

REFERENCE TITLE: **concealed firearms; schools; authorization requirements**

State of Arizona
Senate
Fifty-first Legislature
First Regular Session
2013

SB 1325

Introduced by
Senator Crandall

AN ACT

AMENDING SECTIONS 13-2911 AND 13-3102, 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; authorization to possess a concealed
6 firearm; violation; classification; definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

E. NOTWITHSTANDING SUBSECTION D OF THIS SECTION, THE GOVERNING BOARD OF AN EDUCATIONAL INSTITUTION MAY AUTHORIZE A TEACHER OR AN ADMINISTRATOR TO POSSESS A CONCEALED FIREARM ON THE PROPERTY OF AN EDUCATIONAL INSTITUTION UNDER THE FOLLOWING CONDITIONS:

1. THE SCHOOL WHERE THE AUTHORIZED PERSON POSSESSES THE CONCEALED FIREARM MEETS THE FOLLOWING CONDITIONS:

(a) HAS FEWER THAN SIX HUNDRED STUDENTS ENROLLED IN THE SCHOOL.

(b) IS MORE THAN THIRTY MINUTES AND TWENTY MILES AWAY FROM THE CLOSEST LAW ENFORCEMENT FACILITY.

(c) DOES NOT HAVE A SCHOOL RESOURCE OFFICER.

2. BEFORE AUTHORIZING A PERSON PURSUANT TO THIS SUBSECTION, THE GOVERNING BOARD CONSIDERS THE PERSON'S TEMPERAMENT, PERSONALITY AND, IF APPLICABLE, PREVIOUS REACTIONS TO A CRISIS.

3. THE AUTHORIZED PERSON:

(a) POSSESSES A VALID FINGERPRINT CLEARANCE CARD.

(b) HAS A VALID PERMIT ISSUED PURSUANT TO SECTION 13-3112.

(c) ANNUALLY ATTENDS FIREARM TRAINING THAT IS APPROVED BY THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD AND THAT COVERS THE FOLLOWING TOPICS:

(i) _____

(ii) _____

(iii) _____

(d) USES AMMUNITION THAT IS FRANGIBLE OR DESIGNED TO HAVE A REDUCED RICOCHET HAZARD.

(e) IS NOT A PROHIBITED POSSESSOR AND THE FIREARM IS NOT A PROHIBITED WEAPON.

4. THE FIREARM REMAINS CONCEALED ON THE AUTHORIZED PERSON AT ALL TIMES OR IS STORED IN SECURE LOCKED STORAGE.

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

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

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

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

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

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

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

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

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

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

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

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

A. A person commits misconduct involving weapons by knowingly:

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

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

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

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

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

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

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

6. Defacing a deadly weapon; or

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

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

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

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

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

12. Possessing a deadly weapon on school grounds; or

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

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

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

16. Trafficking in weapons or explosives for financial gain in order to assist, promote or further the interests of a criminal street gang, a criminal syndicate or a racketeering enterprise.

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

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

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

8 3. A firearm that is carried in:

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

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

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

14 (d) Luggage.

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

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

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

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

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

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

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

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

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

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

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

42 3. Acquisition by a person by operation of law such as by gift, devise
43 or descent or in a fiduciary capacity as a recipient of the property or
44 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 shooting ranges or shooting events, hunting areas or similar locations or
11 activities.

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

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

22 1. Firearm that is not loaded and that is carried within a means of
23 transportation under the control of an adult provided that if the adult
24 leaves the means of transportation the firearm shall not be visible from the
25 outside of the means of transportation and the means of transportation shall
26 be locked.

27 2. Firearm for use on the school grounds in a program approved by a
28 school.

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

34 4. FIREARM BY A PERSON WHO IS AUTHORIZED BY THE GOVERNING BOARD OR
35 BODY OF A SCHOOL TO POSSESS A CONCEALED FIREARM ON SCHOOL GROUNDS.

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

41 J. The operator of the establishment or the sponsor of the event or
42 the employee of the operator or sponsor or the agent of the sponsor,
43 including a public entity or public employee, is not liable for acts or
44 omissions pursuant to subsection A, paragraph 10 of this section unless the

1 operator, sponsor, employee or agent intended to cause injury or was grossly
2 negligent.

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

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

21 M. For the purposes of this section:

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

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

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

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

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