



**ARIZONA STATE SENATE**  
*Fifty-Sixth Legislature, Second Regular Session*

**AMENDED**  
FACT SHEET FOR S.B. 1007

schools; sexually explicit materials; classification

Purpose

Classifies a violation of the prohibition on any public school referring a student to or using any sexually explicit materials in any manner as a class 5 felony.

Background

A public school in Arizona may not refer students to or use any sexually explicit material in any manner except if: 1) the material possesses serious educational value for minors or serious literary, artistic, political or scientific value; or 2) the public school requires written parental consent, on a per-material basis, before referring a student to or using the material. The public school must also provide students for whom parental consent is not secured with an alternative assignment that does not contain sexually explicit material. *Sexually explicit materials* include textual, visual or audio materials or materials accessed via any other medium that depict sexual conduct, sexual excitement or ultimate sexual acts ([A.R.S. § 15-120.03](#)).

A public school must obtain signed, written consent from a student's parent or guardian before providing sex education instruction or using materials that may be inappropriate for the student's age. A charter school may require parents to waive the right to object to learning materials or activities as a condition of enrollment if the charter school provides a complete list of books and materials to be used each school year before the student enrolls. If the charter school introduces books or materials that were not disclosed prior to enrollment, the parent retains the right to object to those materials. *Objects to any learning material or activity on the basis that the material or activity is harmful* means objecting to the material or activity because of sexual content, violent content or profane or vulgar language ([A.R.S. § 15-113](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Classifies, as a class 5 felony, a violation of the prohibition on any public school employee or hired independent contractor who, with criminal negligence, refers a student to, or uses, sexually explicit materials in any manner, except as specified.
2. Prohibits an employee or independent contractor of a public library from referring an unemancipated minor to, or facilitating access to, sexually explicit materials in any manner, and classifies a violation as a class 5 felony.

3. Defines *public library* as any library that is open to members of the public and that is supported, in whole or in part, by public monies, including free public libraries of a city or town, a county free library and the state library.
4. Defines *sexually explicit materials* as textual, visual or audio materials that depict sexual conduct, sexual excitement or ultimate sexual acts.
5. Makes a conforming change.
6. Becomes effective on the general effective date.

Amendments Adopted by Committee of the Whole

1. Stipulates that a public school employe or independent contractor must act with criminal negligence when referring students to sexually explicit materials in order to be guilty of a class 5 felony.
2. Applies the prohibition against referring minors to sexually explicit materials and accompanying felony classification to public libraries.
3. Adds definitions.

Senate Action

JUD            1/25/24    DP            4-3-0

Prepared by Senate Research

February 15, 2024

ZD/KK/cs