



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: JUD DP 4-3-0-0 | 3rd Read DP 16-13-1-0-0

SB 1323: schools; sexually explicit materials; classification

Sponsor: Senator Hoffman, LD 15

Committee on Judiciary

Overview

Makes an employee or independent contractor of a public school who refers students to or uses any sexually explicit material in violation of existing statute criminally liable for a class 5 felony.

History

Except as provided in [A.R.S. § 15-711](#) (regulating sex education instruction), current statute prohibits a public school from referring students to or using sexually explicit material in any manner. A public school may be exempted from this prohibition only if all of the following circumstances 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material or activity on the basis that the learning material or activity is harmful and may request their child to be withdrawn from the activity, class or program or request an alternative assignment.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 it is harmful* as objecting to material or an activity because of the sexual, violent, 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](#)).

Sexually explicit material is defined to include textual, visual or audio materials or materials accessed via any other media that depict sexual conduct, sexual excitement or ultimate sexual acts. *Sexual conduct* means acts of masturbation, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or female breast. *Sexual excitement* is defined as the condition of human male or female genitals when in a state of sexual stimulation or arousal. *Ultimate sexual acts* are defined as sexual intercourse, vaginal or anal, fellatio, cunnilingus, bestiality or sodomy and includes simulations depicting explicit sexual activity that gives the appearance of consummation of ultimate sex acts ([A.R.S. § 15-120.03](#)).

Provisions

1. States that an employee or independent contractor of a public school who refers students to or uses sexually explicit material in violation of [A.R.S. § 15-120.03](#) is guilty of a class 5 felony. (Sec. 1)
2. Makes conforming changes. (Sec. 1)

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note