



**FACT SHEET**  
**WYOMING LEGISLATIVE SERVICE OFFICE**

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February 10, 2017  
17FS011

**CONCEALED CARRY LEGISLATION IN SELECT WESTERN STATES**

Each state addresses concealed weapons carrying laws slightly differently depending on a number of factors. This factsheet provides six separate tables summarizing the Legislative Service Office's (LSO) targeted review of western states' concealed carry statutes related to six different subtopics:

1. Carry laws related to public elementary and secondary schools;
2. Carry laws related to higher education and universities campuses;
3. Carry laws related to government meetings;
4. Concealed carry permit issuance for military and their family members;
5. "Shall issue" statutes for concealed carry permits; and
6. Allowance for convicted felons to possess antique firearms.

Rather than alphabetical, each table is organized based on states with laws most directly related to six bills pursued by the Wyoming Legislature during the 2017 General Session. Keep in mind that each state may directly or indirectly address the elements contained in these six bills and LSO has tried to present other states' laws first that may most directly address issues brought out in Wyoming's legislation. Before each table, LSO has summarized example concepts, elements, or components of some states' statutes on each subtopic.

Table 1, on the next page, provides select other western states' statutory references regarding the possession of firearms by public school district employees on school property. The table below displays the state name, the statutory location of the reference, as well as a statutory description. Overall, the example elements or components addressed in some of these states' laws include:

- Obtaining advanced permission from local school boards for a person to carry on school premises;
- Whether a person seeking to carry on school grounds must be a permit holder or not;
- Whether a state structures their law as a strict allowance with exceptions or a strict prohibition with exceptions;
- Whether persons are allowed to carry a weapon on school property must have training or certification to do so.

**Table 1. Western State Legislation Permitting Possession of Firearms by School District Employees on School Property.**

State	Statutory Location	Statutory Description
Idaho	<a href="#">18-3302D</a> Title 18 – Crimes and Punishments	“1) (a) It shall be unlawful and is a misdemeanor for any person to possess a firearm or other deadly or dangerous weapon while on the property of a school or in those portions of any building, stadium or other structure on school grounds which, at the time of the violation, were being used for an activity sponsored by or through a school in this state or while riding school provided transportation. (b) The provisions of this section regarding the possession of a firearm or other deadly or dangerous weapon on school property shall also apply to students of schools while attending or participating in any school sponsored activity, program or event regardless of location...(4) The provisions of this section shall not apply to the following persons...(f) Notwithstanding the provisions of section 18-3302C, Idaho Code, a person or an employee of the school or school district who is authorized to carry a firearm with the permission of the board of trustees of the school district or the governing board.”
Montana	<a href="#">MCA 45-8-361</a> Title 45 - Crimes	45-8-361. Possession or allowing possession of weapon in school building -- exceptions -- penalties -- seizure and forfeiture or return authorized -- definitions. “(1) A person commits the offense of possession of a weapon in a school building if the person purposely and knowingly possesses, carries, or stores a weapon in a school building. (2) A parent or guardian of a minor commits the offense of allowing possession of a weapon in a school building if the parent or guardian purposely and knowingly permits the minor to possess, carry, or store a weapon in a school building. (3)(a) Subsection (1) does not apply to law enforcement personnel. (b) The trustees of a district may grant persons and entities advance permission to possess, carry, or store a weapon in a school building...”
Colorado	<a href="#">C.R.S. 18-12-214(3)</a> Title 18 – Criminal Code	“(3) A permit issued pursuant to this part 2 does not authorize a person to carry a concealed handgun onto the real property, or into any improvements erected thereon, of a public elementary, middle, junior high, or high school; except that: (a) A permittee may have a handgun on the real property of the public school so long as the handgun remains in his or her vehicle and, if the permittee is not in the vehicle, the handgun is in a compartment within the vehicle and the vehicle is locked; (b) A permittee who is employed or retained by contract by a school district or charter school as a school security officer may carry a concealed handgun onto the real property, or into any improvement erected thereon, of a public elementary, middle, junior high, or high school while the permittee is on duty; (c) A permittee may carry a concealed handgun on undeveloped real property owned by a school district that is used for hunting or other shooting sports...”
Utah	<a href="#">UC 76-10-505.5</a> Title 76 – Utah Criminal Code	76-10-505.5. Possession of a dangerous weapon, firearm, or short barreled shotgun on or about school premises -- Penalties. “(1) As used in this section, "on or about school premises" means: (a) (i) in a public or private elementary or secondary school; or (ii) on the grounds of any of those schools; (b)(i) in a public or private institution of higher education; or (ii) on the grounds of a public or private institution of higher education; and (iii) (A) inside the building where a preschool or child care is being held, if the entire building is being used for the operation of the preschool or child care; or (B) if only a portion of a building is being used to operate a preschool or child care, in that room or rooms where the preschool or child care operation is being held. (2) A person may not possess any dangerous weapon, firearm, or short barreled shotgun... at a place that the person knows, or has reasonable cause to believe, is on or about school premises... Possession of a dangerous weapon on or about school premises is a class B misdemeanor. (b) Possession of a firearm or short barreled shotgun on or about school premises is a class A misdemeanor. (4) This section does not apply if: (a) the person is authorized to possess a firearm as provided under Section 53-5-704, 53-5-705, 76-10-511, or 76-10-523, or as otherwise authorized by law; (b) the possession is approved by the responsible school administrator...”

