SB 1467

Introduced by
Senator Gould; Representatives Gowan, Proud, Smith D, Stevens: Senator Antenori; Representatives Harper, Lesko

AN ACT

AMENDING SECTION 13-2911, ARIZONA REVISED STATUTES; RELATING TO OFFENSES AGAINST PUBLIC ORDER.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Section 1. Section 13-2911, Arizona Revised Statutes, is amended to read:

13-2911. Interference with or disruption of an educational institution; violation; classification; definitions

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

1. Intentionally, knowingly or recklessly interfering with or disrupting the normal operations of an educational institution by either:
   (a) Threatening to cause physical injury to any employee or student of an educational institution or any person on the property of an educational institution.
   (b) Threatening to cause damage to any educational institution, the property of any educational institution or the property of any employee or student of an educational institution.

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

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

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

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

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

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

D. The appropriate governing board of every educational institution shall adopt rules pursuant to title 41, chapter 6 for the maintenance of public order on all property of any educational institution under its jurisdiction that is used for educational purposes and shall provide a program for the enforcement of its rules. The rules shall govern the conduct of students, faculty and other staff and all members of the public while on 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. An educational institution is not eligible to receive any state aid or assistance unless rules are adopted in accordance with this section.

F. 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. NOTWITHSTANDING SUBSECTION D OF THIS SECTION AND SECTION 15-341, THE GOVERNING BOARD OF AN EDUCATIONAL INSTITUTION SHALL NOT ADOPT OR ENFORCE ANY POLICY OR RULE THAT PROHIBITS THE POSSESSION OF A CONCEALED WEAPON BY A PERSON WHO POSSESES A VALID PERMIT RECOGNIZED OR ISSUED PURSUANT TO SECTION 13-3112 OR THE TRANSPORTATION OR STORAGE OF A FIREARM PURSUANT TO SECTION 12-781.

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

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.

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.

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.