

CONCEALED WEAPONS COVERAGE LANGUAGE

SUMMARY

By definition, pools are member owned and driven, and their primary motivation is to reduce risk. To that end, they are evidence-based in their decisions. To AGRiP's knowledge, there is no credible evidence that more guns in the hands of other than trained and certified public officials – such as armed employees or the public – increases safety in the performance of day-to-day public services.

METHODOLOGY

AGRiP contacted member pools in Midwest and Western states and asked them the following: *Are you aware of any public pool that has language in their coverage grants that excludes liabilities arising from a member carrying concealed weapons?* The answers received were then compiled and presented in the attached chart. We also reviewed past pooling experience, and conferred with other pooling experts. This report is the result of these inquiries.

DISCUSSION

Pool administrators from six different states and seven different pools responded to AGRiP's request. None of these pools have tackled the issue of concealed carry by limiting coverage, but instead they have taken various approaches to managing the risks associated. In fact, to quote one of the respondents, "We believe an effective risk management approach will be better...in enabling an effective response to emergencies." AGRiP believes this is the most prudent way to address this issue.

Those who responded have taken a myriad of different approaches to managing the risk – including advising members of their rights and obligations under the law; promoting FEMA and state emergency response protocols; and consulting specialists – and all seem to have been effective thus far, as none reported claims in conjunction with concealed carry.

CONCLUSION

Until there is credible, measurable – and not just anecdotal – evidence presented that more guns in the hands of untrained public officials does in fact increase safety in the performance of day-to-day public services, AGRiP believes there is no need to approach this topic by limiting coverage, and the focus should instead be on risk management.

RESPONSE CHART

STATE	STATE LAW ALLOWING CONCEALED CARRY	CONCEALED CARRY COVERAGE OFFERED	ADDITIONAL COMMENTS
Kansas (KCAMP)	Law ¹ allows concealed carry guns in all public buildings, or where prohibited, the public entity must have “adequate security measures in place” to prevent a weapon from entering the building. The term “adequate security” is not defined but could likely mean hiring armed guards and installing metal detectors at entrances.	KCAMP’s coverage document does not explicitly address concealed carry guns and KCAMP has not amended its coverage document to otherwise address the exposure.	Most public entities in Kansas will not be able to afford the required additional security measures, so they will be forced to allow concealed carry permit holders to have concealed weapons in public buildings. KCAMP has not taken a stance on the issue and advised members they must comply with the law. We have advised members if an employee carries a weapon where their job does not require it, an act of shooting may be outside the scope of their employment and thus not covered.
Nevada (NPAIP)	Not that the pool is aware of.	The pool has not changed their coverage grant.	The pool has promoted the FEMA disaster planning approach (mandatory for schools) and state disaster management protocols, and obtained recommendations from leading specialists on how to plan for any emergency response situation without resorting to arming school personnel.
Idaho (ICRMP)	The state is currently trying to pass legislation.	Pool has no exclusions or limitations related to claims arising out of firearms; concealed or not.	Pool does not underwrite worker’s comp or health insurance and has \$500,000 per occurrence state tort cap; exposure for catastrophic events arising out of mass gun violence is limited.
Wisconsin (LWMMI)	Law allows conceal/carry with a provision of immunity if a place of business does NOT post a prohibition of carrying weapons inside a building.	Coverage remains in force to full limits regardless of whether or not a sign is posted.	Pool believes their discretionary immunity still applies if a municipality posts a sign prohibiting weapons.
Wisconsin (CVMIC)	Law allows conceal/carry with a provision of immunity if a place of business does NOT post a prohibition of carrying weapons inside a building.	Pool did not amend coverage document and coverage would be available.	Pool took steps to ensure that members understood the immunities that are available, the impact of the law on violence in the workplace policies, and the language required if they are going to prohibit conceal carry in public buildings. To date they have not seen a claim from an employee.
Utah (UCIP)	Not that the pool is aware of.	Pool does not utilize any special coverage limitations regarding concealed weapons.	Pool believes it would take a statutory change for any pool or insurer to limit coverage for employees legally carrying a weapon.
Missouri (MIRMA)	Not that the pool is aware of.	Pool currently excludes bodily injury liability arising from intentional acts, and assault & battery (except for licensed law enforcement officers.)	Pool asserts that based on the situation they would likely defend an employee’s reasonable use of a concealed weapon under a reservation of rights.

¹ More info at the law is located at: <http://ag.ks.gov/docs/default-source/documents/2013-concealed-carry-legislative-changes---fags.pdf?sfvrsn=6>