

REFERENCE TITLE: firearms; state regulation

State of Arizona  
House of Representatives  
Forty-fifth Legislature  
First Regular Session  
2001

# HB 2347

Introduced by  
Representative Johnson

AN ACT

AMENDING SECTION 13-3108, ARIZONA REVISED STATUTES; RELATING TO WEAPONS AND  
EXPLOSIVES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-3108, Arizona Revised Statutes, is amended to  
3 read:

4 13-3108. Firearms regulated by state; state preemption

5 A. ~~Except as provided in subsection C of this section,~~ A political  
6 subdivision of this state shall not enact any ordinance, rule or tax relating  
7 to the MANUFACTURE, transportation, possession, carrying, sale or use of  
8 firearms or ammunition or any firearm or ammunition components in this state.

9 B. A political subdivision of this state shall not require the  
10 licensing or registration of firearms or ammunition or any firearm or  
11 ammunition components or prohibit the ownership, purchase, sale or transfer  
12 of firearms or ammunition or any firearm or ammunition components.

13 ~~C. This section does not prohibit a political subdivision of this~~  
14 ~~state from enacting and enforcing any ordinance or rule pursuant to state~~  
15 ~~law, to implement or enforce state law or relating to any of the following:~~

16 ~~1. Imposing any privilege or use tax on the retail sale, lease or~~  
17 ~~rental of, or the gross proceeds or gross income from the sale, lease or~~  
18 ~~rental of, firearms or ammunition or any firearm or ammunition components at~~  
19 ~~a rate that applies generally to other items of tangible personal property.~~

20 ~~2. Prohibiting a minor who is unaccompanied by a parent, grandparent~~  
21 ~~or guardian or a certified hunter safety instructor or certified firearms~~  
22 ~~safety instructor acting with the consent of the minor's parent, grandparent~~  
23 ~~or guardian from knowingly possessing or carrying on the minor's person,~~  
24 ~~within the minor's immediate control or in or on a means of transportation a~~  
25 ~~firearm in any place that is open to the public or on any street or highway~~  
26 ~~or on any private property except private property that is owned or leased by~~  
27 ~~the minor or the minor's parent, grandparent or guardian. Any ordinance or~~  
28 ~~rule that is adopted pursuant to this paragraph shall not apply to a minor~~  
29 ~~who is fourteen, fifteen, sixteen or seventeen years of age and who is~~  
30 ~~engaged in any of the following:~~

31 ~~(a) Lawful hunting or shooting events or marksmanship practice at~~  
32 ~~established ranges or other areas where the discharge of a firearm is not~~  
33 ~~prohibited.~~

34 ~~(b) Lawful transportation of an unloaded firearm for the purpose of~~  
35 ~~lawful hunting.~~

36 ~~(c) Lawful transportation of an unloaded firearm between the hours of~~  
37 ~~5:00 a.m. and 10:00 p.m. for the purpose of shooting events or marksmanship~~  
38 ~~practice at established ranges or other areas where the discharge of a~~  
39 ~~firearm is not prohibited.~~

40 ~~(d) Any activity that is related to the production of crops,~~  
41 ~~livestock, poultry, livestock products, poultry products or ratites or~~  
42 ~~storage of agricultural commodities.~~

43 ~~3. The use of land and structures, including a business relating to~~  
44 ~~firearms or ammunition or their components or a shooting range in the same~~  
45 ~~manner as other commercial businesses.~~

1           ~~4. Regulating employees or independent contractors of the political~~  
2 ~~subdivision who are acting within the course and scope of their employment or~~  
3 ~~contract.~~

