

Senate Engrossed

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SENATE BILL 1467

AN ACT

AMENDING SECTION 13-2911, ARIZONA REVISED STATUTES; RELATING TO OFFENSES
AGAINST PUBLIC ORDER.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-2911, Arizona Revised Statutes, is amended to
3 read:

4 13-2911. Interference with or disruption of an educational
5 institution; violation; classification; definitions

6 A. A person commits interference with or disruption of an educational
7 institution by doing any of the following:

8 1. Intentionally, knowingly or recklessly interfering with or
9 disrupting the normal operations of an educational institution by either:

10 (a) Threatening to cause physical injury to any employee or student of
11 an educational institution or any person on the property of an educational
12 institution.

13 (b) Threatening to cause damage to any educational institution, the
14 property of any educational institution or the property of any employee or
15 student of an educational institution.

16 2. Intentionally or knowingly entering or remaining on the property of
17 any educational institution for the purpose of interfering with the lawful
18 use of the property or in any manner as to deny or interfere with the lawful
19 use of the property by others.

20 3. Intentionally or knowingly refusing to obey a lawful order given
21 pursuant to subsection C of this section.

22 B. To constitute a violation of this section, the acts that are
23 prohibited by subsection A, paragraph 1 of this section are not required to
24 be directed at a specific individual, a specific educational institution or
25 any specific property of an educational institution.

26 C. The chief administrative officer of an educational institution or
27 an officer or employee designated by the chief administrative officer to
28 maintain order may order a person to leave the property of the educational
29 institution if the officer or employee has reasonable grounds to believe
30 either that:

31 1. Any person or persons are committing any act that interferes with
32 or disrupts the lawful use of the property by others at the educational
33 institution.

34 2. Any person has entered on the property of an educational
35 institution for the purpose of committing any act that interferes with or
36 disrupts the lawful use of the property by others at the educational
37 institution.

38 D. The appropriate governing board of every educational institution
39 shall adopt rules pursuant to title 41, chapter 6 for the maintenance of
40 public order on all property of any educational institution under its
41 jurisdiction that is used for educational purposes and shall provide a
42 program for the enforcement of its rules. The rules shall govern the conduct
43 of students, faculty and other staff and all members of the public while on
44 the property of the educational institution. Penalties for violations of the
45 rules shall be clearly set forth and enforced. Penalties shall include

1 provisions for the ejection of a violator from the property and, in the case
2 of a student, faculty member or other staff violator, the violator's
3 suspension or expulsion or any other appropriate disciplinary action. A
4 governing board shall amend its rules as necessary to ensure the maintenance
5 of public order. Any deadly weapon, dangerous instrument or explosive that
6 is used, displayed or possessed by a person in violation of a rule adopted
7 pursuant to this subsection shall be forfeited and sold, destroyed or
8 otherwise disposed of pursuant to chapter 39 of this title. This subsection
9 does not do either of the following:

10 1. Preclude school districts from conducting approved gun safety
11 programs on school campuses.

12 2. Apply to private universities, colleges, high schools or common
13 schools or other private educational institutions.

14 E. An educational institution is not eligible to receive any state aid
15 or assistance unless rules are adopted in accordance with this section.

16 F. This section does not prevent or limit the authority of the
17 governing board of any educational institution to discharge any employee or
18 expel, suspend or otherwise punish any student for any violation of its
19 rules, even though the violation is unlawful under this chapter or is
20 otherwise an offense.

21 G. NOTWITHSTANDING SUBSECTION D OF THIS SECTION AND SECTION 15-341,
22 THE GOVERNING BOARD OF AN EDUCATIONAL INSTITUTION SHALL NOT ADOPT OR ENFORCE
23 ANY POLICY OR RULE THAT PROHIBITS THE LAWFUL POSSESSION OR CARRYING OF A
24 WEAPON ON A PUBLIC RIGHT-OF-WAY.

25 ~~G.~~ H. This section may be enforced by any peace officer in this state
26 wherever and whenever a violation occurs.

27 ~~H.~~ I. Restitution under sections 8-341, 8-345 and 13-603 applies to
28 any financial loss that is suffered by a person or educational institution as
29 a result of a violation of this section.

30 ~~I.~~ J. Interference with or disruption of an educational institution
31 pursuant to subsection A, paragraph 1 of this section is a class 6 felony.
32 Interference with or disruption of an educational institution pursuant to
33 subsection A, paragraph 2 or 3 of this section is a class 1 misdemeanor.

34 ~~J.~~ K. For the purposes of this section:

35 1. "Educational institution" means, except as otherwise provided, any
36 university, college, community college, high school or common school in this
37 state.

38 2. "Governing board" means the body, whether appointed or elected,
39 that has responsibility for the maintenance and government of an educational
40 institution.

41 3. "Interference with or disruption of" includes any act that might
42 reasonably lead to the evacuation or closure of any property of the
43 educational institution or the postponement, cancellation or suspension of
44 any class or other school activity. For the purposes of this paragraph, an

1 actual evacuation, closure, postponement, cancellation or suspension is not
2 required for the act to be considered an interference or disruption.

3 4. "Property of an educational institution" means all land, buildings
4 and other facilities that are owned, operated or controlled by the governing
5 board of an educational institution and that are devoted to educational
6 purposes.