

REFERENCE TITLE: firearms; university; college; campus

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

## **HB 2072**

Introduced by  
Representatives Borrelli, Barton, Campbell, Cobb, Finchem, Montenegro,  
Petersen, Townsend: Boyer, Fann, Kern, Leach, Livingston, Mitchell, Shope,  
Senators Barto, Farnsworth D, Lesko

AN ACT

AMENDING SECTIONS 13-2911 AND 13-3102, ARIZONA REVISED STATUTES; RELATING TO  
FIREARMS.

(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 chapter 39 of this title. This subsection  
9 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. NOTWITHSTANDING SUBSECTION D OF THIS SECTION, THE CHIEF  
24 ADMINISTRATIVE OFFICER OR THE CHIEF ADMINISTRATIVE OFFICER'S DESIGNEE OR THE  
25 GOVERNING BOARD OF A PUBLIC UNIVERSITY, COLLEGE OR COMMUNITY COLLEGE MAY NOT  
26 ADOPT OR ENFORCE ANY POLICY OR RULE THAT RESTRICTS OR PROHIBITS A FACULTY  
27 MEMBER OR REGISTERED STUDENT FROM CARRYING OR TRANSPORTING A FIREARM ON THE  
28 PROPERTY OF THE PUBLIC UNIVERSITY, COLLEGE OR COMMUNITY COLLEGE IF THE  
29 FACULTY MEMBER OR REGISTERED STUDENT POSSESSES A VALID PERMIT ISSUED PURSUANT  
30 TO SECTION 13-3112 AND IS REGISTERED WITH THE INSTITUTION'S ADMINISTRATION  
31 INDICATING THAT THE FACULTY MEMBER OR REGISTERED STUDENT IS ARMED AND  
32 POSSESSES A VALID PERMIT THAT IS ISSUED PURSUANT TO SECTION 13-3112. THE  
33 CHIEF ADMINISTRATIVE OFFICER OR THE CHIEF ADMINISTRATIVE OFFICER'S DESIGNEE  
34 OR THE GOVERNING BOARD OF THE PUBLIC UNIVERSITY, COLLEGE OR COMMUNITY COLLEGE  
35 SHALL ADOPT AND ENFORCE GUIDELINES FOR THE USE OF A FIREARM IN AN ACTIVE  
36 SHOOTER INCIDENT. THE GUIDELINES MAY BE MODELED AFTER THE FEDERAL BUREAU OF  
37 INVESTIGATION OR THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY PROTOCOLS  
38 OR GUIDELINES FOR AN ACTIVE SHOOTER INCIDENT.

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

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

1           ~~J~~ K. For the purposes of this section:  
2           1. "Educational institution" means, except as otherwise provided, any  
3 university, college, community college, high school or common school in this  
4 state.  
5           2. "Governing board" means the body, whether appointed or elected,  
6 that has responsibility for the maintenance and government of an educational  
7 institution.  
8           3. "Interference with or disruption of" includes any act that might  
9 reasonably lead to the evacuation or closure of any property of the  
10 educational institution or the postponement, cancellation or suspension of  
11 any class or other school activity. For the purposes of this paragraph, an  
12 actual evacuation, closure, postponement, cancellation or suspension is not  
13 required for the act to be considered an interference or disruption.  
14           4. "Property of an educational institution" means all land, buildings  
15 and other facilities that are owned, operated or controlled by the governing  
16 board of an educational institution and that are devoted to educational  
17 purposes.  
18           Sec. 2. Section 13-3102, Arizona Revised Statutes, is amended to read:  
19 13-3102. Misconduct involving weapons; defenses;  
20 classification; definitions  
21           A. A person commits misconduct involving weapons by knowingly:  
22           1. Carrying a deadly weapon except a pocket knife concealed on his  
23 person or within his immediate control in or on a means of transportation:  
24           (a) In the furtherance of a serious offense as defined in section  
25 13-706, a violent crime as defined in section 13-901.03 or any other felony  
26 offense; or  
27           (b) When contacted by a law enforcement officer and failing to  
28 accurately answer the officer if the officer asks whether the person is  
29 carrying a concealed deadly weapon; or  
30           2. Carrying a deadly weapon except a pocket knife concealed on his  
31 person or concealed within his immediate control in or on a means of  
32 transportation if the person is under twenty-one years of age; or  
33           3. Manufacturing, possessing, transporting, selling or transferring a  
34 prohibited weapon, except that if the violation involves dry ice, a person  
35 commits misconduct involving weapons by knowingly possessing the dry ice with  
36 the intent to cause injury to or death of another person or to cause damage  
37 to the property of another person; or  
38           4. Possessing a deadly weapon or prohibited weapon if such person is a  
39 prohibited possessor; or  
40           5. Selling or transferring a deadly weapon to a prohibited possessor;  
41 or  
42           6. Defacing a deadly weapon; or  
43           7. Possessing a defaced deadly weapon knowing the deadly weapon was  
44 defaced; or

