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

HOUSE BILL 2548

AN ACT

AMENDING SECTIONS 13-2906, 15-1861 AND 15-1864, ARIZONA REVISED STATUTES; RELATING TO PUBLIC ASSEMBLY.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 13-2906, Arizona Revised Statutes, is amended to read:

13-2906. Obstructing a highway or other public thoroughfare; classification; definition

A. A person commits obstructing a highway or other public thoroughfare if the person, alone or with other persons, does either ANY of the following:

1. Having no legal privilege to do so, recklessly interferes with the passage of any highway or public thoroughfare by creating an unreasonable inconvenience or hazard.

2. Intentionally activates a pedestrian signal on a highway or public thoroughfare if the person's reason for activating the signal is not to cross the highway or public thoroughfare but to do both of the following:
   (a) Stop the passage of traffic on the highway or public thoroughfare.
   (b) Solicit a driver for a donation or business.

3. AFTER RECEIVING A VERBAL WARNING TO DESIST, INTENTIONALLY INTERFERES WITH PASSAGE ON A HIGHWAY OR OTHER PUBLIC THOROUGHFARE OR ENTRANCE INTO A PUBLIC FORUM THAT RESULTS IN PREVENTING OTHER PERSONS FROM GAINING ACCESS TO A GOVERNMENTAL MEETING, A GOVERNMENTAL HEARING OR A POLITICAL CAMPAIGN EVENT.

B. Obstructing a highway or other public thoroughfare UNDER SUBSECTION A, PARAGRAPH 3 OF THIS SECTION is a class 1 MISDEMEANOR. OBSTRUCTING A HIGHWAY OR OTHER PUBLIC THOROUGHFARE UNDER SUBSECTION A, PARAGRAPH 1 OR 2 OF THIS SECTION IS A CLASS 3 misdemeanor.

C. FOR THE PURPOSES OF THIS SECTION, "PUBLIC FORUM" HAS THE SAME MEANING PRESCRIBED IN SECTION 15-1861.

Sec. 2. Section 15-1861, Arizona Revised Statutes, is amended to read:

15-1861. Definitions

In this article, unless the context otherwise requires:

1. "Community college" has the same meaning prescribed in section 15-1401.

2. "Public forum" includes BOTH A TRADITIONAL PUBLIC FORUM, WHICH IS any open, outdoor area on the campus of a university or community college, and A DESIGNATED PUBLIC FORUM, WHICH IS any facilities, buildings FACILITY, BUILDING or parts PART of buildings A BUILDING that the university or community college has opened to students or student organizations for expression.

3. "University" means a university under the jurisdiction of the Arizona board of regents.

Sec. 3. Section 15-1864, Arizona Revised Statutes, is amended to read:

15-1864. Students' right to speak in a public forum; court actions

A. A university or community college shall not restrict a student's right to speak, including verbal speech, holding a sign or distributing fliers or other materials, in a public forum.
B. A university or community college may restrict a student’s speech in a public forum only if it demonstrates that application of the burden to the student is both:

1. In furtherance of a compelling governmental interest.
2. The least restrictive means of furthering that compelling governmental interest.

C. THE FOLLOWING PERSONS MAY BRING AN ACTION IN A COURT OF COMPETENT JURISDICTION TO ENJOIN ANY VIOLATION OF THIS SECTION OR TO RECOVER REASONABLE COURT COSTS AND REASONABLE ATTORNEY FEES:

1. THE ATTORNEY GENERAL.
2. A STUDENT WHOSE EXPRESSIVE RIGHTS WERE VIOLATED BY A VIOLATION OF THIS SECTION.

D. IN AN ACTION BROUGHT UNDER SUBSECTION C OF THIS SECTION, IF THE COURT FINDS THAT A VIOLATION OF THIS SECTION OCCURRED, THE COURT SHALL AWARD THE AGGRIEVED PERSON INJUNCTIVE RELIEF FOR THE VIOLATION AND SHALL AWARD REASONABLE COURT COSTS AND REASONABLE ATTORNEY FEES.

E. A PERSON SHALL BRING AN ACTION FOR A VIOLATION OF THIS SECTION WITHIN ONE YEAR AFTER THE DATE THE CAUSE OF ACTION ACCRUES. FOR THE PURPOSE OF CALCULATING THE ONE-YEAR LIMITATION PERIOD, EACH DAY THAT THE VIOLATION PERSISTS OR EACH DAY THAT A POLICY IN VIOLATION OF THIS SECTION REMAINS IN EFFECT CONSTITUTES A NEW VIOLATION OF THIS SECTION AND SHALL BE CONSIDERED A DAY THAT THE CAUSE OF ACTION HAS ACCRUED.