



## **SB 100 – Guns on Campus Points in Opposition**

### **INTRODUCTION**

1. SB 100 fails to adequately limit where concealed handguns can be carried, with minor exceptions, and does not consider the unintended consequences that can take place if handguns are allowed in many spaces on campus. Several states limit locations where people who are licensed to carry a concealed weapon can carry. See Appendix A
2. The Supreme Court rulings in the *Heller* and *Bruen* cases support the proposition that colleges and universities are “sensitive places” where firearms can be regulated and not be contrary to the 2<sup>nd</sup> Amendment. Further to that point, we have provided an Amicus Brief demonstrating a long history of colleges prohibiting weapons and state statutes supporting the same.
3. Allowing firearms on campus will increase the risk of suicide for students and put more women at risk for domestic violence and sexual assault. Currently, South Dakota’s college campuses have very low crime rates.
4. Incidents involving firearms on campus in states where they can be carried DO ACTUALLY HAPPEN. In several state legislatures, some individuals continue to state that no incidents have occurred. This is incorrect and misleading.
- 5 After the Virginia Tech massacre in 2007, The Virginia Tech Review Panel put forth 70 recommendations, ranging from safety and security planning to mental health, for preventing future tragedies. None of those recommendations included allowing non-law enforcement to carry concealed weapons on campus.

### **1. HB 125 fails to adequately limit where concealed handguns can be carried**

With respect to public colleges and universities, SB 100 states in part, Neither the Board of Regents nor any institution under the control of the board may restrict or limit the lawful carrying, possession, storage, or transportation of: (1) A concealed pistol, as defined in § 22-1-2, and compatible ammunition, by any individual within the boundaries of the institution, or while in any building or

structure owned or leased by the board or the institution; (this restriction also applies to South Dakota Board of Technical Education

This language is especially broad and does not consider certain sensitive areas on campuses that include but may not be limited to: (1) Laboratories; (2) disciplinary hearings; (3) faculty and administrative offices; (4) Sporting events and locker rooms' (5) medical and counseling facilities, and (6) dormitory/residence halls, among others.

It is interesting to note that there are 10 other states where guns on campus is the law and in all of those states, they do provide exceptions or exclusionary zones where guns are not permitted. These range from the least restrictive, Utah (*where guns are permitted nearly everywhere, however, dormitory residents can request only roommates who are not licensed to carry a concealed firearm*). While in Texas, where colleges and universities have continued to be able to prohibit guns in 1) disciplinary hearings and faculty offices; 2) in dormitory rooms; 3) healthcare centers and centers dedicated to children's wellness, and 4) athletic events. Finally, in Wisconsin, where private and public colleges are allowed to prohibit the carry of concealed weapons in **all buildings**, if proper signage is posted. We have prepared a comparison chart as Appendix A, that compares the 10 states with SB 100 for your review.

## **2. The Supreme Court rulings in the *Heller* and *Bruen* cases support the proposition that colleges and universities are “sensitive places” where firearms can be regulated**

The late Justice Scalia himself recognized the tradition of localized control on this issue. In writing the opinion for *District of Columbia v. Heller*, which recognized that the Second Amendment extends to a right to possess firearms in the home for self-defense, he went out of his way to reaffirm the legality of laws restricting carry in sensitive places like schools. In this sense, our constitutional tradition recognizes that even a fundamental liberty that can protect lives should still be regulated, when it can also unjustifiably take them. The court in *Bruen* reaffirmed what was stated by Justice Scalia in *Heller* that prohibitions on carrying firearms on college campuses are “consistent with this Nation’s historical tradition of firearm regulation.” *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*.

If one looks to the historical record, you will see that aside from what the Supreme Court has held, that schools are “sensitive places” where guns can be regulated, there is ample evidence of private and public colleges prohibiting guns on campus that date back to before ratification of the U.S. Constitution and continuing through the post-Civil War era. Similarly, there is evidence of several state laws prohibiting firearms on campus, including Arizona, Oklahoma, and Missouri. See Brief of Amici Curiae Professors Mary Sarah Bilder, Saul Cornell, and Peter Charles Hoffer, *Knox v. Georgia*.

