

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 ( )."