

REFERENCE TITLE: education protection orders; definitions

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HB 2282

Introduced by
Representative Travers

AN ACT

AMENDING SECTIONS 8-202 AND 8-208, ARIZONA REVISED STATUTES; AMENDING TITLE 12, CHAPTER 10, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 12-1811 AND 12-1812; AMENDING SECTIONS 12-2101 AND 13-3101, ARIZONA REVISED STATUTES; RELATING TO PROTECTION ORDERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 8-202, Arizona Revised Statutes, is amended to
3 read:
4 8-202. Jurisdiction of juvenile court
5 A. The juvenile court has original jurisdiction over all
6 delinquency proceedings brought under the authority of this title.
7 B. The juvenile court has exclusive original jurisdiction over all
8 proceedings:
9 1. Brought under the authority of this title except for delinquency
10 proceedings.
11 2. FOR AN EX PARTE EMERGENCY EDUCATION PROTECTION ORDER PURSUANT TO
12 SECTION 12-1811 OR AN EDUCATION PROTECTION ORDER PURSUANT TO SECTION
13 12-1812 IF THE DEFENDANT IS UNDER EIGHTEEN YEARS OF AGE.
14 C. The juvenile court may consolidate any matter, except that the
15 juvenile court shall not consolidate any of the following:
16 1. A criminal proceeding that is filed in another division of
17 superior court and that involves a child who is subject to the
18 jurisdiction of the juvenile court.
19 2. A delinquency proceeding with any other proceeding that does not
20 involve delinquency, unless the juvenile delinquency adjudication
21 proceeding is not heard at the same time or in the same hearing as a
22 nondelinquency proceeding.
23 D. The juvenile court has jurisdiction of proceedings to:
24 1. Obtain judicial consent to the marriage, employment or
25 enlistment in the armed services of a child, if consent is required by
26 law.
27 2. In an action in which parental rights are terminated pursuant to
28 chapter 4, article 5 or 11 of this title, change the name of a minor child
29 who is the subject of the action. If the minor child who is the subject
30 of the action is twelve years of age or older, the court shall consider
31 the wishes of the child with respect to the name change.
32 E. The juvenile court has jurisdiction over civil traffic
33 violations, civil marijuana violations and offenses listed in section
34 8-323, subsection B that are committed within the county by persons who
35 are under eighteen years of age unless the presiding judge of the county
36 declines jurisdiction of these cases. The presiding judge of the county
37 may decline jurisdiction of civil traffic violations and civil marijuana
38 violations committed within the county by juveniles if the presiding judge
39 finds that the declination would promote the more efficient use of limited
40 judicial and law enforcement resources located within the county. If the
41 presiding judge declines jurisdiction, juvenile civil traffic violations
42 and civil marijuana violations shall be processed, heard and disposed of
43 in the same manner and with the same penalties as adult civil traffic
44 violations.

1 F. The orders of the juvenile court under the authority of this
2 chapter or chapter 3 or 4 of this title take precedence over any order of
3 any other court of this state except for the following:

4 1. An order entered in the criminal court concerning an ongoing
5 case that governs a criminal defendant's ability to contact the victim,
6 the family of the victim or other minor children if the criminal court
7 makes a finding that contact with other minor children would pose a risk
8 of harm to those children.

9 2. ~~An order~~ **ORDERS** by the court of appeals and the supreme court to
10 the extent they are inconsistent with orders of other courts.

11 G. Except as provided in subsection H of this section, jurisdiction
12 of a child that is obtained by the juvenile court in a proceeding under
13 this chapter or chapter 3 or 4 of this title shall be retained by it, for
14 the purposes of implementing the orders made and filed in that proceeding,
15 until the child becomes eighteen years of age, unless terminated by order
16 of the court before the child's eighteenth birthday.

17 H. At any time before an adjudication hearing or a proceeding in
18 which a juvenile is admitting to an allegation in a petition that alleges
19 the juvenile is delinquent, the state may file a notice of intent to
20 retain jurisdiction over a juvenile who is seventeen years of age. If the
21 state files a notice of intent to retain jurisdiction, the juvenile
22 court's jurisdiction over a juvenile is retained on the filing of the
23 notice and the court shall retain jurisdiction over the juvenile until the
24 juvenile reaches nineteen years of age, unless before the juvenile's
25 nineteenth birthday either:

26 1. Jurisdiction is terminated by order of the court.

27 2. The juvenile is discharged from the jurisdiction of the
28 department of juvenile corrections pursuant to section 41-2820.

29 I. Persons who are under eighteen years of age shall be prosecuted
30 in the same manner as adults if either:

31 1. The juvenile court transfers jurisdiction pursuant to section
32 8-327.

33 2. The juvenile is charged as an adult with an offense listed in
34 section 13-501.

35 J. The juvenile court shall retain jurisdiction after a juvenile's
36 eighteenth birthday for the purpose of:

37 1. Designating an undesignated felony offense as a misdemeanor or
38 felony, including after an adjudication is set aside pursuant to section
39 8-348.

40 2. Modifying an outstanding monetary obligation imposed by the
41 court except for victim restitution.

42 3. Implementing section 36-2862.

1 K. The juvenile court has jurisdiction to make the initial
2 determination prescribed in section 8-829 whether the voluntary
3 participation of a qualified young adult in an extended foster care
4 program pursuant to section 8-521.02 is in the young adult's best
5 interests.

6 Sec. 2. Section 8-208, Arizona Revised Statutes, is amended to
7 read:

8 8-208. Juvenile court records; public inspection; exceptions

9 A. The following records relating to a juvenile who is referred to
10 juvenile court are open to public inspection:

11 1. Referrals involving delinquent acts, after the referrals have
12 been made to the juvenile court or the county attorney has diverted the
13 matter according to section 8-321.

14 2. Arrest records, after the juvenile is an accused as defined by
15 section 13-501.

16 3. Delinquency hearings.

17 4. Disposition hearings.

18 5. A summary of delinquency, disposition and transfer hearings.

19 6. Revocation of probation hearings.

20 7. Appellate review.

21 8. Diversion proceedings involving delinquent acts.

22 B. On the request of an adult probation officer or state or local
23 prosecutor, the juvenile court shall release to an adult probation
24 department or prosecutor all information in its possession concerning a
25 person who is charged with a criminal offense.

26 C. The juvenile court shall release all information in its
27 possession concerning a person who is arrested for a criminal offense to
28 superior court programs or departments, other court divisions or judges or
29 as authorized by the superior court for the purpose of assisting in the
30 determination of release from custody, bond and pretrial supervision.

31 D. On request by the appropriate jail authorities for the purpose
32 of determining classification, treatment and security, the juvenile court
33 shall release all information in its possession concerning persons who are
34 under eighteen years of age, who have been transferred from juvenile court
35 for criminal prosecution and who are being held in a county jail pending
36 trial.

37 E. The court shall edit the records to protect the identity of the
38 victim or the immediate family of the victim if the victim has died as a
39 result of the alleged offense.

40 F. Except as otherwise provided by law, the records of an adoption,
41 severance or dependency proceeding shall not be open to public inspection.

42 G. The court may order that the records be kept confidential and
43 withheld from public inspection if the court determines that the subject
44 matter of any record involves a clear public interest in confidentiality.

1 H. The disclosure of educational records received pursuant to
2 section 15-141 shall comply with the family educational RIGHTS and privacy
3 ~~rights~~ act of 1974 (20 United States Code section 1232g).