**Table 1. Western State Legislation Permitting Possession of Firearms by School District Employees on School Property. (Continued)**

State	Statutory Location	Statutory Description
Nebraska	<p style="text-align: center;"><a href="#">69-2441</a> Chapter 69 – Personal Property</p>	<p>69-2441. Permit holder; locations; restrictions; posting of prohibition; consumption of alcohol; prohibited.                      “(1)(a) A permit holder may carry a concealed handgun anywhere in Nebraska, except any: Police, sheriff, or Nebraska State Patrol station or office; detention facility, prison, or jail; courtroom or building which contains a courtroom; polling place during a bona fide election; meeting of the governing body of a county, public school district, municipality, or other political subdivision; meeting of the Legislature or a committee of the Legislature; financial institution; professional or semiprofessional athletic event; building, grounds, vehicle, or sponsored activity or athletic event of any public, private, denominational, or parochial elementary, vocational, or secondary school, a private postsecondary career school as defined in section 85-1603, a community college, or a public or private college, junior college, or university; place of worship; hospital, emergency room, or trauma center; political rally or fundraiser; establishment having a license issued under the Nebraska Liquor Control Act that derives over one-half of its total income from the sale of alcoholic liquor; place where the possession or carrying of a firearm is prohibited by state or federal law; a place or premises where the person, persons, entity, or entities in control of the property or employer in control of the property has prohibited permitholders from carrying concealed handguns into or onto the place or premises; or into or onto any other place or premises where handguns are prohibited by state law...”</p>
New Mexico	<p style="text-align: center;"><a href="#">NMSA 30-7-2.1</a> Chapter 30 – Criminal Offenses</p>	<p>30-7-2.1. Unlawful carrying of a deadly weapon on school premises. “A. Unlawful carrying of a deadly weapon on school premises consists of carrying a deadly weapon on school premises except by: (1) a peace officer; (2) school security personnel; (3) a student, instructor or other school-authorized personnel engaged in army, navy, marine corps or air force reserve officer training corps programs or state-authorized hunter safety training instruction; (4) a person conducting or participating in a school-approved program, class or other activity involving the carrying of a deadly weapon; or (5) a person older than nineteen years of age on school 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. As used in this section, "school premises" means: (1) the buildings and grounds, including playgrounds, playing fields and parking areas and any school bus of any public elementary, secondary, junior high or high school in or on which school or school-related activities are being operated under the supervision of a local school board; or (2) any other public buildings or grounds, including playing fields and parking areas that are not public school property, in or on which public school-related and sanctioned activities are being performed. C. Whoever commits unlawful carrying of a deadly weapon on school premises is guilty of a fourth degree felony.”</p>
Nevada	<p style="text-align: center;"><a href="#">NRS 202.3673</a> Chapter 202 – Crimes Against Public Health and Safety</p>	<p>NRS 202.3673 Permittee authorized to carry concealed firearm while on premises of public building; exceptions; penalty. “1. Except as otherwise provided in subsections 2 and 3, a permittee may carry a concealed firearm while the permittee is on the premises of any public building. 2. A permittee shall not carry a concealed firearm while the permittee is on the premises of a public building that is located on the property of a public airport. 3. A permittee shall not carry a concealed firearm while the permittee is on the premises of: (a) A public building that is located on the property of a public school or a child care facility or the property of the Nevada System of Higher Education, unless the permittee has obtained written permission to carry a concealed firearm while he or she is on the premises of the public building pursuant to subparagraph (3) of paragraph (a) of subsection 3 of NRS 202.265.”</p>

**Table 1. Western State Legislation Permitting Possession of Firearms by School District Employees on School Property. (Continued)**

State	Statutory Location	Statutory Description
North Dakota	<a href="#">NDCC 62.1-02-05</a> Title 62.1 - Weapons	62.1-02-05. Possession of a firearm or dangerous weapon at a public gathering -Penalty - Application. "1. An individual who knowingly possesses a firearm or dangerous weapon at a public gathering is guilty of a class B misdemeanor. For the purpose of this section, "public gathering" means an athletic or sporting event, a school, a church, and a publicly owned or operated building...3. This section does not prevent any political subdivision from enacting an ordinance that is less restrictive than this section relating to the possession of firearms or dangerous weapons at a public gathering. An enacted ordinance supersedes this section within the jurisdiction of the political subdivision."
South Dakota	<a href="#">13-32-7</a> Title 13 - Education	13-32-7. Possession of firearms on or in elementary or secondary school premises or vehicle as misdemeanor-- Exceptions. "Any person, other than a law enforcement officer or school sentinel acting pursuant to § 13-64-1, who intentionally carries, has in his possession, stores, keeps, leaves, places, or puts into the possession of another person, any firearm, or air gun, whether or not the firearm or air gun is designed, adapted, used, or intended primarily for imitative or noisemaking purposes, or any dangerous weapon, on or in any elementary or secondary school premises, vehicle, or building or any premises, vehicle, or building used or leased for elementary or secondary school functions, whether or not any person is endangered by such actions, is guilty of a Class 1 misdemeanor."
Texas	<a href="#">GC 411-1901</a> Government Code	Sec. 411.1901. School safety certification for qualified handgun instructors. " (a) The department shall establish a process to enable qualified handgun instructors certified under Section 411.190 to obtain an additional certification in school safety. The process must include a school safety certification course that provides training in the following: (1) the protection of students; (2) interaction of license holders with first responders; (3) tactics for denying an intruder entry into a classroom or school facility; and (4) methods for increasing a license holder's accuracy with a handgun while under duress. (b) The school safety certification course under Subsection (a) must include not less than 15 hours and not more than 20 hours of instruction. (c) A qualified handgun instructor certified in school safety under this section may provide school safety training, including instruction in the subjects listed under Subsection (a), to employees of a school district or an open-enrollment charter school who hold a license to carry a handgun issued under this subchapter..."

Source: Legislative Service Office Research summary of information from other states' statutes.

Table 2, on the next page, provides select other western states' statutory references regarding concealed carry on public colleges and university campuses. The table below displays the state name, the statutory location of the reference, as well as a statutory description. Example elements or components of these statutes include:

- Whether carrying is allowed for individuals with concealed carry permits or licenses versus people without such permits;
- Whether a university or institution of higher education can or must adopt rules and regulations for on-campus concealed carrying, including addressing potential no-carry zones or allowance/disallowance of broad campus carry prohibitions;
- Addressing where firearms (or weapons) are stored and/or under control of a person while on campus.

