

House Engrossed

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

HOUSE BILL 2338

AN ACT

AMENDING SECTION 13-2911, ARIZONA REVISED STATUTES; RELATING TO CONCEALED 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 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 **SECTION 13-3105 AND** chapter 39 of this
9 title. This subsection 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. This section may be enforced by any peace officer in this state
22 wherever and whenever a violation occurs.

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

26 **I. NOTWITHSTANDING SECTION 15-341 AND SUBSECTION D OF THIS SECTION,**
27 **THE GOVERNING BOARD OF AN EDUCATIONAL INSTITUTION MAY NOT ADOPT OR ENFORCE**
28 **ANY POLICY OR RULE THAT PROHIBITS THE LAWFUL POSSESSION OR CARRYING OF A**
29 **DEADLY WEAPON ON A PUBLIC RIGHT-OF-WAY BY A PERSON OR ON OR WITHIN A PERSON'S**
30 **MEANS OF TRANSPORTATION.**

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

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

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

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

42 3. "Interference with or disruption of" includes any act that might
43 reasonably lead to the evacuation or closure of any property of the
44 educational institution or the postponement, cancellation or suspension of
45 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.

7 5. "PUBLIC RIGHT-OF-WAY" MEANS ANY HIGHWAY, STREET, ROAD,
8 THOROUGHFARE, PATH, ALLEY OR OTHER RIGHT-OF-WAY THAT IS PUBLICLY ACCESSIBLE
9 AND THAT IS ESTABLISHED AND MAINTAINED BY THIS STATE OR A POLITICAL
10 SUBDIVISION OF THIS STATE. PUBLIC RIGHT-OF-WAY DOES NOT INCLUDE PROPERTY OF
11 AN EDUCATIONAL INSTITUTION.