

What is the Issue and Why Does it Matter?

State policymakers' top priorities include ensuring the safety, inclusivity and equitability of education environments for all students on higher education campuses. Recent national surveys¹ and media coverage of high-profile cases continue to fuel concerns about the prevalence of sexual violence on college campuses. In addition, gun-related violence in the United States continues to increase² and in recent years, the amplification of college and university campus violence involving guns



and weapons resulted in policy debates. Introduced and enacted legislative proposals focus on two top-level campus safety issues: campus sexual violence and guns on campus.

Education Commission of the States and NASPA – Student Affairs Administrators in Higher Education released two issue briefs concerning campus safety. The first, [State Legislative Developments on Campus Sexual Violence: Issues in the Context of Safety](#), addresses legislative developments and offers considerations for state policymakers and leaders in higher education concerning campus sexual violence. The second issue brief, [Guns on Campus: The Architecture and Momentum of State Policy Action](#), offers a detailed summary of state legislative action and higher education system policy decisions that permit or seek to permit guns on campus, as well as actions that prohibit or seek to prohibit guns on campus. In 2016, Education Commission of the States' [final project report](#) summarized 2015 and 2016 state legislative activity related to campus sexual violence and guns on campus.

State policymakers concerned with campus safety issues continue to introduce legislation concerning campus sexual violence and guns on campus. The following sections of this Policy Snapshot provide summary information on 2016 and 2017 legislative activities.

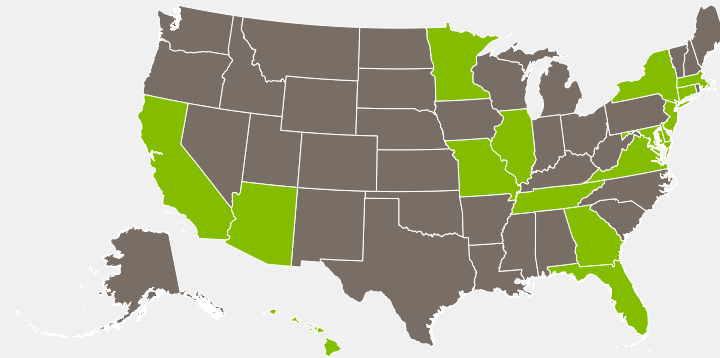


How Many States Considered Campus Sexual Violence Legislation in 2016?

Based on a review of 2016 legislative activity concerning campus sexual violence:

- At least 16 states considered campus sexual violence legislation.
- At least 30 bills were introduced.
- Eight bills were enacted and 22 bills died.

Which States Considered Campus Sexual Violence Legislation in 2016?



State	Legislation	Status
Arizona	H.B. 2278	Died
California	A.B. 2908	Enacted
Connecticut	H.B. 5376	Enacted
Delaware	H.B. 1 (H.S. 1)	Enacted
Florida	S.B. 1702/H.B. 1309	Died
Georgia	S.B. 322	Died
Hawaii	H.B. 451 S.B. 3119/H.B. 2703 S.B. 923/H.B. 1249 H.B. 2772 H.B. 597	Died Died Died Enacted Died
Illinois	H.B. 5624	Died
Maryland	H.B. 1142	Died
Massachusetts	S.B. 2465	Died

State	Legislation	Status
Minnesota	H.F. 3100 S.F. 3088	Died Died
Missouri	S.B. 626 H.B. 1678/S.B. 1085 H.B. 2204 S.B. 921	Died Died Died Enacted
New Jersey	S.B. 398/A.B. 557 S.B. 396 A.B. 2271	Died Died Died
New York	A.B. 6632 A.B. 5400	Died Died
Tennessee	S.B. 2019/H.B. 2157	Died
Virginia	H.B. 1321 H.B. 926 S.B. 83 H.B. 1015	Enacted Died Enacted Enacted

Examples of 2016 State Legislation Concerning Campus Sexual Violence



Connecticut: [H.B. 5376](#) requires higher education institutions in Connecticut to use an affirmative consent standard when determining, in the context of their required policies on sexual assault and intimate partner violence, whether sexual activity is consensual. The bill requires that the policies include clear statements advising students and employees of the affirmative consent standard. In addition, the bill specifies that the policies must describe the institutions' investigation procedures for students and employees, and requires that an official trained annually in issues relating to sexual assault, stalking and intimate partner violence conduct investigations if students are the respondents. The bill became effective July 1, 2016.



