

REFERENCE TITLE: **disruption; educational institution; concealed weapon**

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1123

Introduced by
Senator Rogers

AN ACT

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

(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;
6 definitions

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

9 1. Intentionally, knowingly or recklessly interfering with or
10 disrupting the normal operations of an educational institution by either:

11 (a) Threatening to cause physical injury to any employee or student
12 of an educational institution or any person on the property of an
13 educational institution.

14 (b) Threatening to cause damage to any educational institution, the
15 property of any educational institution or the property of any employee or
16 student of an educational institution.

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

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

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

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

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

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

39 D. The appropriate governing board of every educational institution
40 shall adopt rules pursuant to title 41, chapter 6 for ~~the maintenance of~~
41 **MAINTAINING** public order on all property of any educational institution
42 under its jurisdiction that is used for educational purposes and shall
43 provide a program for ~~the enforcement of~~ **ENFORCING** its rules. The rules
44 shall govern the conduct of students, faculty and other staff and all
45 members of the public while on the property of the educational

1 institution. Penalties for ~~violations of~~ VIOLATING the rules shall be
2 clearly set forth and enforced. Penalties shall include provisions for
3 the ejection of a violator from the property and, in the case of a
4 student, faculty member or other staff violator, the violator's suspension
5 or expulsion or any other appropriate disciplinary action. A governing
6 board shall amend its rules as necessary to ensure the maintenance of
7 public order. Any deadly weapon, dangerous instrument or explosive that
8 is used, displayed or possessed by a person in violation of a rule adopted
9 pursuant to this subsection shall be forfeited and sold or otherwise
10 disposed of pursuant to section 13-3105 and chapter 39 of this title.
11 This subsection does not do either of the following:

12 1. Preclude school districts from conducting approved gun safety
13 programs on school campuses.

14 2. Apply to private universities, colleges, high schools or common
15 schools or other private educational institutions.

16 E. An educational institution is not eligible to receive any state
17 aid or assistance unless rules are adopted in accordance with this
18 section.

19 F. This section does not prevent or limit the authority of the
20 governing board of any educational institution to discharge any employee
21 or expel, suspend or otherwise punish any student for ~~any violation of~~
22 VIOLATING its rules, even though the violation is unlawful under this
23 chapter or is otherwise an offense.

24 G. NOTWITHSTANDING SUBSECTION D OF THIS SECTION, THE GOVERNING
25 BOARD OF ANY UNIVERSITY, COLLEGE OR COMMUNITY COLLEGE SHALL NOT ENACT OR
26 ENFORCE ANY POLICY OR RULE THAT PROHIBITS THE POSSESSION OF A CONCEALED
27 WEAPON BY A PERSON WHO POSSESSES A VALID PERMIT RECOGNIZED OR ISSUED
28 PURSUANT TO SECTION 13-3112 OR THE TRANSPORTATION OR STORAGE OF A FIREARM
29 PURSUANT TO SECTION 12-781.

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

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

35 ~~I.~~ J. Notwithstanding section 15-341 and subsection D of this
36 section, the governing board of an educational institution may not adopt
37 or enforce any policy or rule that prohibits the lawful possession or
38 carrying of a deadly weapon on a public right-of-way by a person or on or
39 within a person's means of transportation.

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

1 ~~K.~~ L. For the purposes of this section:

2 1. "Educational institution" means, except as otherwise provided,
3 any university, college, community college, high school or common school
4 in this state.

5 2. "Governing board" means the body, whether appointed or elected,
6 that has responsibility for the maintenance and government of an
7 educational 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,
12 an actual evacuation, closure, postponement, cancellation or suspension is
13 not required for the act to be considered an interference or disruption.

14 4. "Property of an educational institution" means all land,
15 buildings and other facilities that are owned, operated or controlled by
16 the governing board of an educational institution and that are devoted to
17 educational purposes.

18 5. "Public right-of-way" means any highway, street, road,
19 thoroughfare, path, alley or other right-of-way that is publicly
20 accessible and that is established and maintained by this state or a
21 political subdivision of this state. Public right-of-way does not include
22 property of an educational institution.