

REFERENCE TITLE: school marshals; requirements; training

State of Arizona
House of Representatives
Fifty-fourth Legislature
Second Regular Session
2020

HB 2031

Introduced by
Representative Fillmore

AN ACT

AMENDING TITLE 15, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 15-120.01; RELATING TO SCHOOL SAFETY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 15, chapter 1, article 1, Arizona Revised
3 Statutes, is amended by adding section 15-120.01, to read:

4 15-120.01. School marshals; training; licensure;
5 transportation and storage of firearms and
6 ammunition; confidentiality

7 A. NOTWITHSTANDING ANY OTHER LAW AND EXCEPT AS PROVIDED IN
8 SUBSECTION B OF THIS SECTION, A SCHOOL MARSHAL MAY:

9 1. MAKE ARRESTS AND EXERCISE ALL AUTHORITY GRANTED TO PEACE
10 OFFICERS UNDER THE LAWS OF THIS STATE, SUBJECT TO WRITTEN POLICIES ADOPTED
11 BY EITHER:

12 (a) A SCHOOL DISTRICT GOVERNING BOARD OR A CHARTER SCHOOL GOVERNING
13 BODY.

14 (b) A PRIVATE SCHOOL THAT PROVIDES INSTRUCTION IN ANY COMBINATION
15 OF KINDERGARTEN PROGRAMS AND GRADES ONE THROUGH TWELVE.

16 (c) A COMMUNITY COLLEGE DISTRICT GOVERNING BOARD.

17 2. ACT ONLY AS NECESSARY TO PREVENT OR ABATE THE COMMISSION OF AN
18 OFFENSE THAT THREATENS SERIOUS BODILY INJURY TO OR DEATH OF A STUDENT,
19 FACULTY MEMBER OR VISITOR ON THE CAMPUS OF A SCHOOL, CHARTER SCHOOL OR
20 COMMUNITY COLLEGE.

21 B. A SCHOOL MARSHAL MAY NOT ISSUE TRAFFIC CITATIONS.

22 C. A SCHOOL MARSHAL IS NOT ENTITLED TO THE EMPLOYMENT BENEFITS THIS
23 STATE OR A POLITICAL SUBDIVISION OF THIS STATE PROVIDES TO A PEACE
24 OFFICER.

25 D. A PERSON MAY NOT SERVE AS A SCHOOL MARSHAL UNLESS THE PERSON IS
26 BOTH:

27 1. LICENSED AS A SCHOOL MARSHAL BY THE DEPARTMENT OF PUBLIC SAFETY.

28 2. APPOINTED BY EITHER:

29 (a) A SCHOOL DISTRICT GOVERNING BOARD OR A CHARTER SCHOOL GOVERNING
30 BODY.

31 (b) A PRIVATE SCHOOL THAT PROVIDES INSTRUCTION IN ANY COMBINATION
32 OF KINDERGARTEN PROGRAMS AND GRADES ONE THROUGH TWELVE.

33 (c) A COMMUNITY COLLEGE DISTRICT GOVERNING BOARD.

34 E. A SCHOOL DISTRICT GOVERNING BOARD, A CHARTER SCHOOL GOVERNING
35 BODY, A COMMUNITY COLLEGE DISTRICT GOVERNING BOARD OR A PRIVATE SCHOOL
36 MAY:

37 1. APPOINT NOT MORE THAN THE GREATER OF:

38 (a) ONE SCHOOL MARSHAL FOR EACH FOUR HUNDRED STUDENTS PER CAMPUS.

39 (b) FOR EACH CAMPUS, ONE SCHOOL MARSHAL FOR EACH SCHOOL BUILDING IN
40 WHICH STUDENTS REGULARLY RECEIVE CLASSROOM INSTRUCTION.

