Date: June 18, 1973

From: Office of the Chancellor

Subject: Firearms Resolution and Regulations

At its May meeting the Board of Trustees adopted the attached Resolution governing the Possession, Use and Storage of firearms, rifles and shotguns on premises of the State-operated institutions of the State University of New York. The resolution adds Article 4 to Subchapter C of Chapter V of Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York. This new article:

(1) sets out the circumstances under which authorization may be granted for the possession of rifles and shotguns on campuses;

(2) specifies the manner of storage of firearms on campuses;

(3) specifies the conditions for arming security personnel and establishes minimum training requirements for them; and

(4) authorizes the Chancellor or his designee to promulgate supplemental guidelines to augment the resolution.

The augmenting regulations are promulgated herewith. Whenever possession of firearms is authorized on campus, security personnel are expected to follow the requirements of the Chancellor's Regulations as well as those of the Trustees' resolution. Any violation of these Regulations would be the basis of administrative and/or disciplinary action.

If you have questions about this matter, Platt Harris, Coordinator of Security Services, will be glad to assist you.

Ernest L. Boyer

Attachment
This memorandum addressed to:
Presidents, State-operated Campuses
TO: The Board of Trustees
FROM: Ernest L. Boyer
SUBJECT: Firearms Regulations

I recommend that the Board of Trustees adopt the following resolution:

Whereas Chapter 341 of the Laws of 1969 (Penal Law, §265.05(10)) prohibits the knowing possession of rifles, shotguns, or firearms in or upon a building or grounds used for educational purposes without the written authority of the educational institution; and

Whereas the Board of Trustees in Resolution 69-179, adopted June 18, 1969 (Part 535 of Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York), within the Rules for the Maintenance of Public Order, approved a regulation prohibiting the possession of rifles, shotguns, firearms or weapons on a State-operated campus of the University without written authorization of the chief administrative officer; and

Whereas pursuant to the authority of Chapter 383 of the Laws of 1972 (Education Law, §355, subd. 2m), this Board by Resolution 72-232, adopted September 30, 1972, authorized the chief administrative officers of each State-operated institution of State University to appoint peace officers who have the powers of police officers under the Criminal Procedure Law; and

Whereas public safety and convenience would be promoted by uniform procedures for the possession and use generally of firearms, rifles, shotguns, or weapons on the State-operated campuses of the University; now, therefore, be it
Resolved that Subchapter C of Chapter V of Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York be, and hereby is, amended, by adding thereto a new Article 4, as follows:

Article 4
Firearms, Rifles and Shotguns

Part 590

Section 590.1 Applicability of regulations.
(a) These regulations shall govern the possession and use of firearms, rifles, shotguns and weapons on the premises of the State-operated institutions of State University of New York, in accordance with the provisions of Penal Law §265.05(10) and the Rules for the Maintenance of Public Order (Part 535).

(b) Except for employees of State University, these regulations shall not apply to the possession of firearms, rifles, shotguns or weapons by persons in the military or other service of the United States or the State of New York, in pursuit of official duty when duly authorized by federal or state law, regulation or order to possess the same.

Section 590.2 Definitions.
(a) The terms "firearm", "rifle", and "shotgun" as used herein shall be defined as in the Penal Law.

(b) "Weapon" shall mean any dagger, dangerous knife, razor, stiletto, imitation pistol or any dangerous or deadly instrument, including any loaded weapon from which a shot may be discharged by gunpowder, or a switchblade knife, gravity knife, billy, blackjack, bludgeon, metal knuckles, cane sword, sand club, sandbag or slingshot.

Section 590.3 General Authorization and Prohibitions.
(a) Except as otherwise provided in these regulations, a chief administrative officer may grant authorization for the possession of
rifles or shotguns only if such possession is required or permitted for specifically authorized (1) educational programs; (2) scientific research; (3) skeet, trap, or other target shooting activities carried on under the supervision of the University or for (4) the storage of sporting arms.

(b) Except as otherwise provided in these regulations, any such authorization granted pursuant to subdivision (a) may be rescinded at any time but in no event shall be valid for longer than one semester, and shall be non-transferable.

(c) No rifle, shotgun or other weapon may be used, loaded, fired or discharged unless under the supervision of a qualified firearms instructor approved by the University. This prohibition shall not apply to Forestry lands under the control of the State University College of Environmental Science and Forestry or farm lands under the control of the State University Agricultural and Technical College at Alfred.