**Table 2. Western State Legislation Permitting Concealed Carry on Public Colleges and University Campuses.**

State	Statutory Location	Statutory Description
Idaho	<a href="#">18-3309</a> Title 18 – Crimes and Punishments	“(1) The board of regents of the university of Idaho, the boards of trustees of the state colleges and universities, the board for career technical education and the boards of trustees of each of the community colleges established under chapter 21, title 33, Idaho Code, hereby have the authority to prescribe rules and regulations relating to firearms.”
Nebraska	<a href="#">N.R.S. 69-2441</a> Chapter 69 – Personal Property	69-2441. Permit holder; locations; restrictions; posting of prohibition; consumption of alcohol; prohibited. “(1)(a) A permit holder may carry a concealed handgun anywhere in Nebraska, except any... private postsecondary career school as defined in section 85-1603, a community college, or a public or private college, junior college, or university...or into or onto any other place or premises where handguns are prohibited by state law...”
New Mexico	<a href="#">NMSA 30-7-2.4</a> Chapter 30 – Criminal Offenses	30-7-2.4. 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.”
Nevada	<a href="#">NRS 202.3673</a> ; <a href="#">NRS 202.265</a> Chapter 202 – Crimes Against Public Health and Safety	NRS 202.3673 Permittee authorized to carry concealed firearm while on premises of public building; exceptions; penalty. “1. Except as otherwise provided in subsections 2 and 3, a permittee may carry a concealed firearm while the permittee is on the premises of any public building. 2. A permittee shall not carry a concealed firearm while the permittee is on the premises of ... (a) A public building that is located on the property of a public school or a child care facility or the property of the Nevada System of Higher Education, unless the permittee has obtained written permission to carry a concealed firearm while he or she is on the premises of the public building pursuant to subparagraph (3) of paragraph (a) of subsection 3 of NRS 202.265.” NRS 202.265 Possession of dangerous weapon on property or in vehicle of school or child care facility; penalty; exceptions. “1. Except as otherwise provided in this section, a person shall not carry or possess while on the property of the Nevada System of Higher Education, a private or public school or child care facility, or while in a vehicle of a private or public school or child care facility... (f) A pistol, revolver or other firearm... 2. Any person who violates subsection 1 is guilty of a gross misdemeanor. 3. This section does not prohibit the possession of a weapon listed in subsection 1 on the property of: (a) A private or public school or child care facility by a: (1) Peace officer; (2) School security guard; or (3) Person having written permission from the president of a branch or facility of the Nevada System of Higher Education or the principal of the school or the person designated by a child care facility to give permission to carry or possess the weapon.”

Table 2. Western State Legislation Permitting Concealed Carry on Public Colleges and University Campuses. (Continued)

State	Statutory Location	Statutory Description
Arizona	Arizona Board of Regents Chapter 5 – Campus and Student Affairs <a href="#">5-302</a> ; <a href="#">5-303</a>  <a href="#">A.R.S. 12-781</a> Title 12 – Courts and Civil Proceedings	5-303 Prohibited Conduct. “The following misconduct is subject to disciplinary action... 3. Unauthorized use, possession or storage of any weapon, explosive device or fireworks on the university campus or at a university-sponsored activity except that subject to A.R.S. § 12-781 and other applicable law, a person may lawfully transport or lawfully store a firearm that is both 1) in the person's locked and privately owned motor vehicle or in a locked compartment on the person's privately owned motorcycle, and 2) not visible from the outside of the motor vehicle or motorcycle, although the board or a university may require that vehicles transporting or storing firearms be parked in alternative parking as described in A.R.S. § 12-781...” 12-781. Transportation or storage of firearms; motor vehicles; applicability. “A. A property owner, tenant, public or private employer or business entity shall not establish, maintain or enforce a policy or rule that prohibits a person from lawfully transporting or lawfully storing any firearm that is both: 1. In the person's locked and privately owned motor vehicle or in a locked compartment on the person's privately owned motorcycle. 2. Not visible from the outside of the motor vehicle or motorcycle.
Colorado	<a href="#">C.R.S. 18-12-214(4)</a> Title 18 – Criminal Code	“(4) A permit issued pursuant to this part 2 does not authorize a person to carry a concealed handgun into a public building at which: (a) Security personnel and electronic weapons screening devices are permanently in place at each entrance to the building; (b) Security personnel electronically screen each person who enters the building to determine whether the person is carrying a weapon of any kind; and (c) Security personnel require each person who is carrying a weapon of any kind to leave the weapon in possession of security personnel while the person is in the building.”
Kansas	<a href="#">75-7c20</a> Chapter 75 – State Departments; Public Officers and Employees	“(a) The carrying of a concealed handgun shall not be prohibited in any state or municipal building unless such building has adequate security measures to ensure that no weapons are permitted to be carried into such building and the building is conspicuously posted in accordance with K.S.A. 2015 Supp. 75-7c10, and amendments thereto....(j) The governing body or the chief administrative officer, if no governing body exists, of any of the following institutions may exempt any building of such institution from this section for a period of only four years by stating the reasons for such exemption and sending notice of such exemption to the Kansas attorney general...(5) a postsecondary educational institution, as defined in K.S.A. 74-3201b, and amendments thereto, including any buildings located on the grounds of such institution and any buildings leased by such institution...”
Utah	<a href="#">UC 53B-3-103</a> ; <a href="#">76-10-505.5</a> Title 53B – State System of Higher Education Title 76 – Utah Criminal Code	53B-3-103. ‘(1) The board may enact regulations governing the conduct of university and college students, faculty, and employees. (2) (a) The board may... (ii) acknowledging that the Legislature has the authority to regulate, by law, firearms at higher education institutions: (A) authorize higher education institutions to establish no more than one secure area at each institution as a hearing room as prescribed in Section 76-8-311.1, but not otherwise restrict the lawful possession or carrying of firearms...” 76-10-505.5. Possession of a dangerous weapon, firearm, or short barreled shotgun on or about school premises -- Penalties. (1) As used in this section, "on or about school premises" means: (a) (i) in a public or private elementary or secondary school; or (ii) on the grounds of any of those schools; (b)(i) in a public or private institution of higher education; or (ii) on the grounds of a public or private institution of higher education; and

Table 2. Western State Legislation Permitting Concealed Carry on Public Colleges and University Campuses. (Continued)