Missouri: [S.B. 921](#) requires the governing board of each public institution of higher education in Missouri to engage in discussions with law enforcement agencies and to enter into a memorandum of understanding (MOU) concerning sexual assault, domestic violence, dating violence and stalking involving



students on and off campus. The MOU shall contain detailed policies and protocols regarding sexual assault, domestic violence, dating violence and stalking involving students that comports with the best and current professional practices, and set out the procedural requirements for the reporting of an offense, protocol for establishing jurisdiction and criteria for determining when an offense must be reported to law enforcement. The bill became effective Aug. 28, 2016.



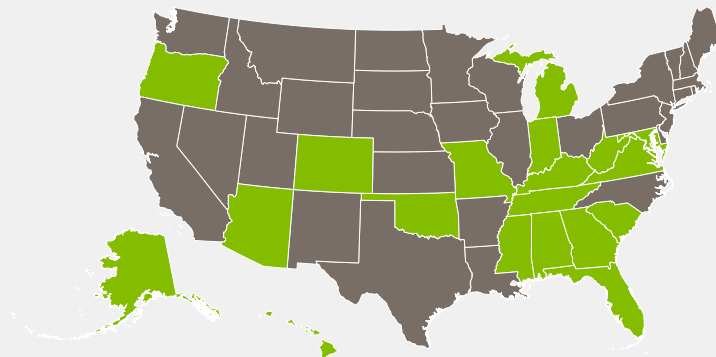
Virginia: H.B. 1015 permits each public institution of higher education or nonprofit private institution of higher education to request the cooperation of the primary law enforcement agency of the locality in which the institution is located to establish a written MOU with such law enforcement agency to address the prevention of — and response to — criminal sexual assault. The bill was approved March 25, 2016.

How Many States Considered Guns on Campus Legislation in 2016?

Based on a review of 2016 legislative activity concerning guns on campus:

- At least 19 states considered guns on campus legislation.
- At least 33 bills were introduced.
- Three bills were enacted, 29 bills died and one bill was vetoed.

Which States Considered Guns on Campus Legislation in 2016?





State	Legislation	Status
Alabama	H.B. 12	Died
Alaska	S.B. 174	Died
Arizona	H.B. 2072 H.B. 2338	Died Enacted
Colorado	S.B. 17	Died
Florida	H.B. 4001 S.B. 68	Died Died
Georgia	H.B. 544 H.B. 859	Died Vetoed
Hawaii	S.B. 95	Died
Indiana	H.B. 1055	Died
Kentucky	H.B. 221	Died
Maryland	S.B. 906 H.B. 1002	Died Died
Michigan	S.B. 442	Died
Mississippi	H.B. 1346	Died


State	Legislation	Status
Missouri	S.B. 589 H.B. 1899	Died Died
Oklahoma	S.B. 1348 S.B. 1143 H.B. 2266 H.B. 1143 S.B. 557 H.B. 2660	Died Died Died Died Died Died
South Carolina	S.B. 88	Died
Tennessee	H.B. 2131 S.B. 1991 S.B. 2376 H.B. 1736	Died Enacted Enacted Died
Virginia	H.B. 79 H.B. 761	Died Died
Washington	H.B. 2867	Died
West Virginia	H.B. 2446	Died



2016 Examples of State Legislation Concerning Guns on Campus

 **Arizona:** [H.B. 2338](#) prohibits the governing board of an educational institution from adopting or enforcing any policy or rule that prohibits a person from lawfully possessing or carrying a deadly weapon on a public right-of-way or within a person's means of transportation. The bill provides that a deadly weapon, dangerous instrument or explosive that is used, possessed or displayed in violation of a rule established by an educational institution's governing board is no longer subject to destruction and allows for its forfeiture, sale or disposal of, as outlined in the forfeiture of weapons statute. The bill was enacted May 10, 2016.

