



ARIZONA HOUSE OF REPRESENTATIVES

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Chapter: 152

HB 2880: unauthorized encampments; higher education institutions

Sponsor: Representative Hernandez A., LD 20

Signed by the Governor

Overview

Prohibits an individual from establishing or occupying an encampment on a university or community college campus. Outlines procedures a university or community college must follow if an individual or group establishes or occupies an encampment.

History

Subject to reasonable time, place and manner restrictions, a university or community college may not limit any area on campus where a lawfully present person may exercise free speech. If a university or community college imposes restrictions on the time, place and manner of student speech that occurs in a public forum and that is protected by the First Amendment, the restrictions must meet statutory criteria. A person who is lawfully present on a university or community college campus may engage in expressive activity, including a protest or demonstration, in any area where they are lawfully present. Individual conduct that materially and substantially infringes on the rights of others to engage in or listen to expressive activity is not allowed and subject to sanction (A.R.S. §§ [15-1864](#) and [15-1865](#)).

The Arizona Board of Regents (ABOR) Student Code of Conduct sets forth the standards of conduct expected of students in Arizona's public universities. The university presidents are authorized to enforce the Student Code of Conduct and a university may respond to violations with educational interventions or disciplinary sanctions ([ABOR R5-308](#)).

Provisions

1. Prohibits an individual from establishing or occupying an encampment on a university or community college campus. (Sec. 2)
2. Requires a university or community college administrator, if an individual or group violates the prohibition on establishing or occupying an encampment, to:
 - a) direct the individual or group to immediately dismantle the encampment and vacate the campus;
 - b) advise the individual or group that anyone who fails to comply with the direction to leave is guilty of criminal trespass;
 - c) initiate legal action to have the individual or group removed from campus if the individual or group refuses to comply with the direction to leave; and
 - d) initiate disciplinary action against any student who refuses to comply with the direction to leave according to the university's or community college's student code of conduct. (Sec. 2)

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note

3. Specifies *legal action* includes reporting the trespass to a local law enforcement agency. (Sec. 2)
4. Determines any individual who establishes or occupies an encampment is:
 - a) liable for all damages they cause, including the direct and indirect costs of:
 - i. removing the encampment and restoring the campus; and
 - ii. repairing any destruction, defacement or alteration of the university's or community college's property that results from the individual's intentional or negligent conduct relating to the encampment; and
 - b) not lawfully present on campus. (Sec. 2)
5. Asserts a law enforcement agency, peace officer or the university's or community college's campus security:
 - a) must enforce the prohibition on establishing or occupying an encampment; and
 - b) has the authority to remove an encampment and any individual or group from campus that has violated the prohibition and refused to comply with the direction to leave. (Sec. 2)
6. Requires each Arizona public university to comply with ABOR's Student Code of Conduct. (Sec. 2)
7. Includes, in the expressive activities not protected by the First Amendment that a university or community college may restrict, establishing or occupying an encampment on a university or community college campus. (Sec. 1)
8. Defines *encampment*. (Sec. 2)
9. Makes technical changes. (Sec. 1)