State	Statutory Location	Statutory Description
<p><b>Utah</b> <b>(cont.)</b></p>		<p>(iii) (A) inside the building where a preschool or child care is being held, if the entire building is being used for the operation of the preschool or child care; or (B) if only a portion of a building is being used to operate a preschool or child care, in that room or rooms where the preschool or child care operation is being held.                      (2) A person may not possess any dangerous weapon, firearm, or short barreled shotgun, as those terms are defined in Section 76-10-501, at a place that the person knows, or has reasonable cause to believe, is on or about school premises as defined in this section. (3)(a) Possession of a dangerous weapon on or about school premises is a class B misdemeanor. (b) Possession of a firearm or short barreled shotgun on or about school premises is a class A misdemeanor. (4) This section does not apply if: (a) the person is authorized to possess a firearm as provided under Section 53-5-704, 53-5-705, 76-10-511, or 76-10-523, or as otherwise authorized by law; (b) the possession is approved by the responsible school administrator...”</p>
<p><b>North Dakota</b></p>	<p><a href="#">NDCC 62.1-02-05</a> Title 62.1 - Weapons</p>	<p>62.1-02-05. Possession of a firearm or dangerous weapon at a public gathering -Penalty - Application.                      “1. An individual who knowingly possesses a firearm or dangerous weapon at a public gathering is guilty of a class B misdemeanor. For the purpose of this section, "public gathering" means an athletic or sporting event, a school, a church, and a publicly owned or operated building...3. This section does not prevent any political subdivision from enacting an ordinance that is less restrictive than this section relating to the possession of firearms or dangerous weapons at a public gathering. An enacted ordinance supersedes this section within the jurisdiction of the political subdivision.”</p>
<p><b>Texas</b></p>	<p><a href="#">GC 411.2031</a> Government Code</p>	<p>Sec. 411.2031. Carrying of handguns by license holders on certain campuses. “(b) A license holder may carry a concealed handgun on or about the license holder's person while the license holder is on the campus of an institution of higher education...in this state. (c) Except as provided by Subsection (d), (d-1), or (e), an institution of higher education...in this state may not adopt any rule, regulation, or other provision prohibiting license holders from carrying handguns on the campus of the institution. (d) An institution of higher education...in this state may establish rules, regulations, or other provisions concerning the storage of handguns in dormitories or other residential facilities that are owned or leased and operated by the institution and located on the campus of the institution. (d-1) After consulting with students, staff, and faculty of the institution regarding the nature of the student population, specific safety considerations, and the uniqueness of the campus environment, the president or other chief executive officer of an institution of higher education in this state shall establish reasonable rules, regulations, or other provisions regarding the carrying of concealed handguns by license holders on the campus of the institution or on premises located on the campus of the institution. The president or officer may not establish provisions that generally prohibit or have the effect of generally prohibiting license holders from carrying concealed handguns on the campus of the institution. The president or officer may amend the provisions as necessary for campus safety. The provisions take effect as determined by the president or officer unless subsequently amended by the board of regents or other governing board.... The institution must give effective notice under Section 30.06, Penal Code, with respect to any portion of a premises on which license holders may not carry.                      (d-3) An institution of higher education shall widely distribute the rules, regulations, or other provisions described by Subsection (d-1) to the institution's students, staff, and faculty, including by prominently publishing the provisions on the institution's Internet website...”</p>

Source: Legislative Service Office Research summary of information from other states’ statutes.

Table 3, below, provides select other western states’ statutory references regarding allowing concealed carry of firearms at a meeting of government entities. The table below displays the state name, the statutory location of the reference, as well as a statutory description. Example elements or components of these statutes include:

- The level of security of a building may influence whether a person can carry a concealed weapon;
- Whether a security plan is needed for a public building that allows persons to carry weapons on the premises.

**Table 3. Western State Legislation Permitting Concealed Carry of Firearms at Meetings of Government Entities.**

State	Statutory Location	Statutory Description
<p><b>Kansas</b></p>	<p><a href="#">75-7c20</a>; <a href="#">75-7c21</a> Chapter 75 – State Departments; Public Officers and Employees</p>	<p>75-7c20. “ (a) The carrying of a concealed handgun shall not be prohibited in any state or municipal building unless such building has adequate security measures to ensure that no weapons are permitted to be carried into such building and the building is conspicuously posted in accordance with K.S.A. 2015 Supp. 75-7c10, and amendments thereto.... (i) The governing body or the chief administrative officer, if no governing body exists, of a state or municipal building, may exempt the building, or any public area thereof, from this section until July 1, 2017, by adopting a resolution, or drafting a letter, listing the legal description of such building, listing the reasons for such exemption, and including the following statement: “A security plan has been developed for the building being exempted which supplies adequate security to the occupants of the building and merits the prohibition of the carrying of a concealed handgun.” A copy of the security plan for the building shall be maintained on file and shall be made available, upon request, to the Kansas attorney general and the law enforcement agency of local jurisdiction. Notice of this exemption, together with the resolution adopted or the letter drafted, shall be sent to the Kansas attorney general and to the law enforcement agency of local jurisdiction. The security plan shall not be subject to disclosure under the Kansas open records act.”</p> <p>75-7c21. (a) An individual may carry a concealed handgun in the state capitol provided such individual is not prohibited from possessing a firearm under either federal or state law.”</p>
<p><b>Montana</b></p>	<p><a href="#">MCA 45-8-328</a>; <a href="#">MCA 45-8-351</a> Title 45 - Crimes</p>	<p>45-8-328. Carrying concealed weapon in prohibited place -- penalty. “(1) Except for legislative security officers authorized to carry a concealed weapon in the state capitol as provided in 45-8-317(1)(k), a person commits the offense of carrying a concealed weapon in a prohibited place if the person purposely or knowingly carries a concealed weapon in: (a) portions of a building used for state or local government offices and related areas in the building that have been restricted...”</p> <p>45-8-351. Restriction on local government regulation of firearms. (1) Except as provided in subsection (2), a county, city, town, consolidated local government, or other local government unit may not prohibit, register, tax, license, or regulate the purchase, sale or other transfer (including delay in purchase, sale, or other transfer), ownership, possession, transportation, use, or unconcealed carrying of any weapon, including a rifle, shotgun, handgun, or concealed handgun. (2)(a) For public safety purposes, a city or town may regulate the discharge of rifles, shotguns, and handguns. A county, city, town, consolidated local government, or other local government unit has power to prevent and suppress the carrying of concealed or unconcealed weapons to a public assembly, publicly owned building, park under its jurisdiction, or school, and the possession of firearms by convicted felons, adjudicated mental incompetents, illegal aliens, and minors...”</p>



