

REFERENCE TITLE: **weapons; university; college grounds**

State of Arizona
Senate
Fiftieth Legislature
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2012

SB 1474

Introduced by
Senators Gould, Barto; Representatives Seel, Stevens; Senators Allen,
Antenori, Biggs, Crandall, Klein, Nelson, Shooter; Representative
Montenegro

AN ACT

**AMENDING SECTIONS 13-2911, 13-3102 AND 13-3102.01, ARIZONA REVISED STATUTES;
RELATING TO WEAPONS.**

(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 4. INTENTIONALLY OR KNOWINGLY POSSESSING A WEAPON IN VIOLATION OF A
23 RULE ENACTED PURSUANT TO SUBSECTION G OR H OF THIS SECTION.

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

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

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

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

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

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

12 1. Preclude school districts from conducting approved gun safety
13 programs on school campuses.

14 2. Apply to private universities, colleges, high schools or common
15 schools or other private educational institutions.

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

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

23 G. NOTWITHSTANDING SUBSECTION D OF THIS SECTION AND EXCEPT AS PROVIDED
24 IN SUBSECTION H OF THIS SECTION, THE CHIEF ADMINISTRATIVE OFFICER OR HIS
25 DESIGNEE OR THE GOVERNING BOARD OF A PUBLIC UNIVERSITY, COLLEGE OR COMMUNITY
26 COLLEGE SHALL NOT ADOPT OR ENFORCE ANY POLICY OR RULE THAT RESTRICTS OR
27 PROHIBITS THE CARRYING OR TRANSPORTING OF A CONCEALED WEAPON BY A PERSON WHO
28 POSSESSES A VALID PERMIT ISSUED OR RECOGNIZED PURSUANT TO SECTION 13-3112 AND
29 WHO IS OTHERWISE LAWFULLY PRESENT ON THE GROUNDS OF THE PUBLIC UNIVERSITY,
30 COLLEGE OR COMMUNITY COLLEGE.

31 H. THE CHIEF ADMINISTRATIVE OFFICER OR HIS DESIGNEE OR THE GOVERNING
32 BOARD OF A PUBLIC UNIVERSITY, COLLEGE OR COMMUNITY COLLEGE MAY ADOPT OR
33 ENFORCE ANY POLICY OR RULE THAT RESTRICTS OR PROHIBITS THE CARRYING OR
34 TRANSPORTING OF A WEAPON WITHIN ANY BUILDING ON THE GROUNDS OF A PUBLIC
35 UNIVERSITY, COLLEGE OR COMMUNITY COLLEGE IF A SIGN THAT IS AT LEAST FIVE
36 INCHES HIGH BY SEVEN INCHES WIDE IS CONSPICUOUSLY POSTED AT EACH PUBLIC
37 ENTRANCE TO THE BUILDING. THE SIGN SHALL STATE: "PURSUANT TO SECTION
38 13-2911, ARIZONA REVISED STATUTES, POSSESSION OF A WEAPON IN THIS BUILDING IS
39 PROHIBITED AND IS PUNISHABLE BY CRIMINAL AND CIVIL PENALTIES INCLUDING
40 FORFEITURE OF THE WEAPON". A PUBLIC UNIVERSITY, COLLEGE OR COMMUNITY COLLEGE
41 THAT PROHIBITS A WEAPON PURSUANT TO THIS SUBSECTION SHALL PROVIDE TEMPORARY
42 AND SECURE STORAGE FOR THE WEAPON PURSUANT TO SECTION 13-3102.01. IF A
43 BUILDING HAS MORE THAN ONE ENTRANCE OR EXIT, THE PUBLIC UNIVERSITY, COLLEGE
44 OR COMMUNITY COLLEGE MAY PROVIDE THE TEMPORARY AND SECURE STORAGE AT ONE MAIN
45 ENTRANCE TO OR EXIT FROM THE BUILDING.

1 ~~G.~~ I. This section may be enforced by any peace officer in this state
2 wherever and whenever a violation occurs.

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

6 ~~I.~~ K. Interference with or disruption of an educational institution
7 pursuant to subsection A, paragraph 1 of this section is a class 6 felony.
8 Interference with or disruption of an educational institution pursuant to
9 subsection A, paragraph 2 or 3 of this section is a class 1 misdemeanor.
10 INTERFERENCE WITH OR DISRUPTION OF AN EDUCATIONAL INSTITUTION PURSUANT TO
11 SUBSECTION A, PARAGRAPH 4 OF THIS SECTION IS A PETTY OFFENSE.