 **Georgia:** [H.B. 859](#) would have authorized the carrying and possession of certain weapons by weapons carry license holders in or on certain buildings, or real property owned by or leased to public institutions of postsecondary education. The provision would not apply to buildings or property used for athletic sporting events or student housing, including fraternity and sorority houses. The bill was vetoed by the governor.

 **Tennessee:** [S.B. 1991](#) prohibits public postsecondary institutions from taking any adverse or disciplinary action against an employee or student of the postsecondary institution for such person's transportation and storage of a firearm or firearm ammunition in compliance with present law, while on or using a parking area located on property owned, used or operated by the postsecondary institution. The bill became effective April 14, 2016.

Also in Tennessee, [H.B. 1736](#) permits full-time employees of state public colleges or universities who possess handgun carry permits to carry a handgun while on property owned, operated or controlled by the employing college or university if certain requirements are met. The bill became effective July 1, 2016.

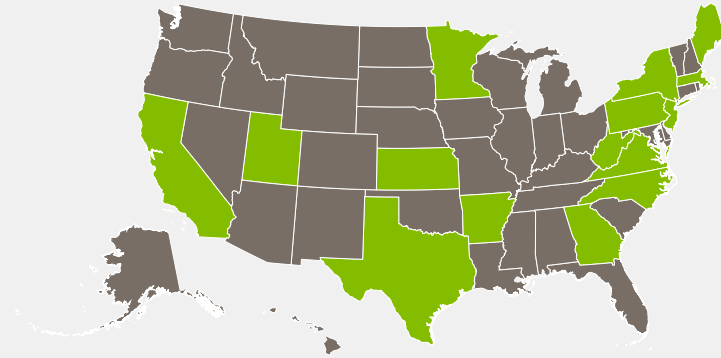


How Many States Considered Campus Sexual Violence Legislation in 2017?

Based on a review of 2017 legislative activity concerning campus sexual violence (as of August 9, 2017):

- At least 15 states have considered campus sexual violence legislation.
- At least 53 bills have been introduced.
- Ten bills were enacted, 20 bills died and 23 bills are pending.

Which States Have Considered Campus Sexual Violence Legislation in 2017?



State	Legislation	Status
Arkansas	H.B. 1518	Enacted
California	S.B. 169	Pending
	S.B. 331	Enacted
	S.B. 421	Pending
Georgia	H.B. 51	Died
Kansas	S.B. 53	Died
Massachusetts	H 632	Pending
	H 2998	Pending
	S 706	Pending
Maine	L.D. 681	Pending
Minnesota	H.F. 116	Died
	H.F. 2669	Died
	S.F. 1481	Died
	S.F. 2426	Died
North Carolina	H.B. 777	Pending
	H.B. 793	Pending
New Jersey	A 557	Pending
	A 1135	Pending
	A 2062	Pending
	A 2271	Pending
	A 2351	Pending
	A 2635	Pending
	A 2637	Pending
	S 1289	Pending
S 2429	Pending	
	S 3414	Pending

State	Legislation	Status
New York	A 6642	Pending
	A 7128	Pending
Pennsylvania	H.B. 962	Pending
	H.B. 1633	Pending
	S.B. 547	Pending
Texas	H.B. 16	Died
	H.B. 1096	Died
	H.B. 2243	Died
	H.B. 2404	Died
	H.B. 2918	Died
	H.B. 3187	Died
	H.B. 3195	Died
	H.B. 3818	Died
	S.B. 966	Enacted
	S.B. 967	Died
S.B. 968	Enacted	
S.B. 969	Enacted	
S.B. 970	Died	
S.B. 2109	Died	
Utah	H.B. 326	Died
Virginia	H.B. 1015	Enacted
	H.B. 1016	Enacted
	H.B. 1102	Enacted
	H.B. 1321	Enacted
	S.B. 81	Died
S.B. 83	Enacted	
West Virginia	H.B. 2825	Died



2017 Examples of State Legislation Concerning Campus Sexual Violence



Georgia: [H.B. 51](#) limits the ability of postsecondary institutions in Georgia to investigate reports of alleged sexual assault. The bill requires institutions to promptly report such crimes to the campus law enforcement agency or another appropriate law enforcement agency. The bill died.