4 I. A PETITION FOR AN EDUCATION PROTECTION ORDER AND THE ORDER
5 ISSUED MAY BE DISCLOSED ONLY IF THE COURT ISSUES THE EDUCATION PROTECTION
6 ORDER PURSUANT TO SECTION 12-1812.

7 Sec. 3. Title 12, chapter 10, article 1, Arizona Revised Statutes,
8 is amended by adding sections 12-1811 and 12-1812, to read:

9 12-1811. Ex parte emergency education protection order;
10 definitions

11 A. IN A COUNTY WITH A POPULATION OF ONE HUNDRED FIFTY THOUSAND
12 PERSONS OR MORE, THE PRESIDING JUDGE OF THE SUPERIOR COURT, DURING THE
13 HOURS THAT THE COURTS ARE CLOSED, SHALL MAKE AVAILABLE ON A ROTATING BASIS
14 A JUDGE, JUSTICE OF THE PEACE, MAGISTRATE OR COMMISSIONER WHO SHALL ISSUE
15 EX PARTE EMERGENCY EDUCATION PROTECTION ORDERS BY TELEPHONE. IN A COUNTY
16 WITH A POPULATION OF LESS THAN ONE HUNDRED FIFTY THOUSAND PERSONS, ANY
17 JUDGE, JUSTICE OF THE PEACE, MAGISTRATE OR COMMISSIONER MAY ISSUE EX PARTE
18 EMERGENCY EDUCATION PROTECTION ORDERS BY TELEPHONE DURING THE HOURS THAT
19 THE COURTS ARE CLOSED.

20 B. THE JUDGE, JUSTICE OF THE PEACE, MAGISTRATE OR COMMISSIONER WHO
21 IS AUTHORIZED TO ISSUE EX PARTE EMERGENCY EDUCATION PROTECTION ORDERS
22 SHALL ISSUE AN EX PARTE EMERGENCY EDUCATION PROTECTION ORDER IF THE
23 PETITION, SUPPORTED BY AN AFFIDAVIT OR SWORN ORAL STATEMENT OF THE
24 PETITIONER OR OTHER WITNESS, PROVIDES SPECIFIC FACTS ESTABLISHING BY
25 EITHER REASONABLE CAUSE OR A PREPONDERANCE OF THE EVIDENCE THAT THE
26 DEFENDANT'S POSSESSION OR RECEIPT OF A FIREARM WILL POSE AN IMMEDIATE AND
27 PRESENT DANGER OF SERIOUS PHYSICAL INJURY OR DEATH TO ANY PERSON AT AN
28 EDUCATIONAL INSTITUTION.

29 C. AN EX PARTE EMERGENCY EDUCATION PROTECTION ORDER SHALL RESTRAIN
30 THE DEFENDANT FROM COMING NEAR AN EDUCATIONAL INSTITUTION.

31 D. AN EX PARTE EMERGENCY EDUCATION PROTECTION ORDER THAT IS ISSUED
32 ON A SHOWING OF REASONABLE CAUSE MAY DO BOTH OF THE FOLLOWING:

33 1. PROHIBIT THE DEFENDANT FROM POSSESSING, CONTROLLING, USING,
34 PURCHASING, MANUFACTURING OR RECEIVING A FIREARM FOR THE DURATION OF THE
35 ORDER.

36 2. ORDER THE TRANSFER OF ANY FIREARM IN THE DEFENDANT'S POSSESSION
37 OR CONTROL, INCLUDING ANY LICENSE OR PERMIT THAT ALLOWS THE DEFENDANT TO
38 POSSESS OR ACQUIRE A FIREARM, TO THE APPROPRIATE LAW ENFORCEMENT AGENCY
39 FOR THE DURATION OF THE ORDER.

40 E. AN EX PARTE EMERGENCY EDUCATION PROTECTION ORDER THAT IS ISSUED
41 ON A SHOWING OF A PREPONDERANCE OF THE EVIDENCE SHALL BOTH:

42 1. PROHIBIT THE DEFENDANT FROM POSSESSING, CONTROLLING, USING,
43 PURCHASING, MANUFACTURING OR RECEIVING A FIREARM FOR THE DURATION OF THE
44 ORDER.

1 2. ORDER THE TRANSFER OF ANY FIREARM IN THE DEFENDANT'S POSSESSION
2 OR CONTROL, INCLUDING ANY LICENSE OR PERMIT THAT ALLOWS THE DEFENDANT TO
3 POSSESS OR ACQUIRE A FIREARM, TO THE APPROPRIATE LAW ENFORCEMENT AGENCY
4 FOR THE DURATION OF THE ORDER.

5 F. IF THE COURT FINDS THAT PROBABLE CAUSE EXISTS TO BELIEVE THAT
6 THE DEFENDANT HAS ACCESS TO A FIREARM, THE COURT MAY ISSUE A WARRANT
7 AUTHORIZING A PEACE OFFICER TO SEARCH THE DEFENDANT OR THE DEFENDANT'S
8 HOME FOR FIREARMS AND TO SEIZE ANY FIREARM THAT THE DEFENDANT COULD
9 ACCESS.

10 G. IF THE COURT GRANTS AN EX PARTE EMERGENCY EDUCATION PROTECTION
11 ORDER, THE COURT SHALL DO BOTH OF THE FOLLOWING:

12 1. HOLD A HEARING PURSUANT TO SECTION 12-1812 AND PROVIDE NOTICE OF
13 THE TIME AND PLACE OF THE HEARING.

14 2. ORDER A LAW ENFORCEMENT AGENCY TO INVESTIGATE THE FACTS ALLEGED
15 IN SUPPORT OF THE PETITION FOR AN EX PARTE EMERGENCY EDUCATION PROTECTION
16 ORDER.

17 H. AN EX PARTE EMERGENCY EDUCATION PROTECTION ORDER IS EFFECTIVE ON
18 THE DATE OF SERVICE AND EXPIRES FOURTEEN DAYS AFTER SERVICE OF THE ORDER.
19 AN EX PARTE EMERGENCY EDUCATION PROTECTION ORDER EXPIRES IF IT IS NOT
20 SERVED ON THE DEFENDANT WITHIN THIRTY DAYS AFTER IT IS ISSUED.

21 I. THE COURT MAY SUBSEQUENTLY ISSUE ADDITIONAL SEARCH WARRANTS
22 BASED ON PROBABLE CAUSE THAT THE DEFENDANT HAS RETAINED, ACQUIRED OR
23 GAINED ACCESS TO A FIREARM WHILE AN ORDER UNDER THIS SECTION REMAINS IN
24 EFFECT.

25 J. IF THE OWNER OF A FIREARM SEIZED PURSUANT TO THIS SECTION IS A
26 PERSON OTHER THAN THE DEFENDANT, THE OWNER MAY SECURE THE RETURN OF THE
27 FIREARM AS PROVIDED IN SECTION 12-1812.

28 K. A PEACE OFFICER IN THIS STATE SHALL SERVE AN EX PARTE EMERGENCY
29 EDUCATION PROTECTION ORDER ON THE DEFENDANT AND CARRY OUT ANY SEARCH
30 AUTHORIZED UNDER THIS SECTION WITHOUT DELAY FOLLOWING ISSUANCE OF THE
31 ORDER. IF A SEARCH IS AUTHORIZED PURSUANT TO THIS SECTION, THE PEACE
32 OFFICER MAY SERVE THE EX PARTE EMERGENCY EDUCATION PROTECTION ORDER ON THE
33 DEFENDANT AFTER THE EXECUTION OF THE SEARCH.