- 1           8. Using or possessing a deadly weapon during the commission of any  
2 felony offense included in chapter 34 of this title; or
- 3           9. Discharging a firearm at an occupied structure in order to assist,  
4 promote or further the interests of a criminal street gang, a criminal  
5 syndicate or a racketeering enterprise; or
- 6           10. Unless specifically authorized by law, entering any public  
7 establishment or attending any public event and carrying a deadly weapon on  
8 his person after a reasonable request by the operator of the establishment or  
9 the sponsor of the event or the sponsor's agent to remove his weapon and  
10 place it in the custody of the operator of the establishment or the sponsor  
11 of the event for temporary and secure storage of the weapon pursuant to  
12 section 13-3102.01; or
- 13           11. Unless specifically authorized by law, entering an election  
14 polling place on the day of any election carrying a deadly weapon; or
- 15           12. Possessing a deadly weapon on school grounds; or
- 16           13. Unless specifically authorized by law, entering a nuclear or  
17 hydroelectric generating station carrying a deadly weapon on his person or  
18 within the immediate control of any person; or
- 19           14. Supplying, selling or giving possession or control of a firearm to  
20 another person if the person knows or has reason to know that the other  
21 person would use the firearm in the commission of any felony; or
- 22           15. Using, possessing or exercising control over a deadly weapon in  
23 furtherance of any act of terrorism as defined in section 13-2301 or  
24 possessing or exercising control over a deadly weapon knowing or having  
25 reason to know that it will be used to facilitate any act of terrorism as  
26 defined in section 13-2301; or
- 27           16. Trafficking in weapons or explosives for financial gain in order  
28 to assist, promote or further the interests of a criminal street gang, a  
29 criminal syndicate or a racketeering enterprise.
- 30           B. Subsection A, paragraph 2 of this section shall not apply to:
  - 31           1. A person in his dwelling, on his business premises or on real  
32 property owned or leased by that person or that person's parent, grandparent  
33 or legal guardian.
  - 34           2. A member of the sheriff's volunteer posse or reserve organization  
35 who has received and passed firearms training that is approved by the Arizona  
36 peace officer standards and training board and who is authorized by the  
37 sheriff to carry a concealed weapon pursuant to section 11-441.
  - 38           3. A firearm that is carried in:
    - 39           (a) A manner where any portion of the firearm or holster in which the  
40 firearm is carried is visible.
    - 41           (b) A holster that is wholly or partially visible.
    - 42           (c) A scabbard or case designed for carrying weapons that is wholly or  
43 partially visible.
    - 44           (d) Luggage.

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

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

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

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

10 3. A warden, deputy warden, community correctional officer, detention  
11 officer, special investigator or correctional officer of the state department  
12 of corrections or the department of juvenile corrections; or

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

15 D. Subsection A, paragraph 10 of this section does not apply to an  
16 elected or appointed judicial officer in the court facility where the  
17 judicial officer works if the judicial officer has demonstrated competence  
18 with a firearm as prescribed in section 13-3112, subsection N, except that  
19 the judicial officer shall comply with any rule or policy adopted by the  
20 presiding judge of the superior court while in the court facility. For the  
21 purposes of this subsection, appointed judicial officer does not include a  
22 hearing officer or a judicial officer pro tempore ~~that~~ WHO is not a full-time  
23 officer.

24 E. Subsection A, paragraphs 3 and 7 of this section shall not apply  
25 to:

26 1. The possessing, transporting, selling or transferring of weapons by  
27 a museum as a part of its collection or an educational institution for  
28 educational purposes or by an authorized employee of such museum or  
29 institution, if:

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

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

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

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

40 F. Subsection A, paragraph 3 of this section shall not apply to the  
41 merchandise of an authorized manufacturer of or dealer in prohibited weapons,  
42 when such material is intended to be manufactured, possessed, transported,  
43 sold or transferred solely for or to a dealer, a regularly constituted or  
44 appointed state, county or municipal police department or police officer, a  
45 detention facility, the military service of this or another state or the

1 United States, a museum or educational institution or a person specifically  
2 licensed or permitted pursuant to federal or state law.

3 G. Subsection A, paragraph 10 of this section shall not apply to:

4 1. Shooting ranges or shooting events, hunting areas or similar  
5 locations or activities.

6 2. A FACULTY MEMBER OR REGISTERED STUDENT OF A PUBLIC UNIVERSITY,  
7 COLLEGE OR COMMUNITY COLLEGE WHO IS CARRYING OR TRANSPORTING A FIREARM ON THE  
8 PROPERTY OF THE PUBLIC UNIVERSITY, COLLEGE OR COMMUNITY COLLEGE IF THE  
9 FACULTY MEMBER OR REGISTERED STUDENT POSSESSES A VALID PERMIT ISSUED PURSUANT  
10 TO SECTION 13-3112 AND IS REGISTERED WITH THE INSTITUTION'S ADMINISTRATION  
11 INDICATING THAT THE FACULTY MEMBER OR REGISTERED STUDENT IS ARMED AND  
12 POSSESSES A VALID PERMIT THAT IS ISSUED PURSUANT TO SECTION 13-3112.

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

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

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

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

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

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

40 K. The operator of the establishment or the sponsor of the event or  
41 the employee of the operator or sponsor or the agent of the sponsor,  
42 including a public entity or public employee, is not liable for acts or  
43 omissions pursuant to subsection A, paragraph 10 of this section unless the  
44 operator, sponsor, employee or agent intended to cause injury or was grossly  
45 negligent.

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

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

19           N. For the purposes of this section:

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

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

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

31           4. "School" means a public or nonpublic kindergarten program, common  
32 school or high school.

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