Section 590.4 Storage of Firearms.

Except when issued in accordance with these regulations, all firearms, rifles, shotguns and weapons shall be stored unloaded in an appropriately locked arsenal within or under the control of the campus security department of each State-operated campus. Ammunition shall be stored in a separate area within said arsenal. Access to such firearms and ammunition shall be limited to the chief administrative officer or such designee as he may appoint in writing.

Section 590.5 Authorization for Security Officers.

The chief administrative officer of a State-operated campus may authorize those campus security officers to possess ammunition and firearms while on duty who:
(1) have been designated peace officers;

(2) have a New York State license to possess and carry a firearm;

(3) have successfully completed a course of instruction conducted under the strict supervision of qualified firearms instructors;

(4) have qualified at least semi-annually thereafter; and

(5) have been recommended by the director of campus security

The scope of such authorization shall be defined in writing, and may be rescinded at any time. Upon recommendation of the campus security director such authorization may be given to peace officers on mobile or foot patrol duty for money escorts, a fixed post during registration periods, or on a specific duty shift where there has been a pattern of complaints involving armed persons or other dangerous incidents.

Section 590.6 Use of Firearms by Security Officers.

Such firearms shall not be worn by security officers in crowd control situations unless specifically authorized by the chief administrative officer.

Section 590.7 Supplemental Guidelines; Violation of Regulations.

(a) The Chancellor, or his designee, is hereby authorized to promulgate supplemental guidelines in the use and care of firearms not inconsistent with these regulations.

(b) Any violation of University regulations or procedures governing firearms, rifles, shotguns or other weapons on campus shall be cause for administrative and disciplinary action; and be it further

Resolved that the Chancellor, or his designee, be, and hereby is, authorized to take all appropriate and necessary steps to implement these regulations.
STATE UNIVERSITY OF NEW YORK

Regulations governing the Possession, Storage, Care and Use of Firearms on State-operated campuses

A. The Purpose of these regulations is to provide appropriate guidelines that will insure the safe and prudent implementation of the Rules of the Board of Trustees concerning firearms and other weapons on campuses.

1. The Rules of the Board of Trustees (Article 2, Part 535, Section 535.3(j) of the official Compilation of Codes, Rules and Regulations of the State of New York) prohibit the possession of firearms or weapons on a State-operated campus of the State University of New York without the written authorization of the Chief Administrative Officer of the campus.

2. The Rules of the Board of Trustees (Article 4, Part 590 of the official Compilation of Codes, Rules and Regulations of the State of New York) govern the possession, use and storage of firearms, rifles, shotguns and weapons on the premises of State-operated institutions of the State University of New York.

   a. The fact that a person is in possession of a valid New York State pistol permit does not authorize that person to have a firearm or weapon on campus without the written authorization of the campus president.

   b. Persons who are designated peace officers under authority of Section 355, paragraph 2, subdivision m of the Education Law are not exempt from the firearms licensing requirements of the Penal Law (Section 265.20 Penal Law). Neither are they exempt from prosecution for possession of noxious substances.

B. Definition of Terms

1. "Firearm" means any pistol, revolver, sawed-off shotgun, or other firearm of a size which may be concealed upon the person. (Section 265.00, paragraph 3, Penal Law)

2. "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each pull of the trigger. (Section 265.00, paragraph 11, Penal Law)
3. "Shotgun" means a weapon designed or redesigned, made or remade and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger. (Section 265.00 paragraph 12, Penal Law)

4. "Deadly Physical Force" means physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury (Section 10, subdivision 11, Penal Law)

5. "Deadly Weapon" means any loaded weapon from which a shot, readily capable of producing death or other serious physical injury may be discharged, or a switchblade knife, gravity knife, dagger, billy, blackjack, or metal knuckles. (Section 10, subdivision 12, Penal Law)

6. "Dangerous Instrument" means any instrument, article or substance, including a "vehicle" as that term is defined in the Penal Law, which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or other serious physical injury.

C. Storage of Firearms owned by Students, Faculty and Staff

1. The Chief Administrative Officer of a State-operated campus may, in accordance with the provisions of Section 590.3 of the Rules of the Board of Trustees, grant written authorization to students, faculty or staff to permit the storage of rifles or shotguns on campus only where such possession is required or permitted for the purposes specified in said section. When authorized, such weapons shall be stored unloaded in an appropriately locked arsenal within or under the control of the campus security department of each State-operated campus. Such authorization may be rescinded at any time but in no event shall be valid for longer than one semester.