41 2. APPOINT AN EMPLOYEE OF THE SCHOOL DISTRICT, CHARTER SCHOOL,
42 COMMUNITY COLLEGE DISTRICT OR PRIVATE SCHOOL, AS APPLICABLE, AS SCHOOL
43 MARSHAL IF THE EMPLOYEE MEETS THE REQUIREMENTS FOR LICENSURE AS A SCHOOL
44 MARSHAL. THE SCHOOL DISTRICT GOVERNING BOARD, CHARTER SCHOOL GOVERNING
45 BODY, COMMUNITY COLLEGE DISTRICT GOVERNING BOARD OR PRIVATE SCHOOL MAY

1 REIMBURSE THE EMPLOYEE FOR THE AMOUNT THE EMPLOYEE PAYS TO PARTICIPATE IN
2 THE TRAINING PROGRAM UNDER THIS SECTION.

3 F. A SCHOOL MARSHAL MAY CARRY OR POSSESS A HANDGUN ON THE PREMISES
4 OF A SCHOOL ONLY AT A SPECIFIC SCHOOL AND IN THE MANNER PROVIDED BY
5 WRITTEN POLICIES ADOPTED BY THE SCHOOL DISTRICT GOVERNING BOARD, CHARTER
6 SCHOOL GOVERNING BODY, COMMUNITY COLLEGE DISTRICT GOVERNING BOARD OR
7 PRIVATE SCHOOL, AS APPLICABLE. THE WRITTEN POLICIES MUST PROVIDE THAT A
8 SCHOOL MARSHAL MAY CARRY A CONCEALED HANDGUN. IF THE PRIMARY DUTY OF THE
9 SCHOOL MARSHAL INVOLVES REGULAR, DIRECT CONTACT WITH STUDENTS, THE WRITTEN
10 POLICIES MUST PROHIBIT THE SCHOOL MARSHAL FROM CARRYING A CONCEALED
11 HANDGUN BUT MAY ALLOW THE SCHOOL MARSHAL TO STORE A HANDGUN ON THE
12 PREMISES OF THE SCHOOL IN A LOCKED AND SECURED SAFE WITHIN THE SCHOOL
13 MARSHAL'S IMMEDIATE REACH WHEN CONDUCTING THE SCHOOL MARSHAL'S PRIMARY
14 DUTY. THE WRITTEN POLICIES MUST ALSO REQUIRE THAT A HANDGUN CARRIED BY OR
15 WITHIN ACCESS OF A SCHOOL MARSHAL BE LOADED WITH FRANGIBLE DUTY
16 AMMUNITION.

17 G. A SCHOOL MARSHAL MAY ACCESS A HANDGUN PURSUANT TO THIS SECTION
18 ONLY UNDER CIRCUMSTANCES THAT WOULD JUSTIFY THE USE OF DEADLY FORCE
19 PURSUANT TO TITLE 13, CHAPTER 4.

20 H. A SCHOOL DISTRICT, CHARTER SCHOOL, COMMUNITY COLLEGE DISTRICT OR
21 PRIVATE SCHOOL EMPLOYEE'S STATUS AS SCHOOL MARSHAL BECOMES INACTIVE IF ANY
22 OF THE FOLLOWING OCCURS:

23 1. THE EMPLOYEE'S PERMIT ISSUED PURSUANT TO SECTION 13-3112 IS
24 SUSPENDED OR REVOKED.

25 2. THE EMPLOYEE TERMINATES EMPLOYMENT WITH THE SCHOOL DISTRICT,
26 CHARTER SCHOOL, COMMUNITY COLLEGE DISTRICT OR PRIVATE SCHOOL.

27 3. THE SCHOOL DISTRICT GOVERNING BOARD, CHARTER SCHOOL GOVERNING
28 BODY, COMMUNITY COLLEGE DISTRICT GOVERNING BOARD OR PRIVATE SCHOOL
29 NOTIFIES THE EMPLOYEE THAT THE EMPLOYEE'S SERVICES AS SCHOOL MARSHAL ARE
30 NO LONGER REQUIRED.

31 I. THE IDENTITY OF A SCHOOL MARSHAL IS CONFIDENTIAL AND IS NOT A
32 PUBLIC RECORD FOR THE PURPOSES OF TITLE 39, CHAPTER 1.

