



TENNESSEE BOARD OF REGENTS

Office of General Counsel

1415 Murfreesboro Road, Suite 336 | Nashville, TN 37217-2833 | Phone 615.366.4438 | Fax 615.366.3910 | www.tbr.edu

MEMORANDUM

To: Presidents and Directors

**From: Mary G. Moody
General Counsel**

Date: October 12, 2015

RE: Firearms on College or University Property

On July 1, 2013, T.C.A. § 39-17-1313, which has been referred to as the “Guns in Trunks” law, took effect. For decades, there had been a general statutory criminal prohibition on the possession of firearms and other weapons on our campuses. There had also been several very specific statutory exceptions to the general criminal prohibition. The Guns in Trunks law did not change any of the previously existing laws; it merely added another very specific statutory exception to the general criminal statute prohibiting possession of weapons on campus.

Under T.C.A. § 39-17-1313, it is not a crime for the holder of a valid handgun carry permit recognized in Tennessee to transport and store a firearm and ammunition in that permit holder’s privately owned motor vehicle if the firearm is kept from ordinary observation and the firearm is locked within the trunk, glove box, or interior of the that motor vehicle or a container securely affixed to that vehicle when the permit holder is not in the vehicle. The vehicle must also be properly parked.

2015 Statutory Change

While T.C.A. § 39-17-1313 did not affect TBR or institution policies prohibiting the possession of weapons, including firearms, by employees and students, in 2015 the General Assembly enacted T.C.A. §50-1-312, which prohibits an employer from discharging or otherwise taking an adverse employment action against an employee solely for transporting or storing a firearm or firearm ammunition in an employer parking area in a manner consistent with T.C.A. § 39-17-1313. The result is that, effective July 1, 2015, you can no longer take any adverse action against an employee who has a firearm or firearm ammunition in their

vehicle **IF** the employee has a valid carry permit **AND** is fully in compliance with T.C.A. § 39-17-1313. You **CAN** advise the employee that TBR Personnel Guideline P-085 prohibits the possession of weapons, including firearms, by employees and that their cooperation would be appreciated.

T.C.A. §50-1-312 has no effect on TBR Policy 3:02:001 II. B. 8, which prohibits the possession of weapons by students, or any similar institutional policies or guidelines. Consequently, while it may no longer be a crime for students possessing a valid handgun carry permit to have a firearm in their privately owned vehicles under the conditions required by T.C.A. § 39-17-1313, **IT IS STILL A VIOLATION OF TBR and/or INSTITUTION POLICY.**

Generally, possession of weapons on institution property outside the confines of a vehicle is still A CRIME under T.C.A. § 39-17-1309, regardless of a person's status as the holder of a carry permit For example, no one may carry a weapon outdoors on institution property, nor may anyone have a weapon in an office, residence hall, classroom, arena, stadium or any other campus facility.

There are a number of statutory exceptions to the criminal statute, but the two most commonly encountered are (1) POST-certified, active duty law enforcement officers, whether on or off duty, may possess and carry their firearm on institution property; and, (2) Students who are members of the ROTC or members of a club or team who are required to carry arms or weapons in the discharge of their official class or team duties may do so. Institutions **MAY NOT** prohibit law enforcement officers from having their weapons in residence halls, but **MAY** require them to secure the weapon under lock and key when it is not on their person. Institutions **MAY** prohibit students from having their ROTC or class/team weapons in residence halls.

Included with this memorandum is a guide to enforcement of current statutes and policies relative to possession of firearms on campus. This guide is not an exhaustive list of situations that might arise. If there is a question about how to handle a particular situation, contact your college or university counsel, or the Office of General Counsel.

Also included is an example of the recommended standard sign to be used when posting the weapons prohibition on TBR campuses. Institutions are not required to replace non-conforming signs immediately, but should use the standard sign when replacing signs in the course of ordinary maintenance. The minimum size for such signs is 6" high by 14" wide; however signs used in parking lots and other outdoor locations should be large enough to be easily read from a vehicle entering the campus.

If you have any questions about interpretation of this guidance, please contact the Office of General Counsel at 615-366-4438 or email mary.moody@tbr.edu .

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October 7, 2015

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Attachments:

Guide to Gun Laws on Campus

Effective July 1, 2015

Standard Sign-Weapons Prohibited

cc: Chief Security Officers
Human Resource Officers
Student Affairs Officers
University Counsel

**TBR GUIDE TO GUN LAWS ON CAMPUS
EFFECTIVE JULY 1, 2015**

PERSON IN POSSESSION***	CRIME	POLICY VIOLATION	ACTION
Anyone with gun in hand , in or out of vehicle Anyone with gun in campus facility (dorm room, office, classroom, stadium, etc.)	YES TCA §39-17-1309(b)(1)	YES TCA §39-17-1359	ARREST*. If employee or student, also report incident to appropriate campus office.
Employee without carry permit , gun in vehicle but NOT handled	NO TCA §39-17-1309(c)(1)	YES TBR Guideline P-085	DIRECT TO IMMEDIATELY REMOVE GUN FROM CAMPUS. Also report incident to Human Resources
Student without carry permit , gun in vehicle.	YES TCA §39-17-1309(b)(1)	YES TBR Policy 3:02:00:01, II. B. 8.	ARREST*. Also report incident to appropriate campus office.
Employee with carry permit , gun secured in vehicle, out of sight. Vehicle is properly parked	NO TCA §39-17-1313 (eff. July 1, 2013)	YES TBR Guideline P-085	ADVISE EMPLOYEE THAT POLICY PROHIBITS WEAPONS ON CAMPUS AND REQUEST COOPERATION.
Student with carry permit , gun secured in vehicle, out of sight. Vehicle is properly parked.	NO TCA §39-17-1313 (eff. July 1, 2013)	YES TBR Policy 3:02:00:01, II. B. 8.	DIRECT TO IMMEDIATELY REMOVE GUN FROM CAMPUS. Also report incident to appropriate campus office.
General Public without carry permit, gun contained in vehicle, in or out of sight. Gun may NOT be handled.	NO TCA §39-17-1309(c)(1)	YES** TCA §39-17-1359	DIRECT TO IMMEDIATELY REMOVE GUN FROM CAMPUS.
Person picking up or dropping off passengers only. Gun may not be removed or utilized.	NO TCA §39-17-1310(4)	YES** TCA §39-17-1359	DIRECT TO IMMEDIATELY REMOVE GUN FROM CAMPUS.
Person possessing guns or knives when conducting or attending "gun and knife shows" approved by the President/Director	NO TCA §39-17-1310(3)	NO	Confirm the approved "gun and knife show".
Student or employee possessing weapon used solely for instructional or school-sanctioned ceremonial purposes	NO TCA §39-17-1309(b)(1)	NO Exception-Campus policy may prohibit such weapons in residence halls.	Confirm the instructional or ceremonial purpose.

*If you do not have campus law enforcement with police powers, call local law enforcement.

** Campus should be posted in accordance with TCA §39-17-1309 and TCA §39-17-1359.

*** Active-duty POST-certified law enforcement officers, on or off duty, may carry firearms at all times and places.



WEAPONS PROHIBITED

FELONY STATE LAW PRESCRIBES A MAXIMUM PENALTY OF SIX (6) YEARS IMPRISONMENT AND A FINE NOT TO EXCEED THREE THOUSAND DOLLARS (\$3,000) FOR CARRYING WEAPONS ON SCHOOL PROPERTY. T.C.A. §39-17-1309; T.C.A. §39-17-1359