



ARIZONA HOUSE OF REPRESENTATIVES

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Second Regular Session

Senate: JUD DP 4-3-0-0 | 3rd Read 16-10-4-0-0

House: JUD DP 6-3-0-0 | 3rd Read 31-21-7-0

SB 1007: schools; libraries; explicit materials; classification

Sponsor: Senator Hoffman, LD 15

Transmitted to the Governor

Overview

Specifies that an employee or independent contractor within a public school or public library who violates the prohibitions relating to sexually explicit materials is guilty of a class 5 felony.

History

Current statute prohibits a public school from referring students to or using sexually explicit materials in any manner. A public school may be exempt from this prohibition if the following requirements are met:

- 1) the sexually explicit material provides serious educational, literary, artistic, political or scientific value to minors;
- 2) the school requires written parental consent on a per-material basis before referring students to or utilizing the sexually explicit material; and
- 3) the school provides students without parental consent alternative assignments that do not contain sexually explicit material ([A.R.S. § 15-120.03](#)).

A parent of a student in a public educational institution reserves the right to review learning materials and activities in advance. A parent may object to any learning material or activity on the basis that the learning material or activity is harmful and may request their child to be withdrawn from the activity, class or program or request an alternative assignment. Statute defines *objects to any learning material or activity on the basis that the material or activity is harmful* as objecting to the material or activity because of the sexual content, violent content or profane or vulgar language. Additionally, public educational institutions are required to obtain written consent from a student's parent or guardian before:

- 1) using video, audio or electronic learning materials that may be age inappropriate; or
- 2) providing sex education instruction to a student in addition to notifying the parent or guardian of their right to review the learning material and activities ([A.R.S. § 15-113](#)).

Provisions

1. Classifies the existing violation under [A.R.S. § 15-120.03](#) relating to the referral of a student to sexually explicit materials by an employee or independent contractor of a public school as a class 5 felony if the employee or independent contractor acts with criminal negligence. (Sec. 1)
2. Adds a new section of statute to [A.R.S. title 34](#) that prohibits an employee or independent contractor of a public library from:

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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- a) referring an unemancipated minor to any sexually explicit material in any manner;
and
 - b) facilitating an unemancipated minor's access to any sexually explicit material in any manner. (Sec. 3)
3. Classifies a violation of these new prohibitions by an employee or independent contractor of a public library as a class 5 felony if the employee or independent contractor acts with criminal negligence. (Sec. 3)
 4. Defines *public library* and *sexually explicit materials* for purposes of this new statute in [A.R.S. title 34](#). (Sec. 3)
 5. Modifies chapter and article headings. (Sec. 2)
 6. Makes a conforming change. (Sec. 1)