

1 HB12
2 172889-1
3 By Representatives Butler, Farley, Hanes, Nordgren, Hill (J),
4 Whorton (R), Rich and Wood (Constitutional Amendment)
5 RFD: Education Policy
6 First Read: 02-FEB-16
7 PFD: 01/12/2016

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8 SYNOPSIS: This bill would propose an amendment to the
9 Constitution of Alabama of 1901, to allow a
10 concealed pistol permit holder to carry a concealed
11 pistol upon his or her person while the permit
12 holder is on the campus of a public institution of
13 higher education or a private institution of higher
14 education.

15 The amendment would allow public
16 institutions of higher education or private
17 institutions of higher education to establish rules
18 concerning the storage of pistols in dormitories or
19 other residential facilities that are owned or
20 leased and operated by the institution and located
21 on the campus of the institution and to further
22 limit the carrying of pistols on campus under
23 certain conditions.

24 This amendment would also provide immunity
25 for public and private institutions of higher
26 education from damages arising from action or

1 inaction under the requirements of the amendment,
2 with certain limitations.

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4 A BILL
5 TO BE ENTITLED
6 AN ACT

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8 To propose an amendment to the Constitution of
9 Alabama of 1901, to allow a concealed pistol permit holder to
10 carry a concealed pistol upon his or her person while the
11 permit holder is on the campus of a public institution of
12 higher education or a private institution of higher education;
13 to allow public or private institutions of higher education to
14 establish rules concerning the storage of pistols in
15 dormitories or other residential facilities; to allow the
16 president or other chief executive officer of a public
17 institution of higher education to adopt reasonable rules
18 regarding the carrying of concealed pistols by permit holders
19 on the campus of the institution or on premises located on the
20 campus of the institution with certain limitations; to allow a
21 private institution of higher education to adopt rules
22 prohibiting permit holders from carrying pistols on the campus
23 of the institution, any grounds or building on which an
24 activity sponsored by the institution is being conducted, or a
25 passenger transportation vehicle owned by the institution; to
26 provide immunity for public and private institutions of higher
27 education from damages arising from action or inaction under

1 the requirements of the amendment, with certain limitations;
2 and to allow the Legislature to adopt criminal penalties for
3 violations of the amendment by general law.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. The following amendment to the
6 Constitution of Alabama of 1901, as amended, is proposed and
7 shall become valid as a part thereof when approved by a
8 majority of the qualified electors voting thereon and in
9 accordance with Sections 284, 285, and 287 of the Constitution
10 of Alabama of 1901, as amended:

11 PROPOSED AMENDMENT

12 (a) For the purposes of this amendment, the
13 following terms shall have the following meanings:

14 (1) CAMPUS. All land and buildings owned or leased
15 by an institution of higher education.

16 (2) PRIVATE INSTITUTION OF HIGHER EDUCATION.
17 Independent colleges or universities incorporated and located
18 in this state, which by virtue of law or charter or license
19 are educational institutions authorized to grant academic
20 degrees and which provide a level of education which is
21 equivalent to the education provided by a public institution
22 of higher education.

23 (3) PUBLIC INSTITUTION OF HIGHER EDUCATION. Those
24 public educational institutions in Alabama which provide
25 formal education, including vocational, technical, collegiate,
26 professional, or any other form of education, above the
27 secondary school level.

1 (4) PREMISES. A building or a portion of a building.
2 The term does not include any public or private driveway,
3 street, sidewalk or walkway, parking lot, parking garage, or
4 other parking area.

5 (b) A person who has a permit under Section
6 13A-11-75, Code of Alabama 1975, may carry a concealed pistol
7 upon his or her person while the permit holder is on the
8 campus of a public institution of higher education or, except
9 as otherwise provided in subsection (f), a private institution
10 of higher education.

11 (c) Except as provided in subsection (d), (e), or
12 (f), a public institution of higher education or a private
13 institution of higher education may not adopt any rule
14 prohibiting permit holders from carrying pistols on the campus
15 of the institution.

16 (d) A public institution of higher education or a
17 private institution of higher education may establish rules
18 concerning the storage of pistols in dormitories or other
19 residential facilities that are owned or leased and operated
20 by the institution and located on the campus of the
21 institution.