Texas: [S.B. 968](#) requires public and private postsecondary educational institutions to adopt a sexual assault policy applicable to any person employed by or enrolled in the institution. The bill requires public and private postsecondary institutions to provide students and employees an option to electronically report to the institution allegations of sexual harassment, sexual assault, dating violence or stalking committed against or witnessed by the student or employee, regardless of the location at which the alleged offense occurred. The bill became effective June 12, 2017.

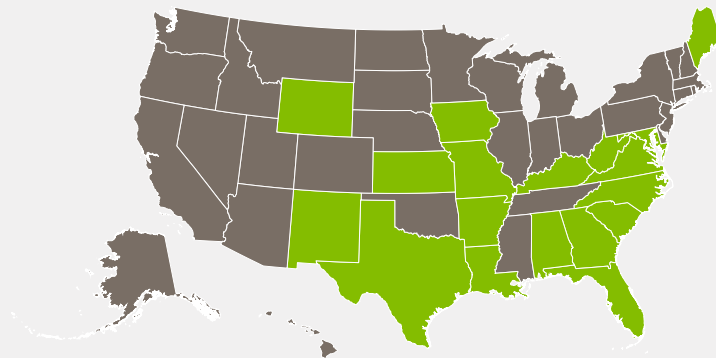
Also in Texas, [S.B. 969](#) requires public and private postsecondary institutions to provide amnesty to students who report incidents of sexual assault. The bill requires the commissioner of higher education to establish a nine-member advisory committee comprised of the chief executive officers of the postsecondary educational institution or a representative designated by the officers. The advisory committee would submit recommendations to the Higher Education Coordinating Board regarding rules for implementing provisions of the bill. The bill became effective June 12, 2017.

How Many States Have Considered Guns on Campus Legislation in 2017?

Based on a review of 2017 legislative activity concerning guns on campus (as of August 9, 2017):

- At least 18 states considered guns on campus legislation.
- 29 bills were introduced.
- Three bills were enacted, 24 bills died and two bills are pending.


Which States Considered Guns on Campus Legislation in 2017?





State	Legislation	Status
Alabama	H.B. 410	Died
Arkansas	H.B. 1249	Enacted
	H.B. 1889	Died
	H.B. 2168	Died
	S.B. 594	Died
	S.B. 660	Died
	S.B. 724	Enacted
Florida	H.B. 803	Died
	S.B. 908	Died
	S.B. 1330	Died

State	Legislation	Status
Georgia	H.B. 280	Enacted
Iowa	S.F. 146	Died
Kansas	H.B. 2074 S.B. 235	Died Died
Kentucky	H.B. 249	Died
Louisiana	H.B. 43	Died
Maryland	H.B. 159	Died
Maine	L.D. 1370	Died
Missouri	H.B. 593	Died
North Carolina	H.B. 251 S.B. 204	Pending Pending
New Mexico	S.B. 428	Died
South Carolina	H 3262	Died
Texas	H.B. 1915	Died
Virginia	H.B. 79 H.B. 761	Died Died
West Virginia	H.B. 2713 H.B. 2835	Died Died
Wyoming	H.B. 136	Died