33 J. IF THE PARENT OR GUARDIAN OF A STUDENT WHO IS ENROLLED IN A
34 SCHOOL DISTRICT, CHARTER SCHOOL, COMMUNITY COLLEGE DISTRICT OR PRIVATE
35 SCHOOL INQUIRES IN WRITING, THE SCHOOL DISTRICT, CHARTER SCHOOL, COMMUNITY
36 COLLEGE DISTRICT OR PRIVATE SCHOOL SHALL PROVIDE THE PARENT OR GUARDIAN
37 WRITTEN NOTICE INDICATING WHETHER AN EMPLOYEE IS CURRENTLY APPOINTED AS
38 SCHOOL MARSHAL AT THAT SCHOOL, SCHOOL DISTRICTS OR COMMUNITY COLLEGE. THE
39 NOTICE MAY NOT DISCLOSE THE SCHOOL MARSHAL'S IDENTITY.

40 K. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY NOT PROHIBIT A PERSON,
41 INCLUDING A SCHOOL EMPLOYEE, WHO HOLDS A PERMIT ISSUED PURSUANT TO SECTION
42 13-3112 FROM TRANSPORTING OR STORING A HANDGUN OR OTHER FIREARM OR
43 AMMUNITION IN A LOCKED, PRIVATELY OWNED OR PRIVATELY LEASED MOTOR VEHICLE
44 IN A PARKING LOT, PARKING GARAGE OR OTHER PARKING AREA PROVIDED BY THE
45 SCHOOL DISTRICT OR CHARTER SCHOOL IF THE HANDGUN, FIREARM OR AMMUNITION IS

1 NOT IN PLAIN VIEW. THIS SUBSECTION DOES NOT AUTHORIZE A PERSON TO
2 POSSESS, TRANSPORT OR STORE A HANDGUN, A FIREARM OR AMMUNITION IN
3 VIOLATION OF SECTION 13-3102 OR 13-3112 OR ANY OTHER LAW.

4 L. THE DEPARTMENT OF PUBLIC SAFETY SHALL ESTABLISH AND MAINTAIN A
5 TRAINING PROGRAM THAT IS AVAILABLE TO ANY EMPLOYEE OF A SCHOOL DISTRICT,
6 CHARTER SCHOOL, COMMUNITY COLLEGE DISTRICT OR PRIVATE SCHOOL WHO HOLDS A
7 PERMIT TO CARRY A CONCEALED WEAPON ISSUED PURSUANT TO SECTION 13-3112.
8 THE DEPARTMENT SHALL ISSUE A SCHOOL MARSHAL LICENSE TO A PERSON WHO MEETS
9 THE REQUIREMENTS PRESCRIBED IN SUBSECTION Q OF THIS SECTION. ONLY THE
10 STAFF OF THE DEPARTMENT OF PUBLIC SAFETY OR A PROVIDER APPROVED BY THE
11 DEPARTMENT OF PUBLIC SAFETY MAY CONDUCT THE TRAINING.

12 M. THE DEPARTMENT OF PUBLIC SAFETY SHALL COLLECT FROM EACH PERSON
13 WHO PARTICIPATES IN THE TRAINING PROGRAM IDENTIFYING INFORMATION THAT
14 INCLUDES THE PERSON'S NAME, THE PERSON'S DATE OF BIRTH, THE NUMBER OF THE
15 PERMIT ISSUED TO THE PERSON PURSUANT TO SECTION 13-3112 AND THE ADDRESS OF
16 THE PERSON'S PLACE OF EMPLOYMENT.

17 N. THE TRAINING PROGRAM SHALL INCLUDE EIGHTY HOURS OF INSTRUCTION
18 THAT IS DESIGNED TO:

19 1. EMPHASIZE STRATEGIES TO PREVENT SCHOOL SHOOTINGS AND SECURE THE
20 SAFETY OF POTENTIAL VICTIMS OF SCHOOL SHOOTINGS.

21 2. EDUCATE THE TRAINEE ABOUT LEGAL ISSUES RELATING TO THE DUTIES OF
22 SCHOOL MARSHALS AND THE USE OF FORCE OR DEADLY FORCE IN PROTECTING OTHERS.