34 L. AFTER AN EX PARTE EMERGENCY EDUCATION PROTECTION ORDER EXPIRES
35 OR IS QUASHED, THE COURT SHALL PROVIDE THE DEFENDANT WITH DOCUMENTATION
36 THAT STATES THAT THE ORDER IS NO LONGER IN EFFECT.

37 M. A LAW ENFORCEMENT AGENCY THAT HAS CUSTODY OF A FIREARM SHALL
38 RELEASE THE FIREARM WITHIN FORTY-EIGHT HOURS, EXCLUDING WEEKENDS AND
39 HOLIDAYS, AFTER RECEIPT OF A COURT DOCUMENT STATING THAT THE EX PARTE
40 EMERGENCY EDUCATION PROTECTION ORDER IS NO LONGER IN EFFECT.

41 N. FOR THE PURPOSES OF THIS SECTION:

42 1. "DEFENDANT" MEANS THE PERSON AGAINST WHOM AN EX PARTE EMERGENCY
43 EDUCATION PROTECTION ORDER UNDER THIS SECTION OR AN EDUCATION PROTECTION
44 ORDER UNDER SECTION 12-1812 HAS BEEN SOUGHT OR GRANTED.

1 2. "EDUCATIONAL INSTITUTION" MEANS ANY OF THE FOLLOWING:
2 (a) A PUBLIC SCHOOL AS DEFINED IN SECTION 15-101.
3 (b) A COMMUNITY COLLEGE AS DEFINED IN SECTION 15-1401.
4 (c) A UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF
5 REGENTS.
6 (d) ANY OTHER POLITICAL SUBDIVISION OF THIS STATE THAT IS
7 RESPONSIBLE FOR PROVIDING EDUCATION TO STUDENTS IN KINDERGARTEN PROGRAMS
8 AND GRADES ONE THROUGH TWELVE.
9 (e) A PRIVATE SCHOOL AS DEFINED IN SECTION 15-101.
10 (f) AN ACCREDITED PRIVATE POSTSECONDARY INSTITUTION THAT IS
11 LICENSED BY THIS STATE.
12 (g) ANY OTHER ACCREDITED INSTITUTION THAT IS ELIGIBLE UNDER
13 TITLE IV OF THE HIGHER EDUCATION ACT OF 1965, THAT OFFERS POSTSECONDARY
14 EDUCATION OR COURSES, WHETHER LOCATED WITHIN OR OUTSIDE OF THE BOUNDARIES
15 OF THIS STATE, AND THAT AWARDS ANY DEGREE IN THIS STATE.
16 3. "FIREARM" HAS THE SAME MEANING PRESCRIBED IN SECTION 13-3101 AND
17 INCLUDES AMMUNITION.
18 4. "PETITIONER" MEANS ANY OF THE FOLLOWING:
19 (a) A PEACE OFFICER.
20 (b) A PERSON WHO IS RELATED TO THE DEFENDANT BY BLOOD OR COURT
21 ORDER AS A PARENT, GRANDPARENT, CHILD, GRANDCHILD, BROTHER OR SISTER OR BY
22 MARRIAGE AS A PARENT-IN-LAW, GRANDPARENT-IN-LAW, STEPPARENT,
23 STEPGRANDPARENT, STEPCHILD, STEPGRANDCHILD, BROTHER-IN-LAW OR
24 SISTER-IN-LAW.
25 (c) A PERSON WHO CURRENTLY RESIDES, OR WHO DURING THE LAST SIX
26 MONTHS RESIDED, IN THE SAME HOUSEHOLD AS THE DEFENDANT.
27 (d) A PERSON WHO IS CURRENTLY, OR WHO DURING THE LAST SIX MONTHS
28 WAS, INVOLVED IN A ROMANTIC OR SEXUAL RELATIONSHIP WITH THE DEFENDANT.
29 (e) A HEALTH CARE PROVIDER AS DEFINED IN SECTION 36-3201 WHO HAS
30 PROVIDED SERVICES TO THE DEFENDANT WITHIN THE LAST SIX MONTHS.
31 (f) ANY PERSON WHO IS EMPLOYED BY AN EDUCATIONAL INSTITUTION WHERE
32 THE DEFENDANT IS CURRENTLY ENROLLED OR HAS BEEN ENROLLED WITHIN THE LAST
33 SIX MONTHS OR ANY PERSON WHO IS EMPLOYED BY AN EDUCATIONAL INSTITUTION
34 THAT THE DEFENDANT HAS THREATENED WITHIN THE LAST SIX MONTHS.
35 (g) ANY PERSON WHO ATTENDS AN EDUCATIONAL INSTITUTION WHERE THE
36 DEFENDANT IS CURRENTLY ENROLLED OR HAS BEEN ENROLLED WITHIN THE LAST SIX
37 MONTHS OR ANY PERSON WHO ATTENDS AN EDUCATIONAL INSTITUTION THAT THE
38 DEFENDANT HAS THREATENED WITHIN THE LAST SIX MONTHS.
39 5. "SERIOUS PHYSICAL INJURY" HAS THE SAME MEANING PRESCRIBED IN
40 SECTION 13-105.
41 12-1812. Education protection order; hearing; definitions
42 A. A PETITIONER MAY FILE A PETITION, SUPPORTED BY AN AFFIDAVIT OR
43 SWORN ORAL STATEMENT OF THE PETITIONER OR ANOTHER WITNESS, FOR THE PURPOSE
44 OF RESTRAINING THE DEFENDANT FROM CAUSING SERIOUS PHYSICAL INJURY OR DEATH
45 TO ANY PERSON AT AN EDUCATIONAL INSTITUTION. UNLESS THE COURT DETERMINES

1 OTHERWISE, IF THE PETITIONER IS A MINOR, THE PARENT OR LEGAL GUARDIAN OF
2 THE MINOR OR A PEACE OFFICER SHALL FILE THE PETITION. FOR THE PURPOSES OF
3 THIS SECTION, ANY COURT IN THIS STATE MAY ISSUE OR ENFORCE AN EDUCATION
4 PROTECTION ORDER, UNLESS THE DEFENDANT IS UNDER EIGHTEEN YEARS OF AGE, IN
5 WHICH CASE THE PETITION SHALL BE TRANSFERRED TO THE JUVENILE COURT.

6 B. A PETITIONER IS NOT REQUIRED TO FILE A PETITION UNDER THIS
7 SECTION IF THE COURT HAS GRANTED AN EX PARTE EMERGENCY EDUCATION
8 PROTECTION ORDER PURSUANT TO SECTION 12-1811 AND ORDERED A HEARING AS
9 PROVIDED IN THIS SECTION.

10 C. A PETITION FOR AN EDUCATION PROTECTION ORDER SHALL INCLUDE ALL
11 OF THE FOLLOWING:

12 1. THE NAME OF THE PETITIONER. THE PETITIONER SHALL DISCLOSE THE
13 PETITIONER'S ADDRESS TO THE COURT FOR PURPOSES OF SERVICE. THE
14 PETITIONER'S ADDRESS SHALL NOT BE LISTED ON THE PETITION. WHETHER OR NOT
15 THE COURT ISSUES AN EDUCATION PROTECTION ORDER, THE PROTECTED ADDRESS
16 SHALL BE MAINTAINED IN A SEPARATE DOCUMENT OR AUTOMATED DATABASE AND IS
17 NOT SUBJECT TO RELEASE OR DISCLOSURE BY THE COURT OR ANY FORM OF PUBLIC
18 ACCESS EXCEPT AS ORDERED BY THE COURT.