### **3. Allowing firearms on campus will increase the risk of suicide for students, and put more women at risk for domestic violence and sexual assault**

College students are at an elevated risk of suicide compared to other age ranges. Suicide is the second leading cause of death for college age students.<sup>1</sup> In 2019, between 9% and 11% of college students seriously considered suicide, and, tragically, each year about 1,100 college students die by suicide.<sup>2</sup> Firearm access is strongly associated with increased rates of suicide, meaning that increased access to firearms on college campuses would compound suicide risk in this already vulnerable group. A suicide attempt with a gun is considerably more lethal than attempts using other means—85% of gun suicide attempts are fatal.<sup>3</sup> Further, individuals experiencing suicidal ideation who do not have immediate access to a lethal suicide method, such as a gun, in most cases do not seek out another way to take their life.<sup>4</sup> Allowing guns in an environment in which rates of suicide are high is therefore especially dangerous. As you know, South Dakota has a highest firearm suicide (In 2021, there were a total of 128 firearm deaths in South Dakota, with 98 of those deaths being firearm suicide)

**(<https://publichealth.jhu.edu/sites/default/files/2024-01/2023-june-cgvs-u-s-gun-violence-in-2021-v3.pdf>)**

Permitting guns-on-campus would also exacerbate incidences of sexual assault and intimate partner violence. Women between the ages of 18 and 24 already comprise the group most likely to be abused by an intimate partner.<sup>5</sup> Armed perpetrators make victims of intimate partner violence much more vulnerable to attack and abuse. <sup>6</sup>An abuser's access to a firearm increases

---

<sup>1</sup> *University and college campus suicide prevention*, Am. Found. for Suicide Prevention, <https://afsp.org/university-and-college-campus-suicide-prevention>.

<sup>2</sup> *Data Highlights: Seriously Considered Suicide*, Am. Coll. Health Ass'n National College Health Assessment, Archived March 10, 2018, [https://web.archive.org/web/20180310004934/http://www.achancha.org/data/PHYSMENTAL\\_3\\_all.html](https://web.archive.org/web/20180310004934/http://www.achancha.org/data/PHYSMENTAL_3_all.html) (providing data from Spring 2000—Spring 2006). See also Jameson K. Hirsch, Jon R. Webb & Elizabeth L. Jeglic, *Forgiveness, Depression, and Suicidal Behavior Among a Diverse Sample of College Students*, 67 J. Clinical Psych. 1 (2011), available at [http://faculty.etsu.edu/hirsch/forgive\\_dep\\_suicide.pdf](http://faculty.etsu.edu/hirsch/forgive_dep_suicide.pdf) (noting that about 6.4% to 9.5% of college students seriously consider suicide); American Psychiatric Association, *Resource Document on College Mental Health and Confidentiality* (2009), available at [https://www.psychiatry.org/File%20Library/Psychiatrists/Directories/Library-and-Archive/resource\\_documents/resource-2016-college-mental-health-and-confidentiality.pdf](https://www.psychiatry.org/File%20Library/Psychiatrists/Directories/Library-and-Archive/resource_documents/resource-2016-college-mental-health-and-confidentiality.pdf).

<sup>3</sup> Sara B. Vyrostek, Joseph L. Annest, George W. Ryan, *Surveillance for Fatal and Nonfatal Injuries – United States, 2001*, Morbidity & Mortality Weekly Report, Centers for Disease Control & Prevention (2004), available at <https://www.cdc.gov/MMWR/preview/mmwrhtml/ss5307a1.htm>.

<sup>4</sup> *Protecting others and yourself*, Am. Found. for Suicide Prevention, <https://afsp.org/protecting-others-and-yourself>.

<sup>5</sup> *Nonfatal Domestic Violence, 2003-2012*, U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, <https://bjs.ojp.gov/content/pub/pdf/ndv0312.pdf>.