12 ~~J.~~ L. For the purposes of this section:

13 1. "BUILDING" MEANS A PERMANENT, ENCLOSED STRUCTURE WITH WALLS, A ROOF
14 AND LIMITED ACCESS THROUGH LOCKABLE DOORS OR GATES AND INCLUDES A STADIUM
15 WITH AN OPEN AIR PLAYING FIELD. BUILDING DOES NOT INCLUDE ANY PART OF A
16 PUBLICLY ACCESSIBLE STRUCTURE THAT IS PRIMARILY USED FOR THE PARKING OF MOTOR
17 VEHICLES OR FOR THE EDUCATION OF PUPILS IN A KINDERGARTEN PROGRAM OR GRADES
18 ONE THROUGH TWELVE.

19 ~~K.~~ 2. "Educational institution" means, except as otherwise provided,
20 any university, college, community college, high school or common school in
21 this state.

22 ~~L.~~ 3. "Governing board" means the body, whether appointed or elected,
23 that has responsibility for the maintenance and government of an educational
24 institution.

25 ~~M.~~ 4. "Interference with or disruption of" includes any act that
26 might reasonably lead to the evacuation or closure of any property of the
27 educational institution or the postponement, cancellation or suspension of
28 any class or other school activity. For the purposes of this paragraph, an
29 actual evacuation, closure, postponement, cancellation or suspension is not
30 required for the act to be considered an interference or disruption.

31 ~~N.~~ 5. "Property of an educational institution" means all land,
32 buildings and other facilities that are owned, operated or controlled by the
33 governing board of an educational institution and that are devoted to
34 educational purposes.

35 Sec. 2. Section 13-3102, Arizona Revised Statutes, is amended to read:

36 13-3102. Misconduct involving weapons; defenses;
37 classification; definitions

38 A. A person commits misconduct involving weapons by knowingly:

39 1. Carrying a deadly weapon except a pocket knife concealed on his
40 person or within his immediate control in or on a means of transportation:

41 (a) In the furtherance of a serious offense as defined in section
42 13-706, a violent crime as defined in section 13-901.03 or any other felony
43 offense; or

1 (b) When contacted by a law enforcement officer and failing to
2 accurately answer the officer if the officer asks whether the person is
3 carrying a concealed deadly weapon; or

4 2. Carrying a deadly weapon except a pocket knife concealed on his
5 person or concealed within his immediate control in or on a means of
6 transportation if the person is under twenty-one years of age; or

7 3. Manufacturing, possessing, transporting, selling or transferring a
8 prohibited weapon, except that if the violation involves dry ice, a person
9 commits misconduct involving weapons by knowingly possessing the dry ice with
10 the intent to cause injury to or death of another person or to cause damage
11 to the property of another person; or

12 4. Possessing a deadly weapon or prohibited weapon if such person is a
13 prohibited possessor; or

14 5. Selling or transferring a deadly weapon to a prohibited possessor;
15 or

16 6. Defacing a deadly weapon; or

17 7. Possessing a defaced deadly weapon knowing the deadly weapon was
18 defaced; or

19 8. Using or possessing a deadly weapon during the commission of any
20 felony offense included in chapter 34 of this title; or

21 9. Discharging a firearm at an occupied structure in order to assist,
22 promote or further the interests of a criminal street gang, a criminal
23 syndicate or a racketeering enterprise; or

24 10. Unless specifically authorized by law, entering any public
25 establishment or attending any public event and carrying a deadly weapon on
26 his person after a reasonable request by the operator of the establishment or
27 the sponsor of the event or the sponsor's agent to remove his weapon and
28 place it in the custody of the operator of the establishment or the sponsor
29 of the event for temporary and secure storage of the weapon pursuant to
30 section 13-3102.01; or

31 11. Unless specifically authorized by law, entering an election polling
32 place on the day of any election carrying a deadly weapon; or

33 12. Possessing a deadly weapon on school grounds; or

34 13. Unless specifically authorized by law, entering a nuclear or
35 hydroelectric generating station carrying a deadly weapon on his person or
36 within the immediate control of any person; or

37 14. Supplying, selling or giving possession or control of a firearm to
38 another person if the person knows or has reason to know that the other
39 person would use the firearm in the commission of any felony; or

40 15. Using, possessing or exercising control over a deadly weapon in
41 furtherance of any act of terrorism as defined in section 13-2301 or
42 possessing or exercising control over a deadly weapon knowing or having
43 reason to know that it will be used to facilitate any act of terrorism as
44 defined in section 13-2301.