19 2. THE DEFENDANT'S NAME AND ADDRESS, IF KNOWN.

20 3. A SPECIFIC STATEMENT SETTING FORTH THE GROUNDS FOR ISSUING THE
21 EDUCATION PROTECTION ORDER, INCLUDING SPECIFIC FACTS ESTABLISHING THAT THE
22 DEFENDANT'S POSSESSION OR RECEIPT OF A FIREARM WILL POSE AN IMMEDIATE AND
23 PRESENT DANGER OF SERIOUS PHYSICAL INJURY OR DEATH TO ANY PERSON AT AN
24 EDUCATIONAL INSTITUTION.

25 4. THE NAME OF THE COURT IN WHICH ANY PRIOR OR PENDING PROCEEDING
26 OR EX PARTE EMERGENCY EDUCATION PROTECTION ORDER WAS SOUGHT OR ISSUED
27 AGAINST THE DEFENDANT.

28 D. IF A PETITION SATISFIES THE REQUIREMENTS OF THIS SECTION, THE
29 COURT SHALL DO BOTH OF THE FOLLOWING:

30 1. HOLD A HEARING ON THE PETITION FOR AN EDUCATION PROTECTION ORDER
31 WITHIN FOURTEEN DAYS AFTER THE FILING OF THE PETITION. THE DEFENDANT MAY
32 AGREE TO WAIVE THE HEARING.

33 2. ORDER A LAW ENFORCEMENT AGENCY TO INVESTIGATE THE FACTS ALLEGED
34 IN SUPPORT OF THE PETITION FOR AN EDUCATION PROTECTION ORDER.

35 E. AFTER GRANTING A HEARING, THE COURT SHALL PROVIDE NOTICE AS
36 PROVIDED IN THIS SECTION. THE DEFENDANT SHALL BE ENTITLED TO ONE
37 CONTINUANCE OF UP TO TEN DAYS ON REQUEST. THE COURT MAY THEREAFTER GRANT
38 AN ADDITIONAL CONTINUANCE FOR GOOD CAUSE. AN EX PARTE EMERGENCY EDUCATION
39 PROTECTION ORDER ISSUED PURSUANT TO SECTION 12-1811 SHALL REMAIN IN EFFECT
40 UNTIL THE HEARING IS HELD. PENDING A FINAL ORDER, THE COURT MAY
41 TEMPORARILY EXTEND THE EX PARTE EMERGENCY EDUCATION PROTECTION ORDER AT
42 THE HEARING.

1 F. THE COURT SHALL ISSUE AN EDUCATION PROTECTION ORDER IF BOTH OF
2 THE FOLLOWING ARE MET:

3 1. A LAW ENFORCEMENT AGENCY HAS CONDUCTED AN INVESTIGATION AND
4 FOUND PROBABLE CAUSE THAT THE DEFENDANT'S POSSESSION OR RECEIPT OF A
5 FIREARM WILL POSE A CREDIBLE THREAT OF SERIOUS PHYSICAL INJURY OR DEATH TO
6 ANY PERSON AT AN EDUCATIONAL INSTITUTION.

7 2. AFTER CONSIDERING THE PETITION, ANY OTHER PLEADINGS AND ANY
8 EVIDENCE OR INFORMATION OFFERED AT THE HEARING, THE COURT FINDS BY EITHER
9 A PREPONDERANCE OF THE EVIDENCE OR CLEAR AND CONVINCING EVIDENCE THAT THE
10 DEFENDANT'S POSSESSION OR RECEIPT OF A FIREARM WILL POSE A CREDIBLE THREAT
11 OF SERIOUS PHYSICAL INJURY OR DEATH TO ANY PERSON AT AN EDUCATIONAL
12 INSTITUTION.

13 G. AN EDUCATION PROTECTION ORDER SHALL:

14 1. RESTRAIN THE DEFENDANT FROM COMING NEAR AN EDUCATIONAL
15 INSTITUTION. IF THE DEFENDANT IS A STUDENT AT AN EDUCATIONAL INSTITUTION,
16 THE COURT SHOULD CONSIDER WHETHER ANY LESS RESTRICTIVE MEANS EXIST THAT
17 WILL ALLOW THE DEFENDANT TO ATTEND THE EDUCATIONAL INSTITUTION, WHILE
18 ENSURING THAT THE EDUCATIONAL INSTITUTION IS PROTECTED.

19 2. INCLUDE THE FOLLOWING WARNING:

20 THIS IS AN OFFICIAL COURT ORDER. IF YOU DISOBEY THIS ORDER,
21 YOU WILL BE SUBJECT TO ARREST AND PROSECUTION FOR THE CRIME OF
22 INTERFERING WITH JUDICIAL PROCEEDINGS AND ANY OTHER CRIME YOU
23 MAY HAVE COMMITTED IN DISOBEYING THIS ORDER.

24 H. AN EDUCATION PROTECTION ORDER THAT IS ISSUED ON A SHOWING OF A
25 PREPONDERANCE OF THE EVIDENCE MAY DO BOTH OF THE FOLLOWING:

26 1. PROHIBIT THE DEFENDANT FROM POSSESSING, CONTROLLING, USING,
27 PURCHASING, MANUFACTURING OR RECEIVING A FIREARM FOR THE DURATION OF THE
28 ORDER.

29 2. ORDER THE TRANSFER OF ANY FIREARM IN THE DEFENDANT'S POSSESSION
30 OR CONTROL, INCLUDING ANY LICENSE OR PERMIT THAT ALLOWS THE DEFENDANT TO
31 POSSESS OR ACQUIRE A FIREARM, TO THE APPROPRIATE LAW ENFORCEMENT AGENCY
32 FOR THE DURATION OF THE ORDER.

33 I. AN EDUCATION PROTECTION ORDER THAT IS ISSUED ON A SHOWING OF
34 CLEAR AND CONVINCING EVIDENCE SHALL BOTH:

35 1. PROHIBIT THE DEFENDANT FROM POSSESSING, CONTROLLING, USING,
36 PURCHASING, MANUFACTURING OR RECEIVING A FIREARM FOR THE DURATION OF THE
37 ORDER.

38 2. ORDER THE TRANSFER OF ANY FIREARM IN THE DEFENDANT'S POSSESSION
39 OR CONTROL, INCLUDING ANY LICENSE OR PERMIT THAT ALLOWS THE DEFENDANT TO
40 POSSESS OR ACQUIRE A FIREARM, TO THE APPROPRIATE LAW ENFORCEMENT AGENCY
41 FOR THE DURATION OF THE ORDER.

42 J. TO THE EXTENT AUTHORIZED BY LAW, THE COURT MAY ORDER A
43 PSYCHOLOGICAL EVALUATION OF THE DEFENDANT AT NO COST TO THE DEFENDANT,
44 INCLUDING VOLUNTARY OR INVOLUNTARY COMMITMENT OF THE DEFENDANT FOR THE
45 PURPOSES OF SUCH AN EVALUATION.