2. Since it is unlawful to possess concealable firearms without a valid New York State pistol permit on which the serial number of the weapon is recorded, the authorization for storage of such weapons would place the security custodian in violation of the law. Therefore, such weapons will not be authorized for storage.

3. When authorized for storage on campus, rifles and shotguns shall be tagged. Such tag will bear the owner's name, address and telephone number (both home and campus), date of storage and any other pertinent information deemed necessary.
4. Only the owner of such weapons, upon presentation of proper identification, may obtain possession of them after they are stored.

5. No rifle, shotgun or other weapon authorized on campus under Section 590.3 of the Rules of the Board of Trustees may be used, loaded, fired or discharged on campus except under the immediate supervision of a qualified firearms instructor approved by the State University and under a program specifically authorized by the University. This prohibition shall not apply to Forestry lands under the supervision of the State University College of Environmental Science and Forestry or farm lands under the control of the State University Agricultural and Technical College at Alfred.

D. Authorization for Campus Security Personnel

1. The Chief Administrative officer of a State-operated campus may authorize campus security personnel who possess a valid New York State pistol permit to carry firearms while on duty. Such authorization shall only be given for selective assignments such as money escorts, a fixed post during registration periods, or a mobile or foot patrol assignment during a specific shift and/or covering a specific sector of the campus.

2. Only those officers who have been designated as peace officers under authority of Section 355, paragraph 2, subdivision m of the Education Law, who are recommended by the Director of Campus Security and approved in writing by the Chief Administrative Officer are authorized to wear firearms on duty.

3. When so designated and approved to carry firearms on duty, such officers so assigned will respond to any complaints involving armed individuals, robberies or other dangerous incidents that occur during their tour of duty on their post.

4. Prior to being given written authorization to carry firearms on duty, any officer so recommended and designated must successfully complete a course of instruction (practical pistol course) conducted under the strict supervision of a qualified firearms instructor approved by the Office of the Coordinator of Security Services.

5. Thereafter such officer must qualify at least twice each year to validate the written authorization. Written records of scores and qualification shall be maintained in the officer's file.
E. Use of Firearms by Security Personnel

1. When written authorization is given to Campus Security personnel to carry firearms on duty, the weapon to be carried shall be State owned, not less than a .38 caliber revolver, blue finish with wood grips, with a capacity of not less than five rounds.

2. Holsters shall be black leather with a strap fastener.

3. A campus security officer may draw the firearm and may fire such weapon when all reasonable means for protection of the officer and/or others in his presence have been exhausted and such action is necessary to defend the officer or another person from what is reasonably believed to be the use or imminent use of deadly physical force, and as otherwise permitted by law and these rules and regulations.

4. Firearms shall not be worn by security officers while working crowd confrontations or disruptions where a considerable number of people have gathered for the purpose of protest, whether or not such gatherings are non-violent in nature, unless specifically authorized by the chief administrative officer.

5. Campus Security officers shall not fire "warning" shots nor shall they fire a weapon at a vehicle, conveyance or other structure unless the occupants of the vehicle, conveyance or other structure fall within the definitions of Section 35.30 of the Penal Law.

6. In considering the use of firearms, Campus Security officers must keep in mind that the individual officer alone is responsible for his acts and that he may be required to justify them in a court of law.

7. In addition to the stipulation for the use of firearms as set forth under E 3 they may be drawn for cleaning, proper range training and supervisory inspection.

8. Each member shall report immediately in person or by telephone (followed by a report in writing) to the Director of Campus Security the voluntary or involuntary discharge of firearms, except during official firearms training sessions. The report shall include the full circumstances of the case and the number of shots fired.

