

## Employee Questions/Comments 1160-Weapons

### **Employee 1 Questions/Comments:**

Although listed as a Barton College-wide policy, in fact this is a Great Bend Campus specific policy and should be labeled as such.

Fort Riley is an exclusive federal installation and local laws and ordinances do not always apply on post. In this case, the Staff Judge Advocate's opinion, dated 4 August 2015, states in part: **“While Kansas allows people to carry concealed handguns, Fort Riley regulations remain in effect and strictly prohibit the concealed carry of handguns on the installation”**. ( <http://www.riley.army.mil/News/Article-Display/Article/612013/kansas-concealed-carry-laws-and-their-impact-on-big-red-one-soldiers/> )

Fort Riley Regulation 190-1 Control of Privately Owned Firearms, Weapons, Explosives and Ammunition ( <http://www.riley.army.mil/Portals/0/Docs/Units/Garrison/DES/FRReg190-1.pdf?ver=2014-01-13-090244-237> ) also prohibits concealed or open carry on post and implements strict registration requirements to bring a weapon on post.

Fort Leavenworth has similar policies: **“It’s illegal to carry a concealed firearm on post, even for those who possess a Kansas concealed-carry permit. Weapons transported in a vehicle on post must be unloaded and locked in the trunk or openly displayed in the vehicle. Weapons cannot be left in any vehicle that is not occupied by an adult.”** ([http://www.mybaseguide.com/army/110-1762-4841/fort\\_leavenworth\\_weapon\\_registration](http://www.mybaseguide.com/army/110-1762-4841/fort_leavenworth_weapon_registration))

The applicable military regulations need to be listed as references to the policy and it needs to state that it does not apply to military or federal installations. Additionally, the policy does not take into account Barton travel outside the state.

### **Employee 2 Questions/Comments:**

- lawful possession of Weapons:
  - a. by law enforcement officers while acting within the scope of the employment

Comment: An officer can be in uniform when not on duty and I believe must then carry a weapon. If not in uniform, then the general CC policy would apply.
- who is addicted to and an unlawful user of a controlled substance [K.S.A. 21-6301 (a)(10)],

Comment: Who determines that this is true? How is it determined? Are a person's medical records open to inspection by the college? If there must be either a conviction or rehab, then that should be stated.
- who is or has been a mentally ill person subject to involuntary commitment [K.S.A. 21-6301 (a)(13)]

Comment: A person may have been subject to involuntary commitment at some time in the past, but no longer has any evidence of a mental disability. Does this need a statute of limitations? In the worst case: in a dispute between individuals, one could be maliciously alleged to have mental illness that leads to involuntary commitment, but where it otherwise would not have been warranted. (think nasty divorce). This seems like an appropriate restriction, but it may capture some that would otherwise not be considered a danger to themselves or others. (unintended consequences)

- with an alcohol or substance abuse problem subject to involuntary commitment [K.S.A. 21-6301 (a)(13)]

Comments: A person who at some time in the past was addicted to alcohol refers to him/herself as an Alcoholic. Does that current reference, even though it may be 10 or 20 years without a drink qualify as an addiction? If so, I disagree. A person who reforms him/herself should not be punished under this definition.

Does this mean rehab or criminal confinement? If only rehab, then it is not strong enough. Conviction of DUI or Substance use should probably qualify.

- A cartridge which can be fired by a Handgun and which has a plastic-coated bullet with a core of less than 60% lead by weight is illegal [K.S.A. 21-6301 (a)(6)]

Comment: I agree. I am concerned that this specific restriction will be used to justify other illegal or unwanted actions because they are not enumerated as this one is. Are there others that should be listed or should this be changed to a more generic "all restrictions of Kansas law"?

- The possession/transportation of a handgun in college owned vehicles is prohibited (with exception to Concealed Carry section IV).

Comment: A person traveling on college business should not be restricted from the self-protection offered by a CC weapon if they so choose. An alternative would be for any employee that chooses to CC may without penalty or retaliation use his/her vehicle and be reimbursed per college policy. Is the purpose of the policy an insurance restriction or is it a policy determined to be in the best interest of the College?

- These storage devices must be secured to a fixed object in the room with a cable locking device.

Comment: Sounds appropriate. As I look around my office I don't see a fixed object to which I could secure a storage device. Will the college cooperate with a request to install a metal hoop or other device to which I would be able to secure my storage device?