Table 3. Western State Legislation Permitting Concealed Carry of Firearms at Meetings of Government Entities. (Continued)

State	Statutory Location	Statutory Description
Nebraska	<a href="#">69-2441</a> Chapter 69 – Personal Property	69-2441. Permit holder; locations; restrictions; posting of prohibition; consumption of alcohol; prohibited. “(1)(a) A permit holder may carry a concealed handgun anywhere in Nebraska, except any: Police, sheriff, or Nebraska State Patrol station or office; detention facility, prison, or jail; courtroom or building which contains a courtroom; polling place during a bona fide election; meeting of the governing body of a county, public school district, municipality, or other political subdivision; meeting of the Legislature or a committee of the Legislature; financial institution; professional or semiprofessional athletic event; building, grounds, vehicle, or sponsored activity or athletic event of any public, private, denominational, or parochial elementary, vocational, or secondary school, a private postsecondary career school as defined in section 85-1603, a community college, or a public or private college, junior college, or university; place of worship; hospital, emergency room, or trauma center; political rally or fundraiser; establishment having a license issued under the Nebraska Liquor Control Act that derives over one-half of its total income from the sale of alcoholic liquor; place where the possession or carrying of a firearm is prohibited by state or federal law; a place or premises where the person, persons, entity, or entities in control of the property or employer in control of the property has prohibited permit holders from carrying concealed handguns into or onto the place or premises; or into or onto any other place or premises where handguns are prohibited by state law...”
Nevada	<a href="#">NRS 202.3673</a> Chapter 202 – Crimes Against Public Health and Safety	NRS 202.3673 Permittee authorized to carry concealed firearm while on premises of public building; exceptions; penalty. “1. Except as otherwise provided in subsections 2 and 3, a permittee may carry a concealed firearm while the permittee is on the premises of any public building. 2. A permittee shall not carry a concealed firearm while the permittee is on the premises of a public building that is located on the property of a public airport. 3. A permittee shall not carry a concealed firearm while the permittee is on the premises of: (a) A public building that is located on the property of a public school or a child care facility or the property of the Nevada System of Higher Education, unless the permittee has obtained written permission to carry a concealed firearm while he or she is on the premises of the public building pursuant to subparagraph (3) of paragraph (a) of subsection 3 of NRS 202.265.”
Colorado	<a href="#">C.R.S. 18-12-214(4)</a> Title 18 – Criminal Code	“(4) A permit issued pursuant to this part 2 does not authorize a person to carry a concealed handgun into a public building at which: (a) Security personnel and electronic weapons screening devices are permanently in place at each entrance to the building; (b) Security personnel electronically screen each person who enters the building to determine whether the person is carrying a weapon of any kind; and (c) Security personnel require each person who is carrying a weapon of any kind to leave the weapon in possession of security personnel while the person is in the building.”
North Dakota	<a href="#">NDCC 62.1-02-05</a> Title 62.1 - Weapons	62.1-02-05. Possession of a firearm or dangerous weapon at a public gathering -Penalty - Application. “1. An individual who knowingly possesses a firearm or dangerous weapon at a public gathering is guilty of a class B misdemeanor. For the purpose of this section, "public gathering" means an athletic or sporting event, a school, a church, and a publicly owned or operated building...3. This section does not prevent any political subdivision from enacting an ordinance that is less restrictive than this section relating to the possession of firearms or dangerous weapons at a public gathering. An enacted ordinance supersedes this section within the jurisdiction of the political subdivision.”

**Table 3. Western State Legislation Permitting Concealed Carry of Firearms at Meetings of Government Entities. (Continued)**

State	Statutory Location	Statutory Description
Texas	<a href="#">GC 411.209</a> Government Code	Sec. 411.209. Wrongful exclusion of concealed handgun license holder. “(a) A state agency or a political subdivision of the state may not provide notice by a communication described by Section 30.06, Penal Code, or by any sign expressly referring to that law or to a concealed handgun license, that a license holder carrying a handgun under the authority of this subchapter is prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity unless license holders are prohibited from carrying a handgun on the premises or other place by Section 46.03 or 46.035, Penal Code.”

**Source:** Legislative Service Office Research summary of information from other states’ statutes.

Table 4, below, provides select other western states’ statutory references regarding concealed carry permits for active military service family members. The table below displays the state name, the statutory location of the reference, as well as a statutory description. Example elements or components of these statutes include:

- How family members are defined (e.g. spouse, dependent, immediate family);
- Establishing a residency threshold or equivalency for allowing concealed weapons permits to individuals;
- Treatment or reciprocity recognition of a state’s permit by another state.

**Table 4. Western State Legislation Allowing Concealed Weapons Permits for Active Military Service Family Members.**

State	Statutory Location	Statutory Description
Colorado	<a href="#">C.R.S. 18-12-203</a> Title 18- Criminal Code	18-12-203. Criteria for obtaining a permit. “...(a) Is a legal resident of the state of Colorado. For purposes of this part 2, a person who is a member of the armed forces and is stationed pursuant to permanent duty station orders at a military installation in this state, and a member of the person's immediate family living in Colorado, shall be deemed to be a legal resident of the state of Colorado.”
Nebraska	<a href="#">69-2433(7)(b)</a> Chapter 69 – Personal Property	69-2433. Applicant; requirements. “(7)(b) If an applicant is a member of the United States Armed Forces, such applicant shall be considered a resident of this state for purposes of this section after he or she has been stationed at a military installation in this state pursuant to permanent duty station orders even though he or she maintains a residence in another state and claims that residence for voting or tax purposes. The spouse of such applicant shall also be considered a resident of this state for purposes of this section, as shall a person receiving the benefits of a spouse of a member of the United States Armed Forces under the law of the United States...”
New Mexico	<a href="#">NMSA 29-19-4</a> Chapter 29 – Law Enforcement	29-19-4. Applicant qualifications. “A. The department shall issue a concealed handgun license to an applicant who... (2) is a resident of New Mexico or is a member of the armed forces whose permanent duty station is located in New Mexico or is a dependent of such a member...”

