

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

SENATE BILL 1325

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

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

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

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

15 E. NOTWITHSTANDING SUBSECTION D OF THIS SECTION, THE GOVERNING BOARD
16 OF AN EDUCATIONAL INSTITUTION MAY AUTHORIZE A SCHOOL EMPLOYEE TO POSSESS A
17 CONCEALED HANDGUN, PISTOL OR REVOLVER ON THE PROPERTY OF AN EDUCATIONAL
18 INSTITUTION UNDER THE FOLLOWING CONDITIONS:

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

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

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

24 (c) DOES NOT HAVE A SCHOOL RESOURCE OFFICER.

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

28 3. THE AUTHORIZED PERSON:

29 (a) POSSESSES A VALID FINGERPRINT CLEARANCE CARD.

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

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

34 (i) LEGAL ISSUES RELATING TO THE USE OF DEADLY FORCE.

35 (ii) WEAPON CARE AND MAINTENANCE.

36 (iii) MENTAL CONDITIONING FOR THE USE OF DEADLY FORCE.

37 (iv) SAFE HANDLING AND STORAGE OF WEAPONS.

38 (v) MARKSMANSHIP.

39 (vi) JUDGMENTAL SHOOTING.

40 (vii) SCENARIO-BASED TRAINING.

41 (viii) FORCE ON FORCE TRAINING.

42 (ix) FAMILIARITY WITH POLICE ACTIVE SHOOTER RESPONSE.

43 (x) COORDINATION WITH THE LOCAL JURISDICTION.

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

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

3 4. THE FIREARM REMAINS CONCEALED ON THE AUTHORIZED PERSON AT ALL TIMES
4 OR IS STORED IN A GUN LOCKER.

5 5. THE EDUCATIONAL INSTITUTION MAINTAINS A SECURE FIREARM STORAGE
6 LOCKER.

7 F. NOTWITHSTANDING SUBSECTION D OF THIS SECTION, THE GOVERNING BOARD
8 OF AN EDUCATIONAL INSTITUTION MAY AUTHORIZE A RETIRED PEACE OFFICER WHO IS AN
9 EMPLOYEE OF AN EDUCATIONAL INSTITUTION TO POSSESS A CONCEALED FIREARM ON THE
10 PROPERTY OF AN EDUCATIONAL INSTITUTION IF THE RETIRED PEACE OFFICER POSSESSES
11 A CERTIFICATE OF FIREARMS PROFICIENCY PURSUANT TO SECTION 13-3112, SUBSECTION
12 T. FOR THE PURPOSES OF THIS SUBSECTION, "RETIRED PEACE OFFICER" HAS THE SAME
13 MEANING PRESCRIBED IN SECTION 38-1102.

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

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

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

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

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

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

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

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

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

1 board of an educational institution and that are devoted to educational
2 purposes.

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

4 13-3102. Misconduct involving weapons; defenses;
5 classification; definitions

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

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

9 (a) In the furtherance of a serious offense as defined in section
10 13-706, a violent crime as defined in section 13-901.03 or any other felony
11 offense; or

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

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

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

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

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

27 6. Defacing a deadly weapon; or

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

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

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

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

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

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

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

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

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

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

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

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

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

23 3. A firearm that is carried in:

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

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

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

29 (d) Luggage.

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

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

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

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

39 3. A warden, deputy warden, community correctional officer, detention
40 officer, special investigator or correctional officer of the state department
41 of corrections or the department of juvenile corrections; or

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

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

3 1. The possessing, transporting, selling or transferring of weapons by
4 a museum as a part of its collection or an educational institution for
5 educational purposes or by an authorized employee of such museum or
6 institution, if:

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

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

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

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

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

25 F. Subsection A, paragraph 10 of this section shall not apply to
26 shooting ranges or shooting events, hunting areas or similar locations or
27 activities.

28 G. Subsection A, paragraph 3 of this section shall not apply to a
29 weapon described in section 13-3101, subsection A, paragraph 8, subdivision
30 (a), item (v), if such weapon is possessed for the purposes of preparing for,
31 conducting or participating in lawful exhibitions, demonstrations, contests
32 or athletic events involving the use of such weapon. Subsection A, paragraph
33 12 of this section shall not apply to a weapon if such weapon is possessed
34 for the purposes of preparing for, conducting or participating in hunter or
35 firearm safety courses.

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

38 1. Firearm that is not loaded and that is carried within a means of
39 transportation under the control of an adult provided that if the adult
40 leaves the means of transportation the firearm shall not be visible from the
41 outside of the means of transportation and the means of transportation shall
42 be locked.

43 2. Firearm for use on the school grounds in a program approved by a
44 school.

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

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

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

13 J. The operator of the establishment or the sponsor of the event or
14 the employee of the operator or sponsor or the agent of the sponsor,
15 including a public entity or public employee, is not liable for acts or
16 omissions pursuant to subsection A, paragraph 10 of this section unless the
17 operator, sponsor, employee or agent intended to cause injury or was grossly
18 negligent.

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

22 L. Misconduct involving weapons under subsection A, paragraph 15 of
23 this section is a class 2 felony. Misconduct involving weapons under
24 subsection A, paragraph 9, 14 or 16 of this section is a class 3 felony.
25 Misconduct involving weapons under subsection A, paragraph 3, 4, 8 or 13 of
26 this section is a class 4 felony. Misconduct involving weapons under
27 subsection A, paragraph 12 of this section is a class 1 misdemeanor unless
28 the violation occurs in connection with conduct that violates section
29 13-2308, subsection A, paragraph 5, section 13-2312, subsection C, section
30 13-3409 or section 13-3411, in which case the offense is a class 6 felony.
31 Misconduct involving weapons under subsection A, paragraph 1, subdivision (a)
32 of this section or subsection A, paragraph 5, 6 or 7 of this section is a
33 class 6 felony. Misconduct involving weapons under subsection A, paragraph
34 1, subdivision (b) of this section or subsection A, paragraph 10 or 11 of
35 this section is a class 1 misdemeanor. Misconduct involving weapons under
36 subsection A, paragraph 2 of this section is a class 3 misdemeanor.

37 M. For the purposes of this section:

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

42 2. "Public establishment" means a structure, vehicle or craft that is
43 owned, leased or operated by this state or a political subdivision of this
44 state.

- 1 3. "Public event" means a specifically named or sponsored event of
2 limited duration that is either conducted by a public entity or conducted by
3 a private entity with a permit or license granted by a public entity. Public
4 event does not include an unsponsored gathering of people in a public place.
- 5 4. "School" means a public or nonpublic kindergarten program, common
6 school or high school.
- 7 5. "School grounds" means in, or on the grounds of, a school.