22 (e) (1) After consulting with students, staff, and
23 faculty of the institution regarding the nature of the student
24 population, specific safety considerations, and the uniqueness
25 of the campus environment, the president or other chief
26 executive officer of a public institution of higher education
27 shall adopt reasonable rules regarding the carrying of

1 concealed pistols by permit holders on the campus of the
2 institution. The president or officer may not adopt rules that
3 generally prohibit or have the effect of generally prohibiting
4 permit holders from carrying concealed pistols on the campus
5 of the institution. The president or officer may amend the
6 rules as necessary for campus safety. The rules shall take
7 effect as determined by the president or officer unless
8 subsequently amended by the board of trustees or other
9 governing board under subdivision (2). The institution must
10 give effective notice as provided in subsection (c) of Section
11 13A-11-61.2, Code of Alabama 1975, with respect to any portion
12 of a premises on which permit holders may not carry.

13 (2) Not later than the 90th day after the date that
14 the rules are adopted as described by subdivision (1), the
15 board of trustees or other governing board of the public
16 institution of higher education shall review the rules. The
17 board of trustees or other governing board, by a vote of not
18 less than two-thirds of the board, may amend wholly or
19 partially the rules established under subdivision (1). If
20 amended under this subdivision, the rules are considered to be
21 those of the institution as established under subdivision (1).

22 (3) A public institution of higher education shall
23 widely distribute the rules described by subdivision (1) to
24 the institution's students, staff, and faculty, including by
25 prominently publishing the rules on the institution's Internet
26 website.

1 (4) Not later than September 1 of each even-numbered
2 year, each public institution of higher education shall submit
3 a report to the Speaker of the House of Representatives and
4 the President Pro Tempore of the Senate including the
5 following information:

6 a. A description of its rules regarding the carrying
7 of concealed pistols on the campus of the institution.

8 b. An explanation of the rationale supporting the
9 rules.

10 (f) A private institution of higher education, after
11 consulting with students, staff, and faculty of the
12 institution, may establish rules or other provisions
13 prohibiting permit holders from carrying pistols on the campus
14 of the institution, any grounds or building on which an
15 activity sponsored by the institution is being conducted, or a
16 passenger transportation vehicle owned by the institution.

17 (g) A public institution of higher education, an
18 officer or employee of a public institution of higher
19 education, a private institution of higher education that has
20 not adopted rules under subsection (f), and an officer or
21 employee of a private institution of higher education that has
22 not adopted rules under subsection (f), is not liable for any
23 damages caused by an action authorized under this section or
24 the failure to act under this section, unless:

25 (1) The act or failure to act was arbitrary or
26 capricious.

1 (2) The basis of the claim for personal injury or
2 property damage is the conduct of an employee or officer of an
3 institution who possesses a pistol on the campus of the
4 institution.

5 (h) The Legislature may provide criminal penalties
6 for violations of this amendment by general law.

7 Section 2. An election upon the proposed amendment
8 shall be held in accordance with Sections 284 and 285 of the
9 Constitution of Alabama of 1901, now appearing as Sections 284
10 and 285 of the Official Recompilation of the Constitution of
11 Alabama of 1901, as amended, and the election laws of this
12 state.

13 Section 3. The appropriate election official shall
14 assign a ballot number for the proposed constitutional
15 amendment on the election ballot and shall set forth the
16 following description of the substance or subject matter of
17 the proposed constitutional amendment:

18 "Proposing an amendment to the Constitution of
19 Alabama of 1901, to allow a concealed pistol permit holder to
20 carry a concealed pistol upon his or her person while the
21 permit holder is on the campus of a public institution of
22 higher education or a private institution of higher education;
23 to allow public or private institutions of higher education to
24 establish rules concerning the storage of pistols in
25 dormitories or other residential facilities; to allow the
26 president or other chief executive officer of a public
27 institution of higher education to adopt reasonable rules

1 regarding the carrying of concealed pistols by permit holders
2 on the campus of the institution or on premises located on the
3 campus of the institution with certain limitations; to allow a
4 private institution of higher education to adopt rules
5 prohibiting permit holders from carrying pistols on the campus
6 of the institution, any grounds or building on which an
7 activity sponsored by the institution is being conducted, or a
8 passenger transportation vehicle owned by the institution; to
9 provide immunity for public and private institutions of higher
10 education from damages arising from action or inaction under
11 the requirements of the amendment, with certain limitations;
12 and to allow the Legislature to adopt criminal penalties for
13 violations of the amendment by general law.

14 "Proposed by Act _____."

15 This description shall be followed by the following
16 language:

17 "Yes () No ()."