

Case Brief

Emily Lane

Name of Case: Regents of the University of Colorado v. Students for Concealed Carry on Campus, LLC

Who are the parties: The Students for Concealed Carry on Campus, LLC, (collectively, the “Students”) against The University of Colorado’s Board of Regents (the “Board”).

What Court/Procedural History: Supreme Court of Colorado, En Banc, 2012

Facts: The Students filed a complaint against the Board alleging that the Board’s Weapons Control Policy (“the Policy”) - which prohibits the carrying of handguns on campus by all persons but certified law enforcement personnel - violates the Colorado Concealed Carry Act (“CCA”) as well as violating the Colorado Constitution’s right to bear arms.

The Board filed a motion to dismiss, and the district courts granted their motion. The Students appealed, and the court of appeals was reversed because the CCA applies to “all areas of the state”. Additionally, the Students had a claim for relief under the Colorado Constitution which gives individuals the right to bear arms in self-defense. The Board’s Weapons Control Policy was adopted in 1994 which prohibits “the possession of firearms...on or within any University of Colorado campus...” with the exception of “peace officers” or those “with written permission from the Chief of Police”. The minimum disciplinary sanction for a student who violates this policy is expulsion. However, in 2003, the General Assembly enacted the CCA to establish state-wide “uniform standards for issuing permits to carry concealed handguns for self-defense”. There are explicit exceptions noted in the CCA where a permit holder is not authorized to carry a concealed handgun but University of Colorado campuses are not noted in these exceptions.

The Students were granted a review with the Colorado Supreme Court who agreed with the Students’ claim that the Board does not have the authority to regulate concealed handgun possession on campus. However, the Colorado Supreme Court dismissed the Students’ constitutional claim for relief through agreeing with the court of appeals.

Issues: Is the Board’s weapons control policy a violation of the Colorado Concealed Carry Act and the Colorado Constitution’s right to bear arms?

Holding: The Court disagreed with the Board concluding that the General Assembly divested the Board of Regents of its authority.

Analysis/Reasoning: Despite the Board’s argument that they hold “special constitutional authority to enact policies governing the University of Colorado”, the Supreme Court of Colorado did not agree with their claim because the CCA did divest the Board of Regents of its authority in this stance. The CCA’s “comprehensive statewide purpose, broad language, and narrow exclusions” including “prohibiting the carrying of a concealed handgun onto the real property ‘of a public elementary, middle, junior high, or high school’ except in enumerated circumstances” presented ample support for the Court to support the Students’ appeal. The Court expressed, “[h]ad the legislature intended to [exclude] universities, it knew how to do so”.

Other Opinions: No concurring or dissenting opinions.

Personal Views/Opinions: The courts seemed to rule in favor of the correct party in this case. The General Assembly certainly seemed intentional in their description of exceptions to the CCA, and would have included the University of Colorado if they deemed it appropriate. I do wonder if the Board will continue searching for a way to enforce stricter concealed-carry regulations on their campus, and if there is any way to establish a policy in the future that yields the results they want. How finite is a ruling like this in preventing the Board from pursuing alternative means to their end goal of firearm regulation?