23 3. INTRODUCE THE TRAINEE TO EFFECTIVE LAW ENFORCEMENT STRATEGIES
24 AND TECHNIQUES.

25 4. IMPROVE THE TRAINEE'S PROFICIENCY WITH A HANDGUN.

26 5. ENABLE THE TRAINEE TO RESPOND TO AN EMERGENCY SITUATION
27 REQUIRING DEADLY FORCE, SUCH AS A SITUATION INVOLVING AN ACTIVE SHOOTER.

28 O. THE DEPARTMENT OF PUBLIC SAFETY, IN CONSULTATION WITH
29 PSYCHOLOGISTS, SHALL DEVELOP AND ADMINISTER TO EACH PERSON WHO ENROLLS IN
30 A TRAINING PROGRAM A PSYCHOLOGICAL EXAMINATION TO DETERMINE WHETHER THE
31 TRAINEE IS PSYCHOLOGICALLY FIT TO CARRY OUT THE DUTIES OF A SCHOOL MARSHAL
32 IN AN EMERGENCY SITUATION OR SITUATION INVOLVING AN ACTIVE SHOOTER. THE
33 DEPARTMENT OF PUBLIC SAFETY MAY LICENSE A PERSON AS A SCHOOL MARSHAL ONLY
34 IF THE RESULTS OF THE PSYCHOLOGICAL EXAMINATION INDICATE THAT THE TRAINEE
35 IS PSYCHOLOGICALLY FIT TO CARRY OUT THOSE DUTIES.

36 P. THE DEPARTMENT OF PUBLIC SAFETY SHALL CHARGE THE FOLLOWING:

37 1. A TRAINING FEE.

38 2. A LICENSE FEE TO EACH PERSON WHO IS ISSUED A SCHOOL MARSHAL
39 LICENSE.

40 3. A RENEWAL FEE TO EACH PERSON WHO RENEWS A SCHOOL MARSHAL
41 LICENSE.

42 Q. THE DEPARTMENT OF PUBLIC SAFETY SHALL LICENSE A PERSON WHO IS
43 ELIGIBLE FOR APPOINTMENT AS A SCHOOL MARSHAL IF THE PERSON MEETS BOTH OF
44 THE FOLLOWING:

1 1. COMPLETES TRAINING UNDER THIS SECTION TO THE SATISFACTION OF
2 DEPARTMENT OF PUBLIC SAFETY STAFF.

3 2. IS DETERMINED BY THE DEPARTMENT OF PUBLIC SAFETY TO BE
4 PSYCHOLOGICALLY FIT TO CARRY OUT THE DUTIES OF A SCHOOL MARSHAL AS
5 INDICATED BY THE RESULTS OF THE PSYCHOLOGICAL EXAMINATION ADMINISTERED
6 UNDER THIS SECTION.

7 R. A PERSON'S SCHOOL MARSHAL LICENSE EXPIRES ON THE FIRST BIRTHDAY
8 OF THE PERSON OCCURRING AFTER THE SECOND ANNIVERSARY OF THE DATE THE
9 DEPARTMENT OF PUBIC SAFETY ISSUES A LICENSE TO THAT PERSON. A RENEWED
10 SCHOOL MARSHAL LICENSE EXPIRES ON THAT PERSON'S BIRTHDAY THAT OCCURS TWO
11 YEARS AFTER THE EXPIRATION OF THE PREVIOUS LICENSE.

12 S. TO RENEW A SCHOOL MARSHAL LICENSE, A PERSON MUST DO ALL OF THE
13 FOLLOWING:

14 1. SUCCESSFULLY COMPLETE A RENEWAL COURSE THAT IS DESIGNED AND
15 ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY AND THAT DOES NOT EXCEED
16 SIXTEEN HOURS COMBINED OF CLASSROOM AND SIMULATION TRAINING.

17 2. DEMONSTRATE APPROPRIATE KNOWLEDGE ON AN EXAMINATION THAT IS
18 DESIGNED AND ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY.

