out correctly and tragedy could well be the consequence if they cannot.

His prepared testimony included the following: "I'm here to oppose this legislation and am joined by virtually all police chiefs across the state policing Idaho's college campuses as well as presenting a letter from Chief Dan Hall, president of the Idaho Chiefs of Police Association, opposing it as well."