1 K. IF THE COURT GRANTS AN EDUCATION PROTECTION ORDER ON A SHOWING
2 OF A PREPONDERANCE OF THE EVIDENCE AND FINDS PROBABLE CAUSE THAT THE
3 DEFENDANT HAS ACCESS TO A FIREARM, FOLLOWING A LAW ENFORCEMENT
4 INVESTIGATION THAT CONFIRMED PROBABLE CAUSE EXISTS, THE COURT MAY ISSUE A
5 WARRANT AUTHORIZING A PEACE OFFICER TO SEARCH THE DEFENDANT AND THE
6 DEFENDANT'S HOME FOR THOSE FIREARMS AND TO SEIZE ANY FIREARM THAT THE
7 DEFENDANT COULD ACCESS. IF THE COURT GRANTS AN EDUCATION PROTECTION ORDER
8 ON A SHOWING OF CLEAR AND CONVINCING EVIDENCE AND FINDS PROBABLE CAUSE
9 THAT THE DEFENDANT HAS ACCESS TO A FIREARM, FOLLOWING A LAW ENFORCEMENT
10 INVESTIGATION THAT CONFIRMED PROBABLE CAUSE EXISTS, THE COURT SHALL ISSUE
11 A WARRANT AUTHORIZING A PEACE OFFICER TO SEARCH THE DEFENDANT AND THE
12 DEFENDANT'S HOME FOR THOSE FIREARMS AND TO SEIZE ANY FIREARM THAT THE
13 DEFENDANT COULD ACCESS. THE COURT MAY SUBSEQUENTLY ISSUE ADDITIONAL
14 SEARCH WARRANTS BASED ON PROBABLE CAUSE THAT THE DEFENDANT HAS RETAINED,
15 ACQUIRED OR GAINED ACCESS TO A FIREARM WHILE AN EDUCATION PROTECTION ORDER
16 REMAINS IN EFFECT. A PEACE OFFICER SHALL CARRY OUT ANY SEARCH AUTHORIZED
17 BY THIS SECTION WITHOUT DELAY. IF THE OWNER OF A FIREARM IS A PERSON
18 OTHER THAN THE DEFENDANT, THE OWNER MAY SECURE RETURN OF THE FIREARM BY
19 PROVIDING AN AFFIDAVIT TO THE APPROPRIATE LAW ENFORCEMENT AGENCY AFFIRMING
20 OWNERSHIP OF THE FIREARM AND ASSURING THAT THE OWNER WILL SAFEGUARD THE
21 FIREARM AGAINST ACCESS BY THE DEFENDANT. THE LAW ENFORCEMENT AGENCY SHALL
22 RETURN THE FIREARM TO THE OWNER AFTER CONFIRMING, INCLUDING BY A CHECK OF
23 THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM, THAT THE OWNER IS
24 NOT LEGALLY DISQUALIFIED FROM POSSESSING OR RECEIVING THE FIREARM.

25 L. AN EDUCATION PROTECTION ORDER IS EFFECTIVE ON SERVICE AND
26 EXPIRES ONE YEAR AFTER SERVICE OF THE ORDER. AN EDUCATION PROTECTION
27 ORDER EXPIRES IF IT IS NOT SERVED ON THE DEFENDANT WITHIN ONE YEAR AFTER
28 IT IS ISSUED.

29 M. SERVICE OF A NOTICE OF HEARING OR AN EDUCATION PROTECTION ORDER
30 SHALL BE IN OPEN COURT FOLLOWING THE HEARING, EXCEPT IF THE EDUCATION
31 PROTECTION ORDER IS PROVIDED TO A LAW ENFORCEMENT AGENCY OR A CONSTABLE,
32 SERVICE OF AN EDUCATION PROTECTION ORDER IS AS FOLLOWS:

33 1. FOR AN EDUCATION PROTECTION ORDER THAT IS ISSUED BY A MUNICIPAL
34 COURT, IF THE DEFENDANT CAN BE SERVED WITHIN THAT CITY OR TOWN, THE ORDER
35 SHALL BE SERVED BY THE LAW ENFORCEMENT AGENCY OF THAT CITY OR TOWN. IF
36 THE ORDER CAN BE SERVED IN ANOTHER CITY OR TOWN, THE ORDER SHALL BE SERVED
37 BY THE LAW ENFORCEMENT AGENCY OF THAT CITY OR TOWN. IF THE ORDER CANNOT
38 BE SERVED WITHIN A CITY OR TOWN, THE ORDER SHALL BE SERVED BY THE SHERIFF
39 OR CONSTABLE OF THE COUNTY IN WHICH THE DEFENDANT CAN BE SERVED.

40 2. FOR AN EDUCATION PROTECTION ORDER THAT IS ISSUED BY A JUSTICE OF
41 THE PEACE, THE EDUCATION PROTECTION ORDER SHALL BE SERVED BY THE SHERIFF
42 OR CONSTABLE OF THE COUNTY IN WHICH THE DEFENDANT CAN BE SERVED OR BY A
43 MUNICIPAL LAW ENFORCEMENT AGENCY.

1 3. FOR AN EDUCATION PROTECTION ORDER THAT IS ISSUED BY A SUPERIOR
2 COURT JUDGE OR COMMISSIONER, THE EDUCATION PROTECTION ORDER SHALL BY
3 SERVED BY THE SHERIFF OR CONSTABLE OF THE COUNTY WHERE THE DEFENDANT CAN
4 BE SERVED.

5 N. IN ADDITION TO PERSONS AUTHORIZED TO SERVE PROCESS PURSUANT TO
6 RULE 4(d) OF THE ARIZONA RULES OF CIVIL PROCEDURE, A PEACE OFFICER OR A
7 CORRECTIONAL OFFICER AS DEFINED IN SECTION 41-1661 WHO IS ACTING IN THE
8 CORRECTIONAL OFFICER'S OFFICIAL CAPACITY MAY SERVE AN EDUCATION PROTECTION
9 ORDER THAT IS ISSUED PURSUANT TO THIS SECTION. SERVICE OF THE EDUCATION
10 PROTECTION ORDER HAS PRIORITY OVER OTHER SERVICE OF PROCESS THAT DOES NOT
11 INVOLVE AN IMMEDIATE THREAT TO THE SAFETY OF A PERSON. IF THE DEFENDANT
12 CANNOT BE PERSONALLY SERVED, A LAW ENFORCEMENT AGENCY MAY PROVIDE THE
13 DEFENDANT NOTICE OF A HEARING BY PUBLICATION OR MAIL. IF A SEARCH IS
14 AUTHORIZED, AN EDUCATION PROTECTION ORDER MAY BE SERVED ON THE DEFENDANT
15 AFTER THE EXECUTION OF THE SEARCH.

16 O. THE DEFENDANT MAY FILE A MOTION TO TERMINATE AN ORDER DURING THE
17 EFFECTIVE PERIOD OF THAT ORDER. THE DEFENDANT HAS THE BURDEN OF PROVING
18 BY CLEAR AND CONVINCING EVIDENCE THAT THE DEFENDANT DOES NOT POSE A
19 CREDIBLE THREAT OF SERIOUS PHYSICAL INJURY TO ANY PERSON AT AN EDUCATIONAL
20 INSTITUTION.