2017 Examples of State Legislation Concerning Guns on Campus

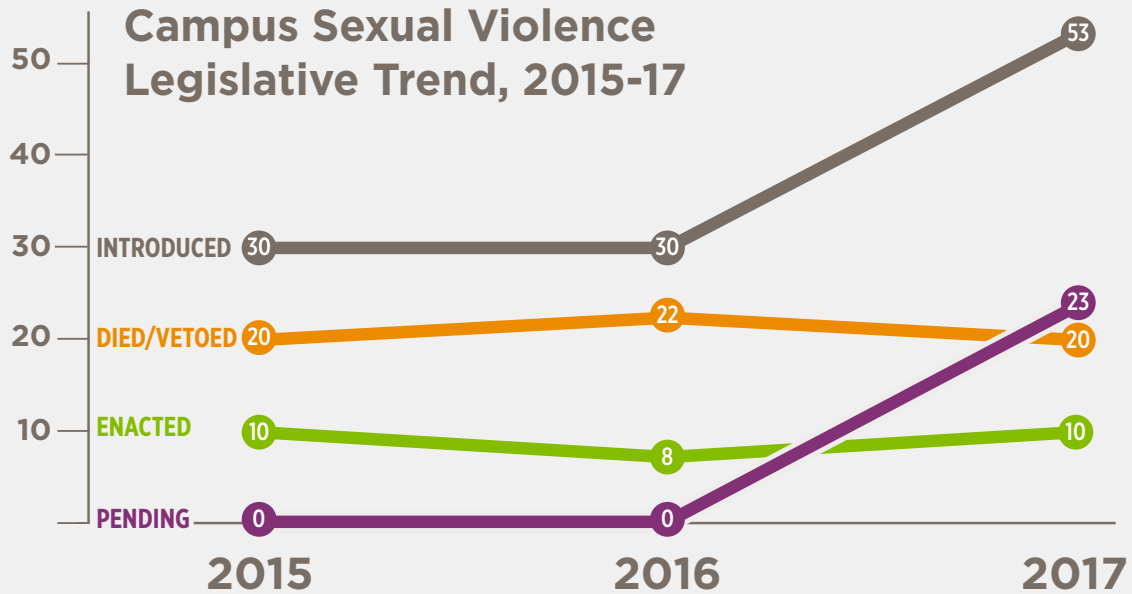
 **Georgia: H.B. 280** authorizes individuals with a concealed carry license to carry weapons on the property of any public institution of postsecondary education. The bill provides exempt locations where weapons are not allowed, including buildings or property used for athletic sporting events or for student housing — including fraternity and sorority houses. The bill was signed by the governor on May 4, 2017 and became effective July 1, 2017.

 **Arkansas: H.B. 1249** allows individuals who completed a concealed carry training possess a concealed handgun in the buildings and on the grounds of a public university, public college or community college. The bill requires private universities and private colleges that adopted policies expressly disallowing the carrying of a concealed handgun on campus to post notices near building entrances stating the prohibition of guns. The bill is effective Sept. 1, 2017.

 **Maryland: H.B. 159** prohibits, with specified exceptions, a person from carrying or possessing a firearm on the property of a public institution of higher education in Maryland. The bill applies existing criminal penalties to violations and requires a public institution of higher education to post signs to provide notice of the bill's prohibition in prominent locations on the property of the institution, including at entrances to and exits from the property. The bill also requires the Board of Regents for the University System of Maryland to incorporate into their bylaws, policies and procedures the current weapons practice on their campuses. In addition, the bill alters provisions relating to an exception from the prohibition on carrying or possessing specified weapons on specified property for an off-duty or retired law enforcement officer. The bill died.



