

ARIZONA HOUSE OF REPRESENTATIVES  
 Fifty-second Legislature - Second Regular Session

**MAJORITY CAUCUS CALENDAR #26**

April 13, 2016

Bill Number	Short Title	Committee	Date	Action
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[BLUE SHEET #12](#) (concur/refuse)

[BLUE SHEET #13](#) (concur/refuse)

[BLUE SHEET #7](#) – HB2030 liquor premises; firearms; retired officers (concur/refuse)

**Committee on Judiciary**

**Chairman:** Eddie Farnsworth, LD12

**Analyst:** Katy Proctor

**Vice Chairman:** Sonny Borrelli, LD5

**Intern:** Meagan Anglin

[SB 1257](#) misconduct involving weapons; public places

SPONSOR: KAVANAGH, LD23

SENATE 3/3/2016 (18-12-0-0)

(No: DALESSANDRO,CAJERO

BEDFORD,PANCRAZI,FARLEY,BRADLEY,CONTRERAS,HOBBS,MIRANDA,DRIGGS,QUEZADA,MEZA,SHERWOOD)

JUD 3/16 DP (4-2-0-0-0)

(No: FRIESE,HALE)



# HOUSE OF REPRESENTATIVES

## SB 1257

misconduct involving weapons; public places  
Prime Sponsor: Senator Kavanagh, LD 23

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**DP** Committee on Judiciary

**X** Caucus and COW

House Engrossed

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### OVERVIEW

SB 1257 allows a person with a valid permit to carry a concealed weapon (CCW) to carry a deadly weapon into a *public event* or *public establishment*, except in specific situations.

### PROVISIONS

1. Exempts any person who has a valid CCW permit from the weapons misconduct offense related to carrying a deadly weapon in a *public event* or *public establishment*.
2. States that the exemption does not apply to:
  - a. A *public event* or *public establishment* that is a *secure facility*;
  - b. The licensed premises of a *public event* or *public establishment* that has a liquor license under A.R.S. Title 4;
  - c. A state, county or municipal judicial department, law enforcement agency or correctional facility;
  - d. An area where firearm possession is prohibited by federal law;
  - e. An *educational institution* defined in [A.R.S. § 13-2911](#);
  - f. A community college district or a university under the jurisdiction of the Arizona Board of Regents;
  - g. Facilities operated by the Arizona State Hospital; or
  - h. A *public establishment* that is a vehicle or craft;
3. Continues to require the operator of a *public establishment* or sponsor of a *public event* to provide temporary and secure storage ([A.R.S. § 13-3102.01](#)) if weapons are not permitted at the event or establishment.
4. States that this does not limit, restrict or prohibit the rights of a private property owner, private tenant, private employer or private business entity.
5. Defines *secured facility* as:
  - a. A *public establishment* or *public event* that has security personnel and electronic weapons screening devices at each entrance;
  - b. A *public establishment* or *public event* with security personnel who screen each person and require every person carrying a weapon to leave it in temporary and secure storage; or
  - c. The area of a *public event* or *public establishment* that is not generally accessible to the public and has:
    - i. Security personnel, or
    - ii. Biometric, coded or employee-restricted entry to limit access.

### CURRENT LAW

Offenses that are considered misconduct involving weapons are outlined in [A.R.S. § 13-3102](#). Subsection A, paragraph 10 makes it a Class 1 misdemeanor (up to 6 months in jail/fine up to \$2,500 plus surcharges) to enter a *public establishment* or attend a *public event* with a deadly weapon. The sponsor of the *public event* or *public establishment* operator must make a reasonable request for the person to remove the weapon and place it in the operator or sponsor's temporary and secure storage. The following are exempted:

- Shooting ranges or shooting events, hunting areas or similar locations/activities;
- Peace officers or persons summoned by peace officers to assist and while assisting in the performance of official duties;
- Members of the military in the performance of official duties;
- Various prison and detentions personnel;
- Any person licensed, authorized or permitted under state or federal law; and
- Elected or appointed judicial officers in their court facility if specific qualifications are met.

This section defines:

- *Public establishment* as a structure, vehicle or craft owned, leased or operated by the state or a political subdivision of the state;
- *Public event* as a specifically named or sponsored event of limited duration that is conducted by a:
  - Public entity, or
  - Private entity with a permit/license.

An unsponsored gathering in a public place is not considered a *public event*.

[A.R.S. § 13-3102.01](#) addresses the temporary and secure storage of weapons at *public events* or *public establishments* and requires the operator or sponsor to provide temporary and secure storage if the request is made that persons not carry weapons into the *public event* or *public establishment*. Storage must be:

- Readily accessible on entry, and
- Allow for the immediate retrieval of the weapon on exit.

Places that hold a liquor license under A.R.S. Title 4 are exempt from the requirement.

[A.R.S. § 13-3112](#) outlines the process for obtaining a CCW permit and the criteria that an applicant must meet. Permits are issued by the Department of Public Safety (DPS) and a person must carry the CCW at all times while carrying a weapon. A person who fails to have the permit while carrying is subject to a civil penalty of up to \$300. By law, DPS must issue a CCW to applicants who:

- Are Arizona residents or United States citizens;
- Are at least 21 years old (or at least 19 with evidence of military service and proof of an honorable discharge);
- Are not under indictment for a felony;
- Have not been convicted of a felony (unless set aside, vacated or expunged or the person's rights have been restored and the person is not a prohibited possessor under state or federal law);
- Do not suffer from mental illness and have not been adjudicated mentally incompetent or committed to a mental institution; and
- Are not unlawfully present in the United States;

A person must demonstrate the level of competence with a firearm as outlined in law and provide proof of having completed a training program (or have demonstrated competence in any state or political subdivision in the United States).

#### **ADDITIONAL INFORMATION**

According to DPS, there are [currently](#) 257,293 valid Arizona CCW permits. More information on the CCW program can be found [here](#).