21 P. THE PETITIONER MAY RENEW AN EDUCATION PROTECTION ORDER FOR AN
22 ADDITIONAL SIX MONTHS AT ANY TIME AFTER IT EXPIRES BY FILING A SUBSEQUENT
23 PETITION THAT COMPLIES WITH THIS SECTION. AN EXISTING EDUCATION
24 PROTECTION ORDER SHALL REMAIN IN EFFECT UNTIL THE HEARING IS HELD AND THE
25 COURT GRANTS OR DENIES A RENEWED ORDER. THE COURT SHALL GRANT A
26 SUBSEQUENT PETITION AFTER THE INITIAL EDUCATION PROTECTION ORDER IF EITHER
27 OF THE FOLLOWING APPLIES:

28 1. THE DEFENDANT DOES NOT CONTEST THE SUBSEQUENT PETITION.

29 2. AFTER HOLDING A HEARING, THE COURT FINDS BY EITHER A
30 PREPONDERANCE OF THE EVIDENCE OR CLEAR AND CONVINCING EVIDENCE THAT THE
31 DEFENDANT'S POSSESSION OR RECEIPT OF A FIREARM WILL POSE A CREDIBLE THREAT
32 OF SERIOUS PHYSICAL INJURY OR DEATH TO ANY PERSON AT AN EDUCATIONAL
33 INSTITUTION.

34 Q. IF THE DEFENDANT CANNOT BE PERSONALLY SERVED OR FAILS TO APPEAR
35 AT ANY HEARING FOR AN EDUCATION PROTECTION ORDER, THE DEFAULT DOES NOT
36 AFFECT THE COURT'S AUTHORITY TO ISSUE AN EDUCATION PROTECTION ORDER OR
37 ENTITLE THE DEFENDANT TO CHALLENGE THE EDUCATION PROTECTION ORDER BEFORE
38 THE ORDER EXPIRES.

39 R. AN EDUCATION PROTECTION ORDER THAT IS ENTERED BY A JUSTICE COURT
40 OR MUNICIPAL COURT AFTER A HEARING PURSUANT TO THIS SECTION MAY BE
41 APPEALED TO THE SUPERIOR COURT AS PROVIDED IN SECTION 22-425 AND THE
42 SUPERIOR COURT RULES OF CIVIL APPELLATE PROCEDURE. AN EDUCATION
43 PROTECTION ORDER ENTERED BY THE SUPERIOR COURT MAY BE APPEALED PURSUANT TO
44 SECTION 12-2101.

1 S. A FEE MAY NOT BE CHARGED FOR FILING A PETITION UNDER THIS
2 SECTION FOR SERVICE OF PROCESS OR FOR FILING AN APPEAL. EACH COURT SHALL
3 PROVIDE, WITHOUT CHARGE, FORMS FOR THE PURPOSES OF THIS SECTION TO ASSIST
4 PARTIES WITHOUT COUNSEL.

5 T. THE SUPREME COURT SHALL MAINTAIN A CENTRAL REPOSITORY FOR
6 EDUCATION PROTECTION ORDERS. WITHIN TWENTY-FOUR HOURS AFTER THE
7 AFFIDAVIT, DECLARATION, ACCEPTANCE OR RETURN OF SERVICE HAS BEEN FILED,
8 EXCLUDING WEEKENDS AND HOLIDAYS, THE COURT FROM WHICH THE EDUCATION
9 PROTECTION ORDER OR ANY MODIFIED EDUCATION PROTECTION ORDER WAS ISSUED
10 SHALL ENTER THE EDUCATION PROTECTION ORDER AND PROOF OF SERVICE INTO THE
11 SUPREME COURT'S CENTRAL REPOSITORY FOR EDUCATION PROTECTION ORDERS. THE
12 SUPREME COURT SHALL REGISTER THE EDUCATION PROTECTION ORDER WITH THE
13 NATIONAL CRIME INFORMATION CENTER. THE EFFECTIVENESS OF AN EDUCATION
14 PROTECTION ORDER DOES NOT DEPEND ON ITS REGISTRATION, AND FOR ENFORCEMENT
15 PURPOSES PURSUANT TO SECTION 13-2810, A COPY OF AN EDUCATION PROTECTION
16 ORDER OF THE COURT, WHETHER OR NOT REGISTERED, IS PRESUMED TO BE A VALID
17 EXISTING EDUCATION PROTECTION ORDER OF THE COURT FOR A PERIOD OF TWO YEARS
18 FROM THE DATE OF SERVICE OF THE EDUCATION PROTECTION ORDER ON THE
19 DEFENDANT.

20 U. ANY SUPPLEMENTAL INFORMATION FORM THAT IS USED BY THE COURT OR A
21 LAW ENFORCEMENT AGENCY SOLELY FOR THE PURPOSES OF SERVICE OF PROCESS ON
22 THE DEFENDANT AND THAT CONTAINS INFORMATION PROVIDED BY THE PETITION IS
23 CONFIDENTIAL.

24 V. A PEACE OFFICER WHO MAKES AN ARREST PURSUANT TO THIS SECTION OR
25 SECTION 12-1811 IS NOT CIVILLY OR CRIMINALLY LIABLE FOR THE ARREST IF THE
26 OFFICER ACTS ON PROBABLE CAUSE AND WITHOUT MALICE.

27 W. A PEACE OFFICER, WITH OR WITHOUT A WARRANT, MAY ARREST A PERSON
28 IF THE PEACE OFFICER HAS PROBABLE CAUSE TO BELIEVE THAT THE PERSON HAS
29 VIOLATED SECTION 13-2810 BY DISOBEYING OR RESISTING AN EDUCATION
30 PROTECTION ORDER THAT IS ISSUED IN ANY JURISDICTION IN THIS STATE PURSUANT
31 TO THIS SECTION, WHETHER OR NOT SUCH VIOLATION OCCURRED IN THE PRESENCE OF
32 THE PEACE OFFICER. CRIMINAL VIOLATIONS OF AN EDUCATION PROTECTION ORDER
33 ISSUED PURSUANT TO THIS SECTION SHALL BE REFERRED TO AN APPROPRIATE LAW
34 ENFORCEMENT AGENCY. THE PROVISIONS FOR RELEASE UNDER SECTION 13-3883,
35 SUBSECTION A, PARAGRAPH 4 AND SECTION 13-3903 DO NOT APPLY TO AN ARREST
36 MADE PURSUANT TO THIS SECTION. FOR THE PURPOSES OF THIS SECTION, ANY
37 COURT IN THIS STATE HAS JURISDICTION TO ENFORCE A VALID EDUCATION
38 PROTECTION ORDER THAT IS ISSUED IN THIS STATE AND THAT HAS BEEN VIOLATED
39 IN ANY JURISDICTION IN THIS STATE.

40 X. A PERSON WHO IS ARRESTED PURSUANT TO SUBSECTION W OF THIS
41 SECTION MAY BE RELEASED FROM CUSTODY IN ACCORDANCE WITH THE ARIZONA RULES
42 OF CRIMINAL PROCEDURE OR ANY OTHER APPLICABLE STATUTE. AN ORDER FOR
43 RELEASE, WITH OR WITHOUT AN APPEARANCE BOND, SHALL INCLUDE PRETRIAL
44 RELEASE CONDITIONS THAT ARE NECESSARY TO PROVIDE FOR THE PROTECTION OF THE
45 ALLEGED EDUCATIONAL INSTITUTION VICTIM AND OTHER SPECIFICALLY DESIGNATED

1 PERSONS AND MAY PROVIDE FOR ANY OTHER ADDITIONAL CONDITIONS THAT THE COURT
2 DEEMS APPROPRIATE, INCLUDING PARTICIPATION IN ANY COUNSELING PROGRAMS
3 AVAILABLE TO THE DEFENDANT. THE AGENCY WITH CUSTODY OF THE DEFENDANT
4 SHALL MAKE REASONABLE EFFORTS TO CONTACT THE EDUCATIONAL INSTITUTION
5 VICTIM AND OTHER SPECIFICALLY DESIGNATED PERSONS IN THE EDUCATION
6 PROTECTION ORDER, IF KNOWN TO THE CUSTODIAL AGENCY, WHO REQUESTED
7 NOTIFICATION IMMEDIATELY ON RELEASE OF THE ARRESTED PERSON FROM CUSTODY.