**Table 4. Western State Legislation Allowing Concealed Weapons Permits for Active Military Service Family Members. (Continued)**

State	Statutory Location	Statutory Description
<p><b>South Dakota</b></p>	<p><a href="#">23-7-7.5;</a> <a href="#">23-7-7.1</a> Title 23 – Law Enforcement</p>	<p>23-7-7.5. Active duty military personnel and spouses. “Any person who is active duty military, or the spouse of a person who is active duty military, with a home of record in South Dakota is considered to have met the provisions of subdivision 23-7-7.1(6).” 23-7-7.1. Requirements for issuance of temporary permit--Time requirement--Appeal of denial. “A temporary permit to carry a concealed pistol shall be issued within five days of application to a person if the applicant... (6) Has physically resided in and is a resident of the county where the application is being made for at least thirty days immediately preceding the date of the application...”</p>
<p><b>Utah</b></p>	<p><a href="#">UC 53-5-704</a> Title 53 – Public Safety Code</p>	<p>53-5-704. “1) (a) The bureau shall issue a permit to carry a concealed firearm for lawful self-defense to an applicant who is 21 years of age or older within 60 days after receiving an application, unless the bureau finds proof that the applicant does not meet the qualifications set forth in Subsection (2)...(d) Subsection (4)(a) does not apply to a nonresident: (i) active duty service member, who present to the bureau orders requiring the active duty service member to report for duty in this state; or (ii) an active duty service member's spouse, stationed with the active duty service member, who presents to the bureau the active duty service member's orders requiring the service member to report for duty in this state...(4) (a) In addition to meeting the other qualifications for the issuance of a concealed firearm permit under this section, a nonresident applicant who resides in a state that recognizes the validity of the Utah permit or has reciprocity with Utah's concealed firearm permit law shall: (i) hold a current concealed firearm or concealed weapon permit issued by the appropriate permitting authority of the nonresident applicant's state of residency; and (ii) submit a photocopy or electronic copy of the nonresident applicant's current concealed firearm or concealed weapon permit referred to in Subsection (4)(a)(i)...”</p>

**Source:** Legislative Service Office Research summary of information from other states’ statutes.

Table 5, on the next page, provides select other western states’ statutory references regarding states with a “shall issue” clause or language regarding the issuance of concealed carry permits. “Shall issue” language provides for a uniform process for the application of a concealed carry permit for a state where, so long as the applicant meets basic requirements, the state must issue a permit to the applicant. The table below displays the state name, the statutory location of the reference, as well as a statutory description. Example elements or components of these statutes include:

- Setting clear ineligibility criteria, along with eligibility criteria, that allow a state to deny a permit, but only with cause (e.g. applicants with specific criminal histories);
- Whether a permittee or applicant, must obtain weapons training with an issued permit.

Table 5. Western State Legislation which contains a “shall issue” clause regarding concealed carry.

State	Statutory Location	Statutory Description
Arizona	<a href="#">A.R.S. 13-3112</a> Title 13 – Criminal Code	13-3112. Concealed weapons; qualification; application; permit to carry; civil penalty; report; applicability. “A. The department of public safety shall issue a permit to carry a concealed weapon to a person who is qualified under this section... E. The department of public safety shall issue a permit to an applicant who meets all of the following conditions: 1. Is a resident of this state or a United States citizen. 2. Is twenty-one years of age or older or is at least nineteen years of age and provides evidence of current military service or proof of honorable discharge or general discharge under honorable conditions from the United States armed forces, the United States armed forces reserve or a state national guard. 3. Is not under indictment for and has not been convicted in any jurisdiction of a felony unless that conviction has been expunged, set aside or vacated or the applicant's rights have been restored and the applicant is currently not a prohibited possessor under state or federal law. 4. Does not suffer from mental illness and has not been adjudicated mentally incompetent or committed to a mental institution. 5. Is not unlawfully present in the United States. 6. Has ever demonstrated competence with a firearm as prescribed by subsection N of this section and provides adequate documentation that the person has satisfactorily completed a training program or demonstrated competence with a firearm in any state or political subdivision in the United States...”
Colorado	<a href="#">C.R.S. 18-12-203</a> Title 18- Criminal Code	18-12-203. Criteria for obtaining a permit “(1) Beginning May 17, 2003, except as otherwise provided in this section, a sheriff shall issue a permit to carry a concealed handgun to an applicant who: (a) Is a legal resident of the state of Colorado. For purposes of this part 2, a person who is a member of the armed forces and is stationed pursuant to permanent duty station orders at a military installation in this state, and a member of the person's immediate family living in Colorado, shall be deemed to be a legal resident of the state of Colorado. (b) Is twenty-one years of age or older; (c) Is not ineligible to possess a firearm pursuant to section 18-12-108 or federal law; (d) Has not been convicted of perjury under section 18-8-503, in relation to information provided or deliberately omitted on a permit application submitted pursuant to this part 2; (e) (I) Does not chronically and habitually use alcoholic beverages to the extent that the applicant's normal faculties are impaired.
Nebraska	<a href="#">69-2404</a> Chapter 69 – Personal Property	69-2404. Certificate; application; fee. “Any person desiring to purchase, lease, rent, or receive transfer of a handgun shall apply with the chief of police or sheriff of the applicant's place of residence for a certificate. The application may be made in person or by mail. The application form and certificate shall be made on forms approved by the Superintendent of Law Enforcement and Public Safety. The application shall include the applicant's full name, address, date of birth, and country of citizenship. If the applicant is not a United States citizen, the application shall include the applicant's place of birth and his or her alien or admission number. If the application is made in person, the applicant shall also present a current Nebraska motor vehicle operator's license, state identification card, or military identification card, or if the application is made by mail, the application form shall describe the license or card used for identification and be notarized by a notary public who has verified the identification of the applicant through such a license or card. An applicant shall receive a certificate if he or she is twenty-one years of age or older and is not prohibited from purchasing or possessing a handgun by 18 U.S.C. 922.”