4           ~~5. Limiting firearms possession in parks or preserves of one square~~  
5 ~~mile or less in area to persons who possess a concealed weapons permit issued~~  
6 ~~pursuant to section 13-3112. The political subdivision shall post reasonable~~  
7 ~~notice at each park or preserve. The notice shall state the following:~~  
8 ~~"carrying a firearm in this park is limited to persons who possess a permit~~  
9 ~~issued pursuant to section 13-3112." In parks or preserves that are more~~  
10 ~~than one square mile in area, a political subdivision may designate developed~~  
11 ~~or improved areas in which the political subdivision may limit firearms~~  
12 ~~possession to persons who possess a concealed weapons permit issued pursuant~~  
13 ~~to section 13-3112. The political subdivision shall post reasonable notice~~  
14 ~~at each designated developed or improved area. The notice shall state the~~  
15 ~~following: "carrying a firearm in this developed or improved area is limited~~  
16 ~~to persons with a permit issued pursuant to section 13-3112." For the~~  
17 ~~purposes of this paragraph, "developed or improved area" means an area of~~  
18 ~~property developed for public recreation or family activity, including picnic~~  
19 ~~areas, concessions, playgrounds, amphitheaters, racquet courts, swimming~~  
20 ~~areas, golf courses, zoos, horseback riding facilities and boat landing and~~  
21 ~~docking facilities. Developed or improved area does not include campgrounds,~~  
22 ~~trails, paths or roadways except trails, paths and roadways directly~~  
23 ~~associated with and adjacent to designated developed or improved areas. Any~~  
24 ~~notice that is required by this paragraph shall be conspicuously posted at~~  
25 ~~all public entrances and at intervals of one-fourth mile or less where the~~  
26 ~~park, preserve or developed or improved area has an open perimeter. Any~~  
27 ~~limitation imposed by a political subdivision pursuant to this paragraph~~  
28 ~~shall not apply to a person:~~

29           ~~(a) Engaged in a permitted firearms or hunters safety course conducted~~  
30 ~~in a park by a certified hunter safety instructor or certified firearms~~  
31 ~~safety instructor.~~

32           ~~(b) At a properly supervised range, as defined in section 13-3107, a~~  
33 ~~permitted shooting event, a permitted firearms show or in a permitted hunting~~  
34 ~~area.~~

35           ~~(c) Legally transporting, carrying, storing or possessing a firearm in~~  
36 ~~a vehicle.~~

37           ~~(d) Going directly to or from an area where the person is lawfully~~  
38 ~~engaged in hunting, marksmanship practice or recreational shooting.~~

39           ~~(e) Traversing a trailhead area in order to gain access to areas where~~  
40 ~~the possession of firearms is not limited.~~

41           ~~(f) Using trails, paths or roadways to go directly to or from an area~~  
42 ~~where the possession of firearms is not limited and where no reasonable~~  
43 ~~alternate means of access is available.~~

44           ~~6. Limiting or prohibiting the discharge of firearms in parks and~~  
45 ~~preserves except:~~

- 1           ~~(a) As allowed pursuant to chapter 4 of this title.~~
- 2           ~~(b) On a properly supervised range as defined in section 13-3107.~~
- 3           ~~(c) In an area recommended as a hunting area by the Arizona game and~~
- 4 ~~fish department and approved and posted as required by the political~~
- 5 ~~subdivision's chief law enforcement officer. Any such area may be closed~~
- 6 ~~when deemed unsafe by the political subdivision's chief law enforcement~~
- 7 ~~officer or the director of the Arizona game and fish department.~~
- 8           ~~(d) To control nuisance wildlife by permit from the Arizona game and~~
- 9 ~~fish department or the United States fish and wildlife service.~~
- 10           ~~(e) By special permit of the chief law enforcement officer of the~~
- 11 ~~political subdivision.~~
- 12           ~~(f) As required by an animal control officer in performing duties~~
- 13 ~~specified in section 9-499.04 and title 11, chapter 7, article 6.~~
- 14           ~~(g) In self-defense or defense of another person against an animal~~
- 15 ~~attack if a reasonable person would believe that deadly physical force~~
- 16 ~~against the animal is immediately necessary and reasonable under the~~
- 17 ~~circumstances to protect oneself or the other person.~~
- 18           ~~D. A violation of any ordinance established pursuant to subsection C,~~
- 19 ~~paragraph 6 of this section is a class 2 misdemeanor unless the political~~
- 20 ~~subdivision designates a lesser classification by ordinance.~~

21           Sec. 2. Intent

22           Firearms regulation is of statewide concern. Therefore, the  
23 legislature intends to prohibit any political subdivision of this state from  
24 regulating firearms in any manner. This act applies to any ordinance enacted  
25 before or after the effective date of this act.