

New Mexico State University System

## Standards and Requirements for Firearms on University Premises

The following standards and requirements are established for the university system and the lands under the control of the Board of Regents, pursuant to the authority granted to the Chief of Police by Policy 3.50 *as of July 21, 2015*.

### **Applicable Statute:**

#### **Section 30-7-2.4 NMSA 1978, et seq**

#### **Unlawful carrying of a firearm on university premises; notice; penalty**

- A. Unlawful carrying of a firearm on university premises consists of carrying a firearm on university premises except by:
- (1) a peace officer;
  - (2) university security personnel;
  - (3) a student, instructor or other university-authorized personnel who are engaged in army, navy, marine corps or air force reserve officer training corps programs or a state-authorized hunter safety training program;
  - (4) a person conducting or participating in a university-approved program, class or other activity involving the carrying of a firearm; or
  - (5) a person older than nineteen years of age on university premises in a private automobile or other private means of conveyance, for lawful protection of the person's or another's person or property.
- B. A university shall conspicuously post notices on university premises that state that it is unlawful to carry a firearm on university premises.
- C. As used in this section:
- (1) "university" means a baccalaureate degree-granting post-secondary educational institution, a community college, a branch community college, a technical-vocational institute and an area vocational school; and
  - (2) "university premises" means:
    - (a) the buildings and grounds of a university, including playing fields and parking areas of a university, in or on which university or university-related activities are conducted; or
    - (b) any other public buildings or grounds, including playing fields and parking areas that are not university property, in or on which university-related and sanctioned activities are performed.
- D. Whoever commits unlawful carrying of a firearm on university premises is guilty of a petty misdemeanor.

### **The following are the requirements for each of the above exceptions:**

**1) Peace Officer:** Currently employed peace officers who are on duty with their respective agencies are allowed to carry firearms on university premises. Officers who are not on duty may carry firearms on university premises if allowed by their parent agency policies and procedures, and under the condition that they also have proper identification and that the

firearm remains concealed at all times. Off-duty officers attending special events are encouraged to check-in with the police event supervisor prior to entering. Off-duty officers who are living in campus housing must obtain approval from both the NMSU Housing and Residence Life Director and the NMSU Police Chief prior to being allowed to keep a firearm in the residence.

**2) Security Personnel:** Only security personnel employed by the university are allowed to carry a firearm on campus, and only when they are on duty, reporting for duty, or leaving duty. Security personnel may only carry a firearm if they have successfully completed a background check conducted by the NMSU Police Department, psychological exam, medical exam, and firearms training program (as specified by the NMSU Police Department). Security personnel authorized to carry a firearm must complete at least 4 hours of refresher training each year, and must qualify with the firearm annually. Only university-authorized firearms may be carried by security personnel. Any discharge of a firearm while on university premises (outside of designated training) must be immediately reported to the NMSU Police Department. Security personnel who are living in campus housing must obtain approval from both the NMSU Housing and Residence Life Director (or the appropriate facility supervisor if not part of campus housing) and the NMSU Police Chief prior to being allowed to keep a firearm in the residence.

**3) Classes, Hunter Safety Programs, and ROTC programs:** Any classes, hunter safety programs, and ROTC training involving the use of a firearm(s) on university premises must be registered with and approved by the university prior to being conducted. The instructor will be required to submit a firearm safety plan for review and approval prior to the event being approved. The safety plan shall include measures that will be taken to ensure firearms and ammunition are controlled at all times, the names of the individuals who will be responsible for supervision, the ratio of students to instructors/safety officers (may not exceed 6:1), emergency procedures that will be followed in the event of an injury or accidental discharge, and locations of any live firing. Any discharge of a firearm while on university premises (outside of designated training) must be immediately reported to the NMSU Police Department.

**4) University-approved programs, classes, or other activities involving the carrying of a firearm:** In order to be considered approved by the university, programs, classes, and other activities involving the carrying of a firearm must be registered with and approved through the Department of Campus Activities, with approval by the NMSU Chief of Police. Academic classes involving the use of a firearm must also have the approval of the Provost or Vice President for Academic Affairs of the particular campus. Other programs sponsored by the university must also have the approval of the appropriate Dean, Director, or Vice President overseeing the sponsoring unit. All programs and activities must submit a safety plan for approval by the Chief of Police, and participants may only have a firearm on university premises immediately prior to, during, and immediately after the authorized activity. Firearms may not be possessed in other parts of university premises except as necessary for transportation to and from the authorized activity. During transportation to and from the activity, the firearms shall be unloaded and locked inside approved containers. All participants shall undergo a fingerprint background check conducted by the NMSU Police Department prior to being allowed to bring a firearm onto university premises for the purpose of participating in authorized university activities, and may

be issued an authorization/identification card by the NMSU Police Department that must be kept on their person when utilizing a firearm on campus. Instructors or supervisors of authorized activities are responsible for ensuring the safe operation of firearms at all times. Any discharge of a firearm while on university premises (outside of designated training) must be immediately reported to the NMSU Police Department.

For employees of the university who may be required to carry a firearm in order to carry out their duties, there are additional requirements. Such employees must successfully complete an annual fingerprint background check conducted by the NMSU Police Department, as well as successfully complete an initial training program that is appropriate for the nature of their work with a firearm, annual refresher training, and annual qualifications. Such employees must register the firearms that will be used with their supervisor, and the supervisor shall retain copies of all registration and training records for the length of employment plus three years. Individuals authorized under this section and who are living on university premises must obtain approval from both the NMSU Housing and Residence Life Director (or the appropriate facility supervisor if not part of campus housing) and the NMSU Police Chief prior to being allowed to keep a firearm in the residence.

Firearms may not be transported inside university-owned vehicles unless approval has been obtained from the appropriate Dean, Director, or Vice President, and a safety plan for securing the firearm(s) has been approved by the NMSU Police Chief.

**5) Carrying a firearm inside a private vehicle by individuals older than 19 years of age:**

Individuals may have firearms inside their vehicles while on university premises, but shall not take them out of the vehicle nor brandish them while on university premises. Anyone already prohibited by law from possessing a firearm is prohibited from having one in their vehicle.

**Additional Penalties:**

Violations of the above may result in criminal charges, as well as disciplinary charges for students and employees. Individuals violating the above may also be removed from university premises and barred from re-entry.

**Limitations:**

These standards and requirements do not apply to lands owned by the Board of Regents, but leased to another party and no longer under the operational control of the Board of Regents, unless specifically stated otherwise in the terms of the lease.

For questions regarding these standards and regulations, contact:

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