**Table 5. Western State Legislation which contains a “shall issue” clause regarding concealed carry. (Continued)**

State	Statutory Location	Statutory Description
New Mexico	<a href="#">NMSA -29-19-4</a> Chapter 29 – Law Enforcement	NMSA 29-19-4. Applicant qualifications. A. The department shall issue a concealed handgun license to an applicant who: (1) is a citizen of the United States; (2) is a resident of New Mexico or is a member of the armed forces whose permanent duty station is located in New Mexico or is a dependent of such a member; (3) is twenty-one years of age or older; (4) is not a fugitive from justice; (5) has not been convicted of a felony in New Mexico or any other state or pursuant to the laws of the United States or any other jurisdiction; (6) is not currently under indictment for a felony criminal offense in New Mexico or any other state or pursuant to the laws of the United States or any other jurisdiction; (7) is not otherwise prohibited by federal law or the law of any other jurisdiction from purchasing or possessing a firearm; (8) has not been adjudicated mentally incompetent or committed to a mental institution; (9) is not addicted to alcohol or controlled substances; and (10) has satisfactorily completed a firearms training course approved by the department for the category and the largest caliber of handgun that the applicant wants to be licensed to carry as a concealed handgun.
Nevada	<a href="#">NRS 202.3657</a> Chapter 202 – Crimes Against Public Health and Safety	NRS 202.3657 Application for permit; eligibility; denial or revocation of permit. “1. Any person who is a resident of this State may apply to the sheriff of the county in which he or she resides for a permit on a form prescribed by regulation of the Department. Any person who is not a resident of this State may apply to the sheriff of any county in this State for a permit on a form prescribed by regulation of the Department. Application forms for permits must be furnished by the sheriff of each county upon request.”
North Dakota	<a href="#">NDCC 62.1-04-03</a> Title 62.1 - Weapons	62.1-04-03. License to carry a firearm or dangerous weapon concealed - Class 1 firearm license and class 2 firearm and dangerous weapon license. “1. The director of the bureau of criminal investigation shall issue a license to carry a firearm or dangerous weapon concealed upon review of an application submitted to the director if the following criteria are met: a. The applicant is at least twenty-one years of age... b. The applicant can demonstrate that the applicant is a resident of this state by providing a copy of a valid driver's license or state-issued identification card...c. The applicant is not an individual specified in section 62.1-02-01 and for a class 1 firearm license the applicant: (1) Has not been convicted of a felony; (2) Has not been convicted of a crime of violence; (3) Has not been convicted of an offense involving the use of alcohol within ten years prior to the date of application; (4) Has not been convicted of a misdemeanor offense involving the unlawful use of narcotics or other controlled substances within ten years prior ... of application; (5) Has not been convicted of an offense involving moral turpitude; (6) Has not been convicted of an offense involving domestic violence; (7) Has not been adjudicated by a state or federal court as mentally incompetent, unless the adjudication has been withdrawn or reversed; and (8) Is qualified to purchase and possess a firearm under federal law; d. The applicant has successfully completed the testing procedure conducted by a certified test administrator... e. The applicant satisfactorily completes the bureau of criminal investigation application form and has successfully passed the criminal history records check...f. The applicant is not prohibited under federal law from owning, possessing, or having a firearm under that individual's control...”

Table 5. Western State Legislation which contains a “shall issue” clause regarding concealed carry. (Continued)

State	Statutory Location	Statutory Description
South Dakota	<a href="#">23-7-7;</a> <a href="#">23-7-7.1;</a> Title 23 – Law Enforcement	<p>23-7-7. Permit to carry concealed pistol--Statewide validity--Background investigation. “A permit to carry a concealed pistol shall be issued to any person by the sheriff of the county in which the applicant resides. The permit shall be valid throughout the state and shall be issued pursuant to § 23-7-7.1.”</p> <p>23-7-7.1. Requirements for issuance of temporary permit--Time requirement--Appeal of denial. “A temporary permit to carry a concealed pistol shall be issued within five days of application to a person if the applicant: (1) Is eighteen years of age or older; (2) Has never pled guilty to, nolo contendere to, or been convicted of a felony or a crime of violence; (3) Is not habitually in an intoxicated or drugged condition; (4) Has no history of violence; (5) Has not been found in the previous ten years to be a "danger to others" or a "danger to self" as defined in § 27A-1-1 or is not currently adjudged mentally incompetent; (6) Has physically resided in and is a resident of the county where the application is being made for at least thirty days immediately preceding the date of the application; (7) Has had no violations of chapter 23-7, 22-14, or 22-42 constituting a felony or misdemeanor in the five years preceding the date of application or is not currently charged under indictment or information for such an offense; (8) Is a citizen or legal resident of the United States; and (9) Is not a fugitive from justice.”</p>
Utah	<a href="#">UC 53-5-704</a> Title 53 – Public Safety Code	<p>53-5-704. Bureau duties -- Permit to carry concealed firearm -- Certification for concealed firearms instructor -- Requirements for issuance -- Violation -- Denial, suspension, or revocation -- Appeal procedure. “(1) (a) The bureau shall issue a permit to carry a concealed firearm for lawful self-defense to an applicant who is 21 years of age or older within 60 days after receiving an application, unless the bureau finds proof that the applicant does not meet the qualifications set forth in Subsection (2). (2)(a) The bureau may deny, suspend, or revoke a concealed firearm permit if the applicant or permit holder: (i) has been or is convicted of a felony; (ii) has been or is convicted of a crime of violence; (iii) has been or is convicted of an offense involving the use of alcohol; (iv) has been or is convicted of an offense involving the unlawful use of narcotics or other controlled substances; (v) has been or is convicted of an offense involving moral turpitude; (vi) has been or is convicted of an offense involving domestic violence; (vii) has been or is adjudicated by a state or federal court as mentally incompetent, unless the adjudication has been withdrawn or reversed; and (viii) is not qualified to purchase and possess a firearm pursuant to Section 76-10-503 and federal law...”</p>