<sup>6</sup> Jacquelyn C. Campbell et al., *Risk Factors for Femicide in Abusive Relationships: Results From a Multisite Case Control Study*, 93 Am. J. of Pub. Health 1089 (2003).

the risk of femicide by 1,000%.<sup>7</sup> Data shows that after guns-on-campus policies took effect in Utah and Colorado, sexual assault crimes committed on or near college campuses in those states increased (during a period when the nationwide rate of sexual assaults decreased).<sup>8</sup> Additionally, survivors of intimate partner assault and groups like the National Coalition Against Domestic Violence assert that possession of a firearm does not increase safety.<sup>9</sup> As one study indicates, a victim's purchase of a firearm *increases* their risk of intimate partner homicide by 50% and doubles their risk of firearm homicide by an abusive partner.<sup>10</sup> Nor does permitting guns on campus reduce the number of reported sexual assault crimes.<sup>11</sup>

#### **4. Incidents involving firearms on campus in states where they can be carried do actually happen**

The Campaign to Keep Guns Off Campus has identified through Open Records Requests, gun incidents on several campuses where guns are permitted. See attached.

#### **5. After the Virginia Tech massacre in 2007, The Virginia Tech Review Panel put forth 70 recommendations, ranging from safety and security planning to mental health, for preventing future tragedies**

We would further ask you to consider in response to the 2007 shootings at Virginia Tech the bipartisan Virginia Tech Review Panel report, which put forth 70 recommendations, ranging from safety and security planning to mental health, for preventing future tragedies. Pointedly, the Panel rejected allowing guns on campus as a means of deterring or responding to a mass shooting. Considering both sides of the argument, the Panel ultimately appeared persuaded by data that having more guns on campus would pose a greater risk of increasing accidental and intentional shootings, than of reducing crime.<sup>12</sup>

---

<sup>7</sup> Chelsea M. Spencer & Sandra M. Stith, *Risk Factors for Male Perpetration and Female Victimization of Intimate Partner Homicide: A Meta-Analysis*, 21 *Trauma, Violence & Abuse* 527 (2018).

<sup>8</sup> Julie A. Gavran, *Concealed Handguns on Campus: A Multi-Year Study*, 25 *Visions: The J. of Applied Research for the Association of Fla. Colleges* 1 (2017) 13.

<sup>9</sup> Jacquelyn C. Campbell et al., *Risk Factors for Femicide in Abusive Relationships: Results From a Multisite Case Control Study*, 93 *Am. J. of Pub. Health* 1089 (2003); David Hemenway & Sara Solnick, *The epidemiology of self-defense gun use: Evidence from the National Crime Victimization Surveys 2007-2011*, 79 *Preventive Medicine* 22 (2015); *Don't Vote to Allow Guns on College Campuses*, Change.org, <https://www.change.org/p/arizona-state-house-don-t-vote-to-allow-guns-on-college-campuses>.

<sup>10</sup> Garen J. Wintemute, Mona A. Wright & Christiana M. Drake, *Increased risk of intimate partner homicide among California women who purchased handguns*, 41 *Annals of Emergency Med.* 281 (2003).

<sup>11</sup> Leslie A. Biastro, Karen H. Larwin & Marla E. Carano, *Arming the academy: How carry-on-campus impact incidence of reported sexual assault crimes*, 32 *The Research in Higher Educ. J.* 1 (2017).

<sup>12</sup> Report of the Virginia Tech Review Panel, (August 2007)  
<https://scholar.lib.vt.edu/prevail/docs/VTReviewPanelReport.pdf> (last accessed 3/10/24).

