

REFERENCE TITLE: schools; sexually explicit materials; classification

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SB 1323

Introduced by
Senators Hoffman: Kern, Shamp, Wadsack; Representatives Chaplik, Parker J

AN ACT

AMENDING SECTION 15-120.03, ARIZONA REVISED STATUTES; RELATING TO PUBLIC SCHOOLS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-120.03, Arizona Revised Statutes, is amended
3 to read:

4 15-120.03. Sexually explicit materials; prohibition;
5 exemptions; violation; classification;
6 definition

7 A. Except as prescribed in section 15-711, a public school in this
8 state may not refer students to or use any sexually explicit material in
9 any manner.

10 B. Materials may be exempted from the provisions of subsection A if
11 all of the following requirements are met:

12 1. The exempted material possesses serious educational value for
13 minors or possesses serious literary, artistic, political or scientific
14 value.

15 2. The public school requires written parental consent before the
16 public school refers a student to or uses the exempted material. The
17 public school shall require parental consent on a per-material basis.

18 3. The public school provides students for whom parental consent is
19 not secured under paragraph 2 of this subsection with an alternative
20 assignment that does not contain sexually explicit material.

21 C. AN EMPLOYEE OR INDEPENDENT CONTRACTOR OF A PUBLIC SCHOOL WHO
22 VIOLATES THIS SECTION IS GUILTY OF A CLASS 5 FELONY.

23 ~~C.~~ D. For the purposes of this section, "sexually explicit
24 materials" includes textual, visual or audio materials or materials
25 accessed via any other medium that depict any of the following:

26 1. Sexual conduct. For the purposes of this paragraph, "sexual
27 conduct" means acts of masturbation, sexual intercourse or physical
28 contact with a person's clothed or unclothed genitals, pubic area,
29 buttocks or, if such person is a female, breast.

30 2. Sexual excitement. For the purposes of this paragraph, "sexual
31 excitement" means the condition of human male or female genitals when in a
32 state of sexual stimulation or arousal.

33 3. Ultimate sexual acts. For the purposes of this paragraph,
34 "ultimate sexual acts" means sexual intercourse, vaginal or anal,
35 fellatio, cunnilingus, bestiality or sodomy. A sexual act is simulated
36 when it depicts explicit sexual activity that gives the appearance of
37 consummation of ultimate sexual acts.