



# OLR RESEARCH REPORT

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## **GUN-FREE SCHOOL ZONES**

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You asked if a state law authorizing off-duty law enforcement officers to carry firearms in a gun-free school zone would conflict with the Federal Gun-Free School Zone Act.

This office is not authorized to give legal opinions and this response should not be construed as such.

### **SUMMARY**

Federal law generally bans possession of firearms within an elementary or secondary school, on school property, or within 1,000 feet of school property. The law exempts law enforcement officers acting in their official capacity, but not off-duty officers, from the ban. Thus, off-duty officers cannot legally possess firearms in these zones by virtue of their office. But like other individuals, they may possess firearms within the zone under a license exemption to the ban. This provision exempts from the ban anyone licensed by the state in which the school zone is located, or by a political subdivision of the state, if the law required the licensing authority to verify that the person is qualified to receive the license.

The law also states that it does not preempt or prevent states or local governments from enacting gun-free school zone laws. As is the case with the federal law, Connecticut's Gun-Free School Zones Act contains no exception for off-duty law enforcement officers. Authorizing an exemption for law enforcement officers, solely by virtue of their office, would conflict with federal law.

## **FEDERAL LAW**

The federal Gun-Free School Zones Act prohibits anyone from knowingly possessing a firearm that has moved in or otherwise affects interstate or foreign commerce at a place the person knows, or has reasonable cause to believe, is a school zone (18 USC § 922(q)(2)(A)). The law also prohibits anyone from knowingly, or with reckless disregard for another person's safety, discharging or attempting to discharge a firearm that has moved in or otherwise affects interstate or foreign commerce at a place the person knows is a school zone (18 USC § 922(q)(3)(A)). A violation is punishable by a fine, imprisonment for up to five years or both, but is deemed a misdemeanor for all other legal purposes (18 USC § 924(a)(4)).

The law defines "school zone" as (1) in, or on the grounds of, a public, parochial, or private school or (2) within 1,000 feet from the grounds of such a school (18 USC § 921(a)(25)).

### ***Possession of Firearm in Federal Gun-Free School Zone***

The prohibition on possession of a firearm in a gun-free school zone does not apply to possession of a firearm:

1. on private property not part of school grounds;
2. by anyone licensed by the state in which the school zone is located, or by a political subdivision of the state, if the law required the licensing authority to verify that the person is qualified to receive the license;
3. that is unloaded and in a locked container or a locked firearms rack on a motor vehicle;
4. by an individual for use in a program approved by a school in the school zone;
5. by an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;

6. by a law enforcement officer acting in his or her official capacity; or
7. that is unloaded and being carried by an individual crossing the school property to gain access to public or private lands open to hunting if the entry on the school premises is authorized by school authorities.

### ***Discharge of Firearm in a Gun-Free School Zone***

The prohibition on discharge of a firearm in a school zone does not apply to the discharge of a firearm:

1. on private property not part of school grounds,
2. as part of a program approved by the school in the school zone by a person participating in the program,
3. by an individual in accordance with a contract entered into between a school in a school zone and the individual or his or her employer, or
4. by a law enforcement officer acting in his or her official capacity.

### **CONNECTICUT GUN-FREE SCHOOL ZONE LAW**

With some exceptions, it is illegal under state law to possess firearms on any elementary or secondary school property or at any school-sponsored event knowing that one is not licensed or privileged to possess such firearms. A violation is a class D felony.

The law does not apply to otherwise lawful possession by peace officers carrying out their official duties or anyone:

1. using a firearm in a school-approved school program or school-sponsored activity;
2. who, or whose employer, has an agreement with the school allowing the firearm; or
3. crossing school property with an unloaded firearm to hunt, or for other lawful purposes, provided entry on the school property is permitted by the local or regional board of education ([CGS § 53a-217b](#)).

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