8 Y. AFTER AN EDUCATION PROTECTION ORDER EXPIRES OR IS QUASHED, THE
9 COURT SHALL PROVIDE THE DEFENDANT WITH DOCUMENTATION THAT STATES THAT THE
10 EDUCATION PROTECTION ORDER IS NO LONGER IN EFFECT.

11 Z. A LAW ENFORCEMENT AGENCY THAT HAS CUSTODY OF A FIREARM SHALL
12 RELEASE THE FIREARM WITHIN FORTY-EIGHT HOURS, EXCLUDING WEEKENDS AND
13 HOLIDAYS, AFTER RECEIPT OF A COURT DOCUMENT STATING THAT THE EDUCATION
14 PROTECTION ORDER IS NO LONGER IN EFFECT.

15 AA. FOR THE PURPOSES OF THIS SECTION:

16 1. "DEFENDANT" MEANS THE PERSON AGAINST WHOM AN EDUCATION
17 PROTECTION ORDER UNDER THIS SECTION OR AN EX PARTE EMERGENCY EDUCATION
18 PROTECTION ORDER UNDER SECTION 12-1811 HAS BEEN SOUGHT OR GRANTED.

19 2. "EDUCATIONAL INSTITUTION" MEANS ANY OF THE FOLLOWING:

20 (a) A PUBLIC SCHOOL AS DEFINED IN SECTION 15-101.

21 (b) A COMMUNITY COLLEGE AS DEFINED IN SECTION 15-1401.

22 (c) A UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF
23 REGENTS.

24 (d) ANY OTHER POLITICAL SUBDIVISION OF THIS STATE THAT IS
25 RESPONSIBLE FOR PROVIDING EDUCATION TO STUDENTS IN KINDERGARTEN PROGRAMS
26 AND GRADES ONE THROUGH TWELVE.

27 (e) A PRIVATE SCHOOL AS DEFINED IN SECTION 15-101.

28 (f) AN ACCREDITED PRIVATE POSTSECONDARY INSTITUTION THAT IS
29 LICENSED BY THIS STATE.

30 (g) ANY OTHER ACCREDITED INSTITUTION THAT IS ELIGIBLE UNDER TITLE
31 IV OF THE HIGHER EDUCATION ACT OF 1965, THAT OFFERS POSTSECONDARY
32 EDUCATION OR COURSES, WHETHER LOCATED WITHIN OR OUTSIDE OF THE BOUNDARIES
33 OF THIS STATE, AND THAT AWARDS ANY DEGREE IN THIS STATE.

34 3. "FIREARM" HAS THE SAME MEANING PRESCRIBED IN SECTION 13-3101 AND
35 INCLUDES AMMUNITION.

36 4. "PETITIONER" MEANS ANY OF THE FOLLOWING:

37 (a) A PEACE OFFICER.

38 (b) A PERSON WHO IS RELATED TO THE DEFENDANT BY BLOOD OR COURT
39 ORDER AS A PARENT, GRANDPARENT, CHILD, GRANDCHILD, BROTHER OR SISTER OR BY
40 MARRIAGE AS A PARENT-IN-LAW, GRANDPARENT-IN-LAW, STEPPARENT,
41 STEPGRANDPARENT, STEPCHILD, STEPGRANDCHILD, BROTHER-IN-LAW OR
42 SISTER-IN-LAW.

43 (c) A PERSON WHO CURRENTLY RESIDES, OR WHO DURING THE LAST SIX
44 MONTHS RESIDED, IN THE SAME HOUSEHOLD AS THE DEFENDANT.

1 (d) A PERSON WHO IS CURRENTLY, OR WHO DURING THE LAST SIX MONTHS
2 WAS, INVOLVED IN A ROMANTIC OR SEXUAL RELATIONSHIP WITH THE DEFENDANT.

3 (e) A HEALTH CARE PROVIDER AS DEFINED IN SECTION 36-3201 WHO HAS
4 PROVIDED SERVICES TO THE DEFENDANT WITHIN THE LAST SIX MONTHS.

5 (f) ANY PERSON WHO IS EMPLOYED BY AN EDUCATIONAL INSTITUTION WHERE
6 THE DEFENDANT IS CURRENTLY ENROLLED OR HAS BEEN ENROLLED WITHIN THE LAST
7 SIX MONTHS OR ANY PERSON WHO IS EMPLOYED BY AN EDUCATIONAL INSTITUTION
8 THAT THE DEFENDANT HAS THREATENED WITHIN THE LAST SIX MONTHS.

9 (g) ANY PERSON WHO ATTENDS AN EDUCATIONAL INSTITUTION WHERE THE
10 DEFENDANT IS CURRENTLY ENROLLED OR HAS BEEN ENROLLED WITHIN THE LAST SIX
11 MONTHS OR ANY PERSON WHO ATTENDS AN EDUCATIONAL INSTITUTION THAT THE
12 DEFENDANT HAS THREATENED WITHIN THE LAST SIX MONTHS.

13 5. "SERIOUS PHYSICAL INJURY" HAS THE SAME MEANING PRESCRIBED IN
14 SECTION 13-105.

15 Sec. 4. Section 12-2101, Arizona Revised Statutes, is amended to
16 read:

17 12-2101. Judgments and orders that may be appealed

18 A. An appeal may be taken to the court of appeals from the superior
19 court in the following instances:

20 1. From a final judgment entered in an action or special proceeding
21 commenced in a superior court, or brought into a superior court from any
22 other court, except in actions of forcible entry and detainer when the
23 annual rental value of the property is less than \$300.

24 2. From any special order made after final judgment.

25 3. From any order affecting a substantial right made in any action
26 when the order in effect determines the action and prevents judgment from
27 which an appeal might be taken.

28 4. From a final order affecting a substantial right made in a
29 special proceeding or on a summary application in an action after
30 judgment.

31 5. From an order:

32 (a) Granting or refusing a new trial or granting a motion in arrest
33 of judgment.

34 (b) Granting or dissolving an injunction or refusing to grant or
35 dissolve an injunction or appointing a receiver.

36 (c) Dissolving or refusing to dissolve an attachment or
37 garnishment.

38 (d) Granting or denying a petition to restore a person's right to
39 possess a firearm pursuant to section 13-925.

40 (e) Granting or denying a motion to dismiss or quash pursuant to
41 section 12-751, unless the court did not find that the moving party
42 established prima facie proof as prescribed in section 12-751,
43 subsection B. The court of appeals shall expedite any appeal filed
44 pursuant to this subdivision unless the court for good cause finds that

1 expedited review is not feasible under the circumstances or a court rule
2 specifically provides otherwise.

3 (f) GRANTING OR DENYING AN EDUCATION PROTECTION ORDER PURSUANT TO
4 SECTION 12-1812.

5 6. From an interlocutory judgment that determines the rights of the
6 parties and directs an accounting or other proceeding to determine the
7 amount of the recovery.