1 B. Subsection A, paragraph 2 of this section shall not apply to:

2 1. A person in his dwelling, on his business premises or on real
3 property owned or leased by that person or that person's parent, grandparent
4 or legal guardian.

5 2. A member of the sheriff's volunteer posse or reserve organization
6 who has received and passed firearms training that is approved by the Arizona
7 peace officer standards and training board and who is authorized by the
8 sheriff to carry a concealed weapon pursuant to section 11-441.

9 3. A firearm that is carried in:

10 (a) A manner where any portion of the firearm or holster in which the
11 firearm is carried is visible.

12 (b) A holster that is wholly or partially visible.

13 (c) A scabbard or case designed for carrying weapons that is wholly or
14 partially visible.

15 (d) Luggage.

16 (e) A case, holster, scabbard, pack or luggage that is carried within
17 a means of transportation or within a storage compartment, map pocket, trunk
18 or glove compartment of a means of transportation.

19 C. Subsection A, paragraphs 2, 3, 7, 10, 11, 12 and 13 of this section
20 shall not apply to:

21 1. A peace officer or any person summoned by any peace officer to
22 assist and while actually assisting in the performance of official duties; or

23 2. A member of the military forces of the United States or of any
24 state of the United States in the performance of official duties; or

25 3. A warden, deputy warden, community correctional officer, detention
26 officer, special investigator or correctional officer of the state department
27 of corrections or the department of juvenile corrections; or

28 4. A person specifically licensed, authorized or permitted pursuant to
29 a statute of this state or of the United States.

30 D. Subsection A, paragraphs 3 and 7 of this section shall not apply
31 to:

32 1. The possessing, transporting, selling or transferring of weapons by
33 a museum as a part of its collection or an educational institution for
34 educational purposes or by an authorized employee of such museum or
35 institution, if:

36 (a) Such museum or institution is operated by the United States or
37 this state or a political subdivision of this state, or by an organization
38 described in 26 United States Code section 170(c) as a recipient of a
39 charitable contribution; and

40 (b) Reasonable precautions are taken with respect to theft or misuse
41 of such material.

42 2. The regular and lawful transporting as merchandise; or

43 3. Acquisition by a person by operation of law such as by gift, devise
44 or descent or in a fiduciary capacity as a recipient of the property or
45 former property of an insolvent, incapacitated or deceased person.

1 E. Subsection A, paragraph 3 of this section shall not apply to the
2 merchandise of an authorized manufacturer of or dealer in prohibited weapons,
3 when such material is intended to be manufactured, possessed, transported,
4 sold or transferred solely for or to a dealer, a regularly constituted or
5 appointed state, county or municipal police department or police officer, a
6 detention facility, the military service of this or another state or the
7 United States, a museum or educational institution or a person specifically
8 licensed or permitted pursuant to federal or state law.

9 F. Subsection A, paragraph 10 of this section shall not apply to:

10 1. Shooting ranges or shooting events, hunting areas or similar
11 locations or activities.

12 2. THE CARRYING OF A CONCEALED WEAPON BY A PERSON WHO POSSESSES A
13 VALID PERMIT ISSUED OR RECOGNIZED PURSUANT TO SECTION 13-3112 ON THE GROUNDS
14 OF A PUBLIC UNIVERSITY, COLLEGE OR COMMUNITY COLLEGE UNLESS PROHIBITED BY
15 SECTION 13-2911.

16 G. Subsection A, paragraph 3 of this section shall not apply to a
17 weapon described in section 13-3101, subsection A, paragraph 8, subdivision
18 (a), item (v), if such weapon is possessed for the purposes of preparing for,
19 conducting or participating in lawful exhibitions, demonstrations, contests
20 or athletic events involving the use of such weapon. Subsection A, paragraph
21 12 of this section shall not apply to a weapon if such weapon is possessed
22 for the purposes of preparing for, conducting or participating in hunter or
23 firearm safety courses.

24 H. Subsection A, paragraph 12 of this section shall not apply to the
25 possession of a:

26 1. Firearm that is not loaded and that is carried within a means of
27 transportation under the control of an adult provided that if the adult
28 leaves the means of transportation the firearm shall not be visible from the
29 outside of the means of transportation and the means of transportation shall
30 be locked.

31 2. Firearm for use on the school grounds in a program approved by a
32 school.

