



ARIZONA STATE SENATE
Fifty-Second Legislature, Second Regular Session

FACT SHEET FOR H.B. 2338

educational institutions; firearms; rights-of-way

Purpose

Stipulates the governing board (board) of an educational institution is prohibited from creating or enforcing any regulations regarding the lawful possession of a deadly weapon on a public right-of-way.

Background

Statute currently requires the board of an educational institution to adopt rules and procedures for the maintenance of public order on all educational institution under its jurisdiction that students, faculty, staff and all members of the public must abide by while on the property. The penalty for a violation may include ejection of a violator, suspension, expulsion or other appropriate disciplinary action. A deadly weapon, dangerous instrument or explosive that is used, displayed or possessed in violation of a rule adopted by the board shall be forfeited and sold, destroyed or otherwise disposed of unless it is in relation to an approved gun safety program. Private university, college, high school or other private educational intuitions are exempt from the requirements (A.R.S. § 13-2911).

Educational institution means any university, college, community college, high school or common school in this state. *Governing board* means the body, whether appointed or elected, that has responsibility for the maintenance and government of an educational institution (A.R.S. § 13-2911).

Currently, knowingly possessing a deadly weapon on school grounds constitutes an offense of misconduct involving weapons and is classified as a class 1 misdemeanor. Possession of a deadly weapon on school grounds does not constitute an act of misconduct involving weapons if the firearm is not loaded and is carried within a means of transportation controlled by an adult, the firearm is for use on the school grounds in an approved program, or the firearm is carried by a person authorized to carry a concealed weapon and is in possession of a certificate of firearms proficiency (A.R.S. § 13-3102).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

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Provisions

1. Removes the requirement for forfeited deadly weapons, dangerous instruments or explosives be destroyed.
2. Stipulates a governing board of an educational institution is prohibited from adopting or enforcing a policy or rule that prohibits the lawful possession, carrying of a deadly weapon on a public right of way by a person or within a person's means of transportation.
3. Makes technical and conforming changes.
4. Becomes effective on the general effective date.

House Action

JUD	2/17/16	DP	3-2-0-0-1
3 rd Read	2/29/16		35-24-1-0

Prepared by Senate Research

March 8, 2016

RH/rf