



FACT SHEET

Policy Development

Guns in the Library

The Colorado State Library sometimes receives questions about how our libraries, as public facilities, can develop policy around patrons' or employees' possession of guns in the public library. Parameters are set forth in the Colorado statutes, some of which we have summarized here, along with some best practices. This is shared as information only, and does not constitute a position on firearms in libraries or public facilities, nor intended as legal advice.

Concealed Handguns

Section 18-12-214, C.R.S. addresses persons' authority to carry a concealed handgun in Colorado with a permit. Although there are specific limitations regarding public schools, there is no exemption for public libraries. Accordingly, public libraries may prohibit non-permitted concealed weapons, but not those with a valid permit. While carrying a non-permitted concealed weapon is illegal, and therefore, a specific policy prohibiting it may seem redundant, a best practice may to address non-permitted concealed weapons for clarification.

Sample policy language provided by various library jurisdictions may be found at: <http://www.cde.state.co.us/cdelib/librarydevelopment/publiclibraries/Policies.htm> (see section titled "Guns in the Library"). Some public libraries request that a patron carrying a concealed weapon keep it in their vehicle; however, if the patron has a valid concealed carry permit, the patron is not required to do so.

Open Carrying of a Firearm

C.R.S. Section 29-11.7-104, provides that a local government may enact a law prohibiting the open carrying of a firearm in a building within the local government's jurisdiction. So, what does this mean for our city and county libraries and library districts? City libraries generally adopt an ordinance prohibiting the open carrying of a firearm, and county libraries generally adopt a resolution. Library districts are defined as "political subdivisions of the State" and, therefore, generally create rules by having the library board of trustees adopt a resolution.

For examples see:

<http://www.cde.state.co.us/cdelib/librarydevelopment/publiclibraries/Policies.htm> (see section titled "Guns in the Library.") If the library enacts such a law prohibiting open carrying of a firearm, they are to post a notice at the public entrances to the building (see *signage examples adopted by libraries in link above*).

Best Practices

- Consult with local legal advisors on standard practices and legal requirements present within the area served by the library.
- Have a policy addressing non-permitted concealed weapons adopted by the local board or administrative agency.
- Board may consider enacting local laws or rules covering open carrying of firearms in library buildings by staff or visitors.
- Post a notice at the library entrance or where appropriate that addresses allowability or restrictions relative to open- or conceal-carry of firearms.

Definitions

- In the context of this Fact Sheet, the use of the words guns, firearms, weapons, open carry and concealed handguns reflects language from the statutes cited. Refer to the statutes for specific definitions of these and related terms.



Library Employees

Due to some divergence of opinion based, in part, on a recent Colorado case covering employees and firearms in the workplace, this summary does not address employee concealed or open carry of firearms in the library at this time. Should legal opinions be clarified through the courts or other means, this will be updated to reflect known practices, case law, or statutory changes. Library directors or Trustees should consult with local legal advisors on how best to approach the issue, while taking into account any accepted or adopted procedures that may exist within the library's service area.

Summary/Options

To summarize, libraries' options for gun policy include:

- (1) not having a policy at all but simply relying on current Colorado laws that prohibit non-permitted open carrying of a handgun;
- (2) having the Board of Trustees or the equivalent adopt a policy addressing both non-permitted concealed carry, as well as prohibiting open carrying of a firearm; or
- (3) The Board adopts a policy to prohibit open carrying of a firearm. Because this issue may provoke concern among various people using the library, a best practice may be to follow option #2 to demonstrate the library is attempting to balance patrons' rights to permitted carrying, as well as all patrons' right to freely enjoy the library, free from anxiety.
- (4) Indicating through signs on the door or elsewhere in the library what the policies and expectations are, and having any adopted policies (with procedures for handling community concerns, if applicable) available on the library's website for review, with appropriate staff training for awareness of how to handle situations that may arise.

Where can I learn more?

- Beverly Goldberg (2014, January/February). [Taking Aim at the Reality of Guns in Libraries, American Libraries](#), vol. 45 (#1/2), pp.16-17.
- Diana Gleason (2013) [Can I Bring My Gun? A Fifty-State Survey of Firearm Laws Impacting Policies Prohibiting Handguns in Public Libraries](#), Public Library Quarterly, 32:2, 275-301, DOI: 10.1080/01616846.2013.850298
- The Public Libraries page on the State Library website provides a variety of resources (<http://www.cde.state.co.us/cdelib/>)
- For additional questions, please contact Jacqueline Murphy at Murphy_J@cde.state.co.us