



IDAHO STATE BOARD OF EDUCATION

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February 27, 2014

The Honorable Thomas Loertscher
Idaho House of Representatives
State Capitol
700 W. Jefferson
Boise, ID 83720

RE: Senate Bill 1254

Dear Chairman Loertscher:

After review and careful analysis, the Idaho State Board of Education (SBOE) and the leaders of the state's public higher education institutions stand strongly in opposition to Senate Bill 1254. There is unanimous opposition to this bill by all of the presidents of the public universities, college and community colleges. In addition, the Idaho State Board of Education unanimously opposes this bill.

This bill does not address a Second Amendment constitutional issue. This legislation is based on the preference of legislators, not on rights under the Second Amendment.

1. The U.S. Supreme Court has ruled on this issue twice in the last six years in opinions authored by Justices Scalia and Alito. In *Dist. of Columbia v. Heller*, 554 U.S. 570 (2008), Justice Scalia wrote that, while the District of Columbia could not ban firearms due to the fundamental rights of the Second Amendment, 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 . . ."
2. Two years later in *McDonald v. City of Chicago*, 561 U.S. 3025 (2010), Justice Alito (joined by Justice Roberts, Justice Thomas, Justice Scalia and Justice Kennedy) reiterated this same language that the Second Amendment has never extended to carrying firearms in schools and government buildings and added that the Second Amendment is "not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose." Justice Alito then added that the longstanding laws prohibiting weapons in schools and government buildings are valid and that the Court "repeat[s] those assurances here."

The SBOE and Idaho's universities and colleges have very serious and substantive concerns about the impact of this bill:

1. The bill would allow open carry on our public campuses anywhere, including open display in classrooms.
2. The bill would allow open carry in dormitories and event centers. The bill bans only concealed carry in those venues.
3. The institutions would be unable to determine whether a person with a weapon is properly authorized to possess that weapon.
4. This legislation would create an unfunded mandate to enhance security on public campuses. The bill would require that the institutions take steps to deal with situations where multiple firearms might be used in conflict situations. The institutions would be forced to arm and train security staff or contract for armed security. This need would be heightened for those sites subject to regulation by the Nuclear Regulatory Commission and the Department of Energy. Initial estimates from the institutions indicate expenditures of between \$5 and \$8 million collectively.
5. It is unclear how the proposed law would affect existing relationships with employees or contractors in critical areas such as those associated with campus safety. It poses questions as to whether employees with an enhanced permit can insist on carrying weapons irrespective of the nature of their jobs. If so, our institutions must train and hire to account for this.
6. The immunity provision included in this bill incentivizes zero regulation or control of weapons on campuses other than violations of criminal law.

If the primary concern is safety, there are many ways to address this concern without involving more guns on campuses.

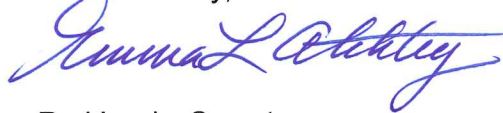
Great leaders listen to local leaders who are on the ground and are best suited to identify appropriate strategies and solutions to ongoing local issues. The presidents of our institutions of higher education and the Idaho State Board of Education strongly recommend a "no" vote on Senate Bill 1254.

Sincerely,

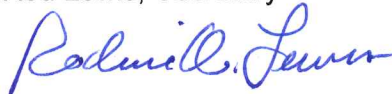
Don Soltman, President



Emma Atchley, Vice President



Rod Lewis, Secretary



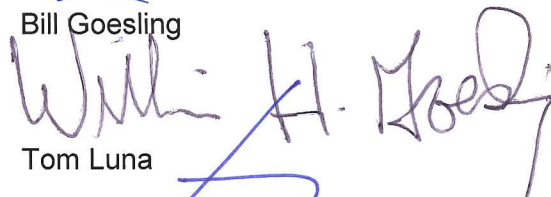
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