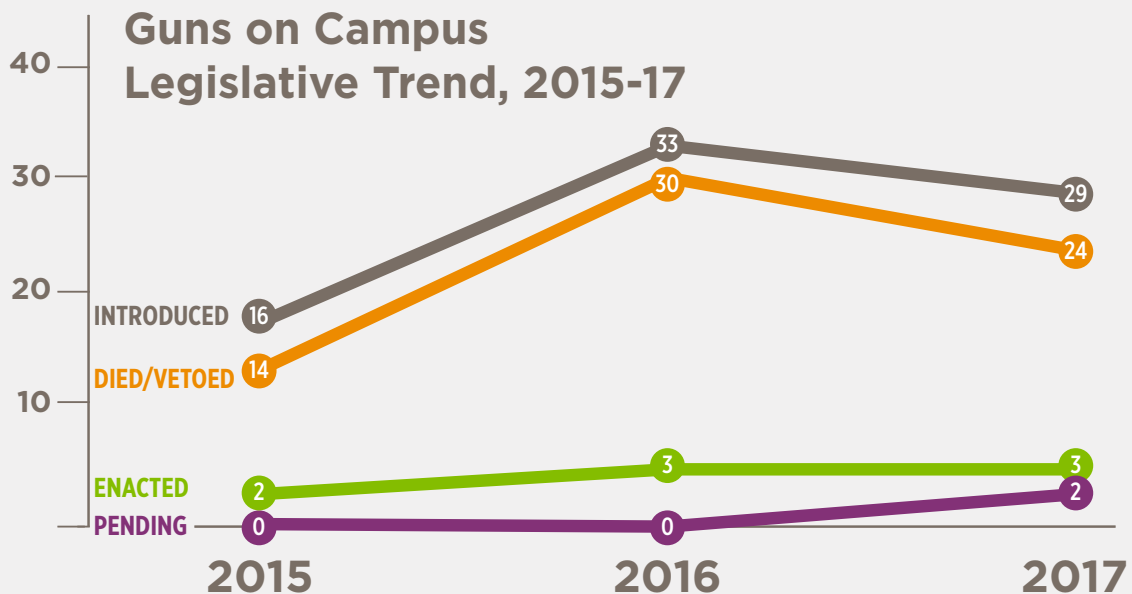
The tables below provide the number of bills considered, enacted, died or vetoed, and pending during the 2015, 2016 and 2017 legislative sessions for campus sexual violence and guns on campus. The trend line graphs show the number of bills considered from 2015 through 2017.



Year	Introduced Legislation	Enacted Legislation	Died or Vetoed Legislation	Pending Legislation
2015	30	10	20	0
2016	30	8	22	0
2017	53	10*	20	23

*The number of enacted bills may increase after the conclusion of the 2017 legislative sessions.

Note: 2015 and 2016 tracking include legislative activity in four primary policy areas: defining affirmative consent, clarifying and expanding the role of local law enforcement, creating or expanding requirements for transcript notations covering major conduct violations and addressing the role of legal counsel in conduct hearings centered on sexual violence. 2017 tracking includes legislative activity in the four primary policy areas and other issues including prevention and training related to and reporting of campus sexual assault incidences.





Year	Introduced Legislation	Enacted Legislation	Died or Vetoed Legislation	Pending Legislation
2015	16	2	14	0
2016	33	3	30	0
2017	29	3*	24	2

*The number of enacted bills may increase after the conclusion of the 2017 legislative sessions.

Resources

- [State Legislative Developments on Campus Sexual Violence: Issues in the Context of Safety](#)
- [Guns on Campus: The Architecture and Momentum of State Policy Action](#)
- [Partnership to Elevate Policy and Practice: Campus Sexual Violence and Guns on Campus - Final Report](#)

Endnotes

1. David Cantor, Bonnie Fisher, Susan Chibnall, Reanne Townsend, Hyunshik Lee, Carol Bruce, Gail Thomas, Report on the AAU Campus Climate Survey on Sexual Assault and Sexual Misconduct (Washington, D.C.: Association of American Universities, 2015), https://www.aau.edu/sites/default/files/%40%20Files/Climate%20Survey/AAU_Campus_Climate_Survey_12_14_15.pdf (accessed June 1, 2017).
2. "Gun Violence Archive 2017," Gun Violence Archive, 2017, <http://www.gunviolencearchive.org/node> (accessed June 22, 2017). "Gun Violence Archive 2017," Gun Violence Archive, 2017, <http://www.gunviolencearchive.org/node> (accessed June 22, 2017).

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About Postsecondary Legislative Tracking

The Postsecondary and Workforce Development Institute at Education Commission of the States tracks legislation on multiple issues related to college readiness and higher education. The team follows the bill's status from introduction through its final action, summarizes key provisions and assigns topics. The policy tracking helps keep an eye on trends, innovative policy approaches and the overall landscape of higher education legislative activity. This information is leveraged for several purposes, including policy snapshots that offer a brief background on a topic, a visual take on recent bills and summaries of selected state legislation.

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