## APPENDIX A

To provide a better understanding of what each state that requires public colleges and universities<sup>i</sup> to allow guns on campus, we have created a snapshot of each state with a breakdown of where concealed firearms are prohibited and show how this differs from South Dakota SB 100

<b>States Allowing Guns On Campus</b>	<b>Dorms/Residence Halls</b>	<b>Other Buildings/Facilities</b>	<b>Hearings</b>	<b>Other restrictions</b>
South Dakota	YES	Yes	Not restricted	Not restricted in K-8 public schools or early childcare centers
Arkansas	Yes	Not permitted collegiate athletic events.	Not permitted in grievance or disciplinary meetings	Not permitted public K-12 school, prekindergarten, or daycare facility.
Colorado	LAW WAS REPEALED.			
Georgia	Not Permitted in university housing or Greek housing	Not permitted at athletic events or faculty offices	Not Permitted in disciplinary hearings.	Not permitted where K-12 education occurs
Idaho	Not Permitted	Not permitted in public entertainment facilities on campus (stadium, arena, theater, etc.) that		Must have enhanced carry permit

		holds 1000 people or more		
Kansas	Yes, if a secure storage device is used.	Each college determines whether and to what extent otherwise lawfully possessed concealed handguns will be prohibited in any campus buildings or areas of buildings by provision of adequate security measures, permanent or temporary, at each public entrance to the building or area with conspicuously posted signs indicating that carrying a concealed handgun into that building is prohibited.	N/A	N/A
Mississippi	Not permitted	Generally, not permitted		Individuals with enhanced carry permits may carry at some schools but not in buildings
Tennessee	Not Permitted	Not permitted in a hospital, or an office where	Not permitted in meetings	Only faculty can carry a concealed

		<p>medical or mental health services are the primary services provided.</p> <p>Not permitted in Stadiums, gymnasiums, and auditoriums when school- sponsored events are in progress.</p>	<p>regarding disciplinary matters or in meetings regarding tenure issues</p>	<p>weapon and must notify campus law enforcement</p>
Texas	<p>Limitations: Not permitted in on-campus residence halls with the following exceptions: • Concealed handguns are permitted in common areas such as lounges, dining areas and study areas by LTC holders</p> <p>A resident's licensed family members may carry in the resident's room while visiting. A licensed full-time staff member who lives in university housing may carry</p>	<p>Not permitted in on campus Child care facilities.</p> <p>Not permitted in any business that gets 51% or more of its income from the sale or service of alcohol on campus.</p> <p>Not permitted at high school, collegiate, or professional sporting event or interscholastic event held on campus.</p> <p>Not permitted in any patient care areas (including mental health care) on campus.</p>	<p>Not permitted in on campus court rooms or places where student hearings occur.</p>	<p>Many exclusion zones are established on Texas' campuses</p>

	and store their handgun.	<p>Not permitted in labs or animal research facilities on campus.</p> <p>Sole Occupancy Offices if the sole occupant notifies those who may be entering that concealed pistols and revolvers are prohibited.</p>		
Utah	Permitted, however, dormitory residents can request only roommates who are not licensed to carry a concealed firearm.	N/A		
West Virginia	Not permitted with exceptions: students who live in the on-campus residence hall at WVU will be provided secure locations to store their pistol or revolver in at <b>least two</b> on-campus residence halls	<p>Not permitted in at Organized events taking place at a stadium or arena with a capacity of more than 1,000 spectators. Daycare facilities located on college Property.</p> <p>Sole Occupancy Offices if the sole occupant notifies</p>	Not permitted in on-campus room or rooms in which a student or employee disciplinary proceeding is being held.	New law took effect July 1, 2024



		<p>those who may be entering that concealed pistols and revolvers are prohibited.</p> <p>Specifically designated areas in which patient care or mental health counseling is being provided.</p>		
Wisconsin	Not permitted	<p>Not permitted at special events.</p> <p>Colleges can prohibit the carrying of firearms by licensed individuals by posting signs in all facilities and buildings to indicate that firearms and weapons are prohibited in the facility/building.</p> <p>Not permitted in vehicles.</p>	Not permitted	No employee shall carry or go armed with a firearm or other weapon at any time while in the course and scope of employment, unless it is necessary as determined and approved in advance by the chancellor or designees, usually the chief of police

---

<sup>i</sup> Wisconsin is the only state where private schools must allow some form of guns on campus but can restrict carry in dorms and other buildings if they post signage at all entrances (which they do).