

# PR 5

Office of the President  
June 19, 2012

Members, Board of Trustees:

PROPOSED REVISION TO ADMINISTRATIVE REGULATION:  
POLICY ON DEADLY WEAPONS

Recommendation: that the Board of Trustees adopt the proposed revisions to the attached Administrative Regulation (AR) 6:6, Policy on Deadly Weapons. The proposed revisions will bring the University policy into compliance with the Kentucky Supreme Court's opinion in the recent case of Mitchell v. University of Kentucky, et al. Upon Board approval, this Administrative Regulation will become final June 19, 2012.

Background: The Kentucky General Assembly explicitly recognizes the authority of the University to control the possession of deadly weapons on any property owned, leased or controlled by the University, including the right to prohibit possession of such weapons by any person or entity using University property or premises. This authority is granted notwithstanding other statutes to the contrary. However, until the Mitchell decision, it was unclear how the other applicable statutes applied.

As a result of the Mitchell decision, it is now clear that the University must allow deadly weapons on University property in the following circumstances:

- Possession of a deadly weapon by a person licensed to carry a concealed deadly weapon, if the firearm or other deadly weapon is contained in a motor vehicle (private or University-owned) and is not removed from the vehicle;
- Possession of a deadly weapon if it is located in a non University-owned motor vehicle and in an enclosed container, compartment, or storage space installed as original equipment in the motor vehicle by its manufacturer, including but not limited to a glove compartment, center console, or seat pocket, regardless of whether said enclosed container, storage space, or compartment is locked, unlocked, or does not have a locking mechanism; and
- Possession of a deadly weapon by persons who are specifically authorized by KRS 527.020 to carry concealed deadly weapons on or about their persons at all times and at all locations within the Commonwealth. Such persons include but are not limited to: Commonwealth's attorneys, judges of the Court of Justice, conservations officers of the Department of Fish and Wildlife, elected sheriffs, and peace officers from other jurisdictions. A complete listing of persons authorized to carry concealed deadly weapons within the Commonwealth of

Kentucky and the conditions for which the carrying of the deadly weapon is authorized, is found in KRS 527.020.

A revised copy of AR 6:6 is attached. Proposed additions are underlined; proposed deletions are lined through.

---

Action taken:     Approved     Disapproved     Other \_\_\_\_\_



## Policy on Deadly Weapons (Approved by the Board of Trustees)

### Major Topics

---

[Entities Affected](#)

[Definition of Deadly Weapon](#)

[Policy](#)

[Exceptions](#)

[Violations](#)

### I. Introduction

---

[In Kentucky Revised Statute §237.115](#), the Kentucky General Assembly explicitly recognizes the authority of the University to [regulate/control](#) the possession of deadly weapons on any property owned, leased or controlled by the University, including the right to prohibit possession of such weapons by any person or entity using University property or premises. [This regulations establishes the University's deadly weapons policy.](#)

### II. Entities Affected

---

[This Administrative Regulation applies to all members of the University Community, including faculty, staff, students, and visitors.](#)

### III. Definition of Deadly Weapon

---

For purposes of this [regulation/policy](#), “deadly weapon” means:

- A. A weapon of mass destruction;
- B. Any weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged;
- C. Any knife other than an ordinary pocket knife or hunting knife;
- D. Billy, nightstick, or club;

- E. Blackjack or slapjack;
- F. Nunchaku karate sticks;
- G. Shuriken or death star; and,
- H. Artificial knuckles made from metal, plastic, or other similar hard material.

## IV. Policy

---

Except as provided in Subsection ~~IV~~ below of this regulation policy, deadly weapons are ~~not permitted~~ prohibited on any property owned, leased, or controlled by the University, including but not limited to the following: classrooms, laboratories, residence halls, hospitals and clinics, office buildings, performance halls, museums, athletics and recreation facilities, farms and forests, parking lots and structures, University-owned vehicles, and all outdoor areas of the campus of any unit of the University. ~~This prohibition is applicable to persons who possess and persons who do not possess lawfully issued licenses or permits to carry deadly weapons.~~

## V. Exceptions

---

The following ~~actions or activities shall be~~ are exceptions to this policy:

- A. Possession of deadly weapons by peace officers acting in the course of official duties;
- B. Possession of deadly weapons as a part of legitimate academic, athletic, or work-related activities (e.g., historical preservation, law enforcement training, ROTC activities, 4-H marksmanship training, rifle team, etc.);
- C. Possession of deadly weapons by persons holding valid permits issued by the Kentucky Department of Fish and Wildlife Resources for use in the Robinson Forest Wildlife Management Area; ~~and,~~
- D. Possession of a deadly weapon by a person licensed to carry a concealed deadly weapon pursuant to KRS 237.110, if the firearm or other deadly weapon is contained in a motor vehicle (private or University-owned) and is not removed from the vehicle (KRS 527.020(4) and 237.110(17));
- E. Possession of a deadly weapon if it is located in a non-University motor vehicle and in an enclosed container, compartment, or storage space installed as original equipment in the motor vehicle by its manufacturer, including but not limited to a glove compartment, center console, or seat pocket, regardless of whether said enclosed container, storage space, or compartment is locked, unlocked, or does not have a locking mechanism ( KRS 527.020(8));
- F. Possession of a deadly weapon by persons who are specifically authorized\* by KRS 527.020 to carry concealed deadly weapons on or about their persons at all times and at all locations within the Commonwealth. Such persons include but are not limited to: Commonwealth's attorneys, judges of the Court of Justice, conservation officers of the Department of Fish and Wildlife, elected sheriffs, and peace officers from other jurisdictions.

\* For a complete listing of persons authorized to carry concealed deadly weapons within the Commonwealth of Kentucky and the conditions for which the carrying of the deadly weapon is authorized, see KRS 527.020.

- G.D. Possession of deadly weapons by a person specifically authorized to have such possession by the President, or his or her designee, but only if such person fully complies with any and all restrictions

imposed upon such possession by the President, or his or her designee.

## VI. Violations

---

- A. Students who possess deadly weapons in violation of this prohibition are guilty of violations of the Code of Student Conduct and are subject to disciplinary action under that Code, including expulsion from the University, and all other appropriate legal actions.
- B. Faculty and staff employees who possess deadly weapons in violation of this prohibition are guilty of misconduct and subject to corrective action under Governing and Administrative Regulations, including termination of employment and all other appropriate legal actions.
- C. Others who possess deadly weapons in violation of this prohibition shall be directed to remove their weapons or themselves from the University's property or premises and shall be subject to all other appropriate legal actions.

## References and Related Materials

---

[KRS 237.110 License to carry concealed deadly weapon](#)

[KRS 237.115\(4\) Construction of KRS 237.110 -- Prohibition by local government units of carrying concealed deadly weapons in governmental buildings -- Restriction on criminal penalties](#)

KRS 500.080 [Definitions for Kentucky Penal Code](#)

[KRS 527.020 Carrying concealed deadly weapons](#)

## Revision History

---

6/11/1996; 6/12/2007

For questions, contact: [Office of Legal Counsel](#)