8 7. From an interlocutory judgment in any action for partition that
9 determines the rights and interests of the respective parties and THAT
10 directs partition to be made.

11 8. From any interlocutory judgment, decree or order made or entered
12 in actions to redeem real or personal property from a mortgage thereof or
13 lien thereon, determining such right to redeem and directing an
14 accounting.

15 9. From a judgment, decree or order entered in any formal
16 proceedings under title 14.

17 10. From an order or judgment:

18 (a) Adjudging a person insane or incompetent or committing a person
19 to the state hospital.

20 (b) Revoking or refusing to revoke an order or judgment adjudging a
21 person insane or incompetent or restoring or refusing to restore to
22 competency any person who has been declared insane or incompetent.

23 11. From an order or judgment made and entered on habeas corpus
24 proceedings:

25 (a) The petitioner may appeal from an order or judgment refusing
26 the petitioner's discharge.

27 (b) The officer having the custody of the petitioner, or the county
28 attorney on behalf of the state, from an order or judgment discharging the
29 petitioner whereupon the court may admit the petitioner to bail pending
30 the appeal.

31 B. If any order or judgment referred to in this section is made or
32 rendered by a judge it is appealable as if made by the court.

33 Sec. 5. Section 13-3101, Arizona Revised Statutes, is amended to
34 read:

35 13-3101. Definitions

36 A. In this chapter, unless the context otherwise requires:

37 1. "Deadly weapon" means anything that is designed for lethal use.
38 The term includes a firearm.

39 2. "Deface" means to remove, alter or destroy the manufacturer's
40 serial number.

41 3. "Explosive" means any dynamite, nitroglycerine, black powder, or
42 other similar explosive material, including plastic explosives. Explosive
43 does not include ammunition or ammunition components such as primers,
44 percussion caps, smokeless powder, black powder and black powder
45 substitutes used for hand loading purposes.

1 4. "Firearm" means any loaded or unloaded handgun, pistol,
2 revolver, rifle, shotgun or other weapon that will expel, is designed to
3 expel or may readily be converted to expel a projectile by the action of
4 an explosive. Firearm does not include a firearm in permanently
5 inoperable condition.

6 5. "Improvised explosive device" means a device that incorporates
7 explosives or destructive, lethal, noxious, pyrotechnic or incendiary
8 chemicals and that is designed to destroy, disfigure, terrify or harass.

9 6. "Occupied structure" means any building, object, vehicle,
10 watercraft, aircraft or place with sides and a floor that is separately
11 securable from any other structure attached to it, that is used for
12 lodging, business, transportation, recreation or storage and in which one
13 or more human beings either are or are likely to be present or so near as
14 to be in equivalent danger at the time the discharge of a firearm occurs.
15 Occupied structure includes any dwelling house, whether occupied,
16 unoccupied or vacant.

17 7. "Prohibited possessor" means any person:

18 (a) Who has been found to constitute a danger to self or to others
19 or to have a persistent or acute disability or grave disability pursuant
20 to court order pursuant to section 36-540, and whose right to possess a
21 firearm has not been restored pursuant to section 13-925.

22 (b) Who has been convicted within or without this state of a felony
23 or who has been adjudicated delinquent for a felony and whose civil right
24 to possess or carry a firearm has not been restored.

25 (c) Who is at the time of possession serving a term of imprisonment
26 in any correctional or detention facility.

27 (d) Who is at the time of possession serving a term of probation
28 pursuant to a conviction for a domestic violence offense as defined in
29 section 13-3601 or a felony offense, parole, community supervision, work
30 furlough, home arrest or release on any other basis or who is serving a
31 term of probation or parole pursuant to the interstate compact under title
32 31, chapter 3, article 4.1.

33 (e) Who is an undocumented alien or a nonimmigrant alien traveling
34 with or without documentation in this state for business or pleasure or
35 who is studying in this state and who maintains a foreign residence
36 abroad. This subdivision does not apply to:

37 (i) Nonimmigrant aliens who possess a valid hunting license or
38 permit that is lawfully issued by a state in the United States.

39 (ii) Nonimmigrant aliens who enter the United States to participate
40 in a competitive target shooting event or to display firearms at a sports
41 or hunting trade show that is sponsored by a national, state or local
42 firearms trade organization devoted to the competitive use or other
43 sporting use of firearms.

44 (iii) Certain diplomats.

1 (iv) Officials of foreign governments or distinguished foreign
2 visitors who are designated by the United States department of state.

3 (v) Persons who have received a waiver from the United States
4 attorney general.

5 (f) Who has been found incompetent pursuant to rule 11, Arizona
6 rules of criminal procedure, and who subsequently has not been found
7 competent.

8 (g) Who is found guilty except insane.

9 (h) WHO IS SUBJECT TO A VALID EX PARTE EMERGENCY EDUCATION
10 PROTECTION ORDER ISSUED PURSUANT TO SECTION 12-1811 THAT PROHIBITS THE
11 PERSON FROM POSSESSING A FIREARM OR AN EDUCATION PROTECTION ORDER ISSUED
12 PURSUANT TO SECTION 12-1812 THAT PROHIBITS THE PERSON FROM POSSESSING A
13 FIREARM IF THE PERSON WAS PERSONALLY SERVED WITH THE ORDER.

14 8. "Prohibited weapon":

15 (a) Includes the following:

16 (i) An item that is a bomb, grenade, rocket having a propellant
17 charge of more than four ounces or mine and that is explosive, incendiary
18 or poison gas.

19 (ii) A device that is designed, made or adapted to muffle the
20 report of a firearm.

21 (iii) A firearm that is capable of shooting more than one shot
22 automatically, without manual reloading, by a single function of the
23 trigger.

24 (iv) A rifle with a barrel length of less than sixteen inches, or
25 shotgun with a barrel length of less than eighteen inches, or any firearm
26 that is made from a rifle or shotgun and that, as modified, has an overall
27 length of less than twenty-six inches.

28 (v) A breakable container that contains a flammable liquid with a
29 flash point of one hundred fifty degrees Fahrenheit or less and that has a
30 wick or similar device capable of being ignited.

31 (vi) A chemical or combination of chemicals, compounds or
32 materials, including dry ice, that is possessed or manufactured for the
33 purpose of generating a gas to cause a mechanical failure, rupture or
34 bursting or an explosion or detonation of the chemical or combination of
35 chemicals, compounds or materials.

36 (vii) An improvised explosive device.

37 (viii) Any combination of parts or materials that is designed and
38 intended for use in making or converting a device into an item set forth
39 in item (i), (v) or (vii) of this subdivision.

40 (b) Does not include:

41 (i) Any fireworks that are imported, distributed or used in
42 compliance with state laws or local ordinances.

43 (ii) Any propellant, propellant actuated devices or propellant
44 actuated industrial tools that are manufactured, imported or distributed
45 for their intended purposes.

1 (iii) A device that is commercially manufactured primarily for the
2 purpose of illumination.
3 9. "Trafficking" means to sell, transfer, distribute, dispense or
4 otherwise dispose of a weapon or explosive to another person, or to buy,
5 receive, possess or obtain control of a weapon or explosive, with the
6 intent to sell, transfer, distribute, dispense or otherwise dispose of the
7 weapon or explosive to another person.
8 B. The items set forth in subsection A, paragraph 8, subdivision
9 (a), items (i), (ii), (iii) and (iv) of this section do not include any
10 firearms or devices that are possessed, manufactured or transferred in
11 compliance with federal law.