19 3. DEMONSTRATE HANDGUN PROFICIENCY TO THE SATISFACTION OF
20 DEPARTMENT OF PUBLIC SAFETY STAFF.

21 4. DEMONSTRATE FITNESS ON THE PSYCHOLOGICAL EXAMINATION PRESCRIBED
22 IN THIS SECTION.

23 T. THE DEPARTMENT OF PUBLIC SAFETY SHALL REVOKE A PERSON'S SCHOOL
24 MARSHAL LICENSE IF THE DEPARTMENT DETERMINES THAT THE PERSON'S PERMIT TO
25 CARRY A CONCEALED WEAPON ISSUED PURSUANT TO SECTION 13-3112 HAS BEEN
26 SUSPENDED OR REVOKED. A PERSON WHOSE SCHOOL MARSHAL LICENSE IS REVOKED
27 MAY BE RELICENSED IF THE PERSON DOES ALL OF THE FOLLOWING:

28 1. PROVIDES PROOF TO THE DEPARTMENT OF PUBLIC SAFETY THAT THE
29 PERSON'S CONCEALED WEAPONS PERMIT HAS BEEN REINSTATED.

30 2. REENROLLS IN THE TRAINING PROGRAM PRESCRIBED UNDER THIS SECTION
31 AND RECOMPLETES THE TRAINING PROGRAM TO THE SATISFACTION OF DEPARTMENT OF
32 PUBLIC SAFETY STAFF.

33 3. PAYS THE TRAINING PROGRAM FEE.

34 4. DEMONSTRATES PSYCHOLOGICAL FITNESS ON THE PSYCHOLOGICAL
35 EXAMINATION PRESCRIBED IN THIS SECTION TO THE SATISFACTION OF DEPARTMENT
36 OF PUBLIC SAFETY STAFF.

37 U. THE DEPARTMENT OF PUBLIC SAFETY SHALL SUBMIT THE IDENTIFYING
38 INFORMATION COLLECTED UNDER THIS SECTION FOR EACH PERSON WHO IS LICENSED
39 AS A SCHOOL MARSHAL TO ALL OF THE FOLLOWING PERSONS AND ENTITIES:

40 1. THE PERSON'S EMPLOYER, IF THE PERSON IS CURRENTLY EMPLOYED BY A
41 SCHOOL DISTRICT, CHARTER SCHOOL, COMMUNITY COLLEGE DISTRICT OR PRIVATE
42 SCHOOL.

43 2. THE CHIEF LAW ENFORCEMENT OFFICER OF THE LOCAL MUNICIPAL LAW
44 ENFORCEMENT AGENCY IF THE PERSON IS EMPLOYED BY A SCHOOL DISTRICT, CHARTER

1 SCHOOL, COMMUNITY COLLEGE DISTRICT OR PRIVATE SCHOOL ON A CAMPUS THAT IS
2 LOCATED WITHIN THAT MUNICIPALITY.

3 3. THE COUNTY SHERIFF IF THE PERSON IS EMPLOYED BY A SCHOOL
4 DISTRICT, CHARTER SCHOOL, COMMUNITY COLLEGE DISTRICT OR PRIVATE SCHOOL ON
5 A CAMPUS THAT IS NOT LOCATED WITHIN A MUNICIPALITY.

6 4. THE CHIEF ADMINISTRATOR OF THE SCHOOL MARSHAL.

7 V. THE DEPARTMENT OF PUBLIC SAFETY SHALL IMMEDIATELY REPORT THE
8 EXPIRATION, SUSPENSION OR REVOCATION OF A SCHOOL MARSHAL LICENSE TO THE
9 PERSONS AND ENTITIES LISTED IN SUBSECTION U OF THIS SECTION.

10 W. ALL INFORMATION THAT IS COLLECTED OR SUBMITTED PURSUANT TO THIS
11 SECTION IS CONFIDENTIAL AND, EXCEPT AS PROVIDED BY SUBSECTION U OF THIS
12 SECTION, IS NOT A PUBLIC RECORD UNDER TITLE 39, CHAPTER 1.