**Table 5. Western State Legislation which contains a “shall issue” clause regarding concealed carry. (Continued)**

State	Statutory Location	Statutory Description
Texas	<a href="#">GC 411.172</a> Government Code	Sec. 411.172. Eligibility. “(a) A person is eligible for a license to carry a handgun if the person:(1) is a legal resident of this state for the six-month period preceding the date of application under this subchapter or is otherwise eligible for a license under Section 411.173(a)(2) is at least 21 years of age; (3) has not been convicted of a felony; (4) is not charged with the commission of a Class A or Class B misdemeanor or equivalent offense, or of an offense under Section 42.01, Penal Code, or equivalent offense, or of a felony under an information or indictment; (5) is not a fugitive from justice for a felony or a Class A or Class B misdemeanor or equivalent offense; (6) is not a chemically dependent person; (7) is not incapable of exercising sound judgment with respect to the proper use and storage of a handgun; (8) has not, in the five years preceding the date of application, been convicted of a Class A or Class B misdemeanor or equivalent offense or of an offense under Section 42.01, Penal Code, or equivalent offense; (9) is fully qualified under applicable federal and state law to purchase a handgun; (10) has not been finally determined to be delinquent in making a child support payment administered or collected by the attorney general; (11) has not been finally determined to be delinquent in the payment of a tax or other money collected by the comptroller, the tax collector of a political subdivision of the state, or any agency or subdivision of the state; (12) is not currently restricted under a court protective order or subject to a restraining order affecting the spousal relationship, other than a restraining order solely affecting property interests; (13) has not, in the 10 years preceding the date of application, been adjudicated as having engaged in delinquent conduct violating a penal law of the grade of felony; and (14) has not made any material misrepresentation, or failed to disclose any material fact, in an application submitted pursuant to Section 411.174.”

**Source:** Legislative Service Office Research summary of information from other states’ statutes.

Table 6, on the next page, provides select western states’ statutory references regarding antique firearms, generally defining antique firearms, but not addressing possession restrictions. The table below displays the state name, the statutory location of the reference, as well as a statutory description. Overall, LSO could not locate specific statutory reference among western states to allow convicted felons to possess antique firearms. According to information LSO obtained from the National Conference of State Legislatures (NCSL) on about a dozen western states, only Oregon contained a clear provision on convicted felons owning or possessing antique firearms: antique firearms are included in the definition of firearms for which felons are prohibited from possessing. From LSO’s limited review, without specific allowances provided, these states appear to treat antique firearms the same as other firearms when it comes to felons’ possession prohibitions.

**Table 6. Western State Legislation Regarding Felons Possessing Antique Firearms.**

State	Statutory Location	Statutory Description
Nebraska	<a href="#">69-2402</a> ; <a href="#">69-2403</a> Chapter 69 – Personal Property	69-2402. “For purposes of sections 69-2401 to 69-2425: (1) Antique handgun or pistol means any handgun or pistol, including those with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured in or before 1898 and any replica of such a handgun or pistol if such replica (a) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition or (b) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade...” 69-2403. Sale, lease, rental, and transfer; certificate required; exceptions. (1) Except as provided in this section and section 69-2409, a person shall not purchase, lease, rent, or receive transfer of a handgun until he or she has obtained a certificate in accordance with section 69-2404. Except as provided in this section and section 69-2409, a person shall not sell, lease, rent, or transfer a handgun to a person who has not obtained a certificate. (2) The certificate shall not be required if... (b) The handgun is an antique handgun...”
South Dakota	<a href="#">22-1-2</a> ; <a href="#">23-7-1.1</a> Title 22 - Crimes Title 23 – Law Enforcement	22-1-2. Definition of terms. “... (4) "Antique firearm," any firearm, including any firearm with a matchlock, flintlock, percussion cap or similar type of ignition system, manufactured before 1899, and any replica of any firearm described in this section if such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition or if it uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade...” 23-7-1.1. Antique or non-dischargeable firearms excepted. “This chapter [23-7, Firearms Control] shall not apply to antique firearms or to firearms which have been permanently altered so they are incapable of being discharged.”
Utah	<a href="#">UC 76-10-501</a> Title 76 – Utah Criminal Code	76-10-501. Definitions. “As used in this part: (1) (a) "Antique firearm" means: (i) any firearm, including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured in or before 1898; or (ii) a firearm that is a replica of any firearm described in this Subsection (1)(a), if the replica: (A) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or (B) uses rimfire or centerfire fixed ammunition which is: (I) no longer manufactured in the United States; and (II) is not readily available in ordinary channels of commercial trade; or (iii) (A) that is a muzzle loading rifle, shotgun, or pistol; and (B) is designed to use black powder, or a black powder substitute, and cannot use fixed ammunition. (b) "Antique firearm" does not include: (i) a weapon that incorporates a firearm frame or receiver; (ii) a firearm that is converted into a muzzle loading weapon; or (iii) a muzzle loading weapon that can be readily converted to fire fixed ammunition by replacing the: (A) barrel; (B) bolt; (C) breechblock; or (D) any combination of Subsection (1)(b)(iii)(A), (B), or (C). “



Table 6. Western State Legislation Regarding Felons Possessing Antique Firearms. (Continued)

State	Statutory Location	Statutory Description
Montana	<a href="#">MCA 45-8-340</a> Title 45 - Crimes	45-8-340. Sawed-off firearm -- penalty. (1) A person commits the offense of possession of a sawed-off firearm if the person knowingly possesses a rifle or shotgun that when originally manufactured had a barrel length of: (a) 16 inches or more and an overall length of 26 inches or more in the case of a rifle; or (b) 18 inches or more and an overall length of 26 inches or more in the case of a shotgun; and (c) the firearm has been modified in a manner so that the barrel length, overall length, or both, are less than specified in subsection (1)(a) or (1)(b) (3) This section does not apply to firearms possessed: .... (g) by a bona fide collector of firearms if the firearm is a muzzle loading, sawed-off firearm manufactured before 1900.

**Source:** Legislative Service Office Research summary of information from other states' statutes.

If you need anything further, please contact LSO Research at 777-7881.