33 3. Firearm by a person who possesses a certificate of firearms
34 proficiency pursuant to section 13-3112, subsection T and who is authorized
35 to carry a concealed firearm pursuant to the law enforcement officers safety
36 act of 2004 (P.L. 108-277; 118 Stat. 865; 18 United States Code sections 926B
37 and 926C).

38 I. Subsection A, paragraphs 2, 3, 7 and 13 of this section shall not
39 apply to commercial nuclear generating station armed nuclear security guards
40 during the performance of official duties or during any security training
41 exercises sponsored by the commercial nuclear generating station or local,
42 state or federal authorities.

43 J. The operator of the establishment or the sponsor of the event or
44 the employee of the operator or sponsor or the agent of the sponsor,
45 including a public entity or public employee, is not liable for acts or

1 omissions pursuant to subsection A, paragraph 10 of this section unless the
2 operator, sponsor, employee or agent intended to cause injury or was grossly
3 negligent.

4 K. If a law enforcement officer contacts a person who is in possession
5 of a firearm, the law enforcement officer may take temporary custody of the
6 firearm for the duration of that contact.

7 L. Misconduct involving weapons under subsection A, paragraph 15 of
8 this section is a class 2 felony. Misconduct involving weapons under
9 subsection A, paragraph 9 or 14 of this section is a class 3 felony.
10 Misconduct involving weapons under subsection A, paragraph 3, 4, 8 or 13 of
11 this section is a class 4 felony. Misconduct involving weapons under
12 subsection A, paragraph 12 of this section is a class 1 misdemeanor unless
13 the violation occurs in connection with conduct that violates section
14 13-2308, subsection A, paragraph 5, section 13-2312, subsection C, section
15 13-3409 or section 13-3411, in which case the offense is a class 6 felony.
16 Misconduct involving weapons under subsection A, paragraph 1, subdivision (a)
17 of this section or subsection A, paragraph 5, 6 or 7 of this section is a
18 class 6 felony. Misconduct involving weapons under subsection A, paragraph
19 1, subdivision (b) of this section or subsection A, paragraph 10 or 11 of
20 this section is a class 1 misdemeanor. Misconduct involving weapons under
21 subsection A, paragraph 2 of this section is a class 3 misdemeanor.

22 M. For the purposes of this section:

23 1. "Contacted by a law enforcement officer" means a lawful traffic or
24 criminal investigation, arrest or detention or an investigatory stop by a law
25 enforcement officer that is based on reasonable suspicion that an offense has
26 been or is about to be committed.

27 2. "Public establishment" means a structure, vehicle or craft that is
28 owned, leased or operated by this state or a political subdivision of this
29 state.

30 3. "Public event" means a specifically named or sponsored event of
31 limited duration that is either conducted by a public entity or conducted by
32 a private entity with a permit or license granted by a public entity. Public
33 event does not include an unsponsored gathering of people in a public place.

34 4. "School" means a public or nonpublic kindergarten program, common
35 school or high school.

36 5. "School grounds" means in, or on the grounds of, a school.

37 Sec. 3. Section 13-3102.01, Arizona Revised Statutes, is amended to
38 read:

39 13-3102.01. Storage of deadly weapons; definitions

40 A. If an operator of a public establishment, ~~or~~ a sponsor of a public
41 event ~~OR A PUBLIC UNIVERSITY, COLLEGE OR COMMUNITY COLLEGE~~ requests that a
42 person carrying a deadly weapon remove the weapon, the operator, ~~or~~ sponsor
43 ~~UNIVERSITY, COLLEGE OR COMMUNITY COLLEGE~~ shall provide temporary and secure
44 storage. The storage shall be readily accessible on entry into the
45 establishment or event ~~OR A UNIVERSITY, COLLEGE OR COMMUNITY COLLEGE BUILDING~~

1 and allow for the immediate retrieval of the weapon on exit from the
2 establishment, ~~or~~ event OR BUILDING.

3 B. This section does not apply to the licensed premises of any public
4 establishment or public event with a license issued pursuant to title 4.

5 C. The PUBLIC UNIVERSITY, COLLEGE OR COMMUNITY COLLEGE, THE operator
6 of the establishment or the sponsor of the event or the employee of the
7 operator or sponsor or the agent of the sponsor, including a public entity or
8 public employee, is not liable for acts or omissions pursuant to this section
9 unless the operator, sponsor, employee or agent OR THE PUBLIC UNIVERSITY,
10 COLLEGE OR COMMUNITY COLLEGE intended to cause injury or was grossly
11 negligent.

12 D. For the purposes of this section, "public establishment" and
13 "public event" have the same meanings prescribed in section 13-3102.