9. Any violation of University regulations or procedures governing the use or maintenance of firearms on campus shall be cause for administrative and/or disciplinary action.
F. **Firearms Safety Rules**

1. The following safety rules shall be complied with by all campus security personnel while assigned to firearms training and/or while using or carrying firearms.

   a. Treat every weapon as though it were loaded and cocked until you have checked it personally to make sure it is safe.

   b. Never point a firearm at a person unless you are ready to shoot that person as permitted by law and these regulations.

   c. Members shall not engage in firearms practice on State University grounds. They shall not discharge a firearm in any other target area unless they are duly authorized to do so and then only while an approved qualified firearms instructor is physically present at the time.

   d. Members will report to firearms training ranges with unloaded weapons.

   e. At the range never load a firearm unless on the firing line and commanded to load.

   f. When handling a firearm before commencing training, double check to make sure it is unloaded. Check the barrel for obstruction. If a firearm should be dropped during training, always unload and check the barrel for obstruction. The weapon must be checked by a qualified firearms instructor before it is fired again.

   g. On the range, weapons shall remain in the holster at all times, unless actually engaged in firing or unless a command to draw weapons has been received. When immediate use is not anticipated, safety straps shall be fastened.

   h. Never anticipate a command on the range at any time.

   i. When loading, firearms shall be pointed down range. Proper range loading procedure will be followed as directed by the firearms instructor.

   j. There shall be no unnecessary conversation while on the firing line. Trainees shall not speak to anyone except their firearms instructor. Head, eyes and weapons shall be down range at all times during any necessary conversation.
k. In the event of a malfunction or suspected malfunction, keep head, eyes and weapon pointed down range. Signal the firearms instructor and range officer by raising non-shooting hand. The weapon must be checked by a firearms instructor before firing can be resumed. Under no circumstances shall a trainee try to clear the difficulty himself or try to fire another round until a firearms instructor has checked the weapon.

l. Under no circumstances shall anyone go forward of the firing line until all weapons are empty, the entire line is cleared by the range officer, and he has told you as an individual or the entire line to go forward. Do not anticipate the range officer. This applies during both actual and dry firing.

m. If it is necessary for anyone to carry a weapon in his hand or lay it down anywhere in the range area, the weapon shall be unloaded and the action open. The action shall remain open until the weapon is holstered.

n. No smoking or carrying unlighted cigarettes, cigars or pipes is permitted while actually engaged in firing.

o. Ear protectors or cotton shall be used to protect ears by all members present on the range during firing.

p. Weapons shall be cleaned upon completion of the day's firing, under supervision of a firearms instructor and in a designated area. The action of the weapons shall remain open during cleaning. When cleaning is completed, the action shall be closed and the weapon shall be holstered empty. Weapons shall not be reloaded in the cleaning area.

q. All members must comply with safety rules and regulations governing the use of firearms. Failure to do so will be cause for administrative and/or disciplinary action.

G. Storage of Firearms

1. All firearms shall be stored (unloaded) in an appropriate locked arsenal within the security department spaces. They shall not be worn to and from work. The Director of Campus Security and his designees shall have access to them. Ammunition shall be stored in a separate area within the arsenal.

a. Loading shall not be done in the immediate vicinity of the arms locker but in another designated area. Firearms shall be
loaded by the member designated for an armed assignment. The member shall hold the weapon with the right side in the palm of his left hand and with the barrel pointed toward the floor, unlatch the cylinder with the right thumb, place the middle and ring finger of the left hand against the right side of the cylinder and follow it through the revolver frame. First and little fingers remain on the frame. With the right hand place the cartridges in the empty chambers. Close the cylinder using the right thumb on cylinder latch. Do not "flip" or "snap" the cylinder into place.

2. The dry firing of any firearms is not permitted in or on any State University facility.

3. All members must comply with safety rules and regulations relating to the use of firearms. Failure to do so will be cause for administrative and/or disciplinary action.

H. Care and Maintenance of Service Revolvers

1. Revolvers shall be examined and cleansed at least once a month, and after firing. The Director of Campus Security shall be responsible for proper inspection of firearms and for the maintenance of appropriate records concerning results of his inspections. An accurate inventory of firearms and ammunition will be maintained by the Directors.

2. Revolvers shall not be disassembled for cleaning. They will be checked to determine that they are unloaded, then double checked, before cleaning begins. The revolver shall be cleaned as follows:

a. Place a few drops of powder'solvent on a bristle brush and run through the barrel, taking care not to let the handle scrape the lands and grooves at the muzzle end of the barrel.

b. Clean chambers of the cylinder in the same manner.

c. Brush around outside of barrel, where it protrudes through the frame to make junction with the chambers.

d. Take cleaning rod and dry patches, run through the barrel and chambers until they all come out clean.

e. Run oiled patches through the barrel to leave a light coat of oil therein.
f. wipe off exterior of gun with a slightly oiled rag.

g. do not flip cylinder open or slam cylinder closed.