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Senate Engrossed House Bill

State of Arizona  
House of Representatives  
Forty-seventh Legislature  
First Regular Session  
2005

# HOUSE BILL 2325

AN ACT

AMENDING SECTION 13-3112, ARIZONA REVISED STATUTES; RELATING TO WEAPONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-3112, Arizona Revised Statutes, is amended to  
3 read:

4 13-3112. Permit to carry concealed weapon; qualification;  
5 application; training program; program instructors;  
6 report; applicability; violation; classification

7 A. The department of public safety shall issue a permit to carry a  
8 concealed weapon to a person who is qualified under this section. The person  
9 shall carry the permit at all times when the person is in actual possession  
10 of the concealed weapon and shall present the permit for inspection to any  
11 law enforcement officer on request.

12 B. A person who fails to carry the permit at all times that the person  
13 is in actual possession of a concealed weapon may have the permit suspended.  
14 The department of public safety shall be notified of all violations of this  
15 section and shall immediately suspend the permit. The permittee shall  
16 present the permit to the law enforcement agency or the court. On  
17 notification of the presentation of the permit, the department shall restore  
18 the permit.

19 C. The permit of a person who is arrested or indicted for an offense  
20 that would make the person unqualified under the provisions of section  
21 13-3101, subsection A, paragraph 6 or this section shall be immediately  
22 suspended and seized. The permit of a person who becomes unqualified on  
23 conviction of that offense shall be revoked. The permit shall be restored on  
24 presentation of documentation from the court if the permittee is found not  
25 guilty or the charges are dismissed. The permit shall be restored on  
26 presentation of documentation from the county attorney that the charges  
27 against the permittee were dropped or dismissed.

28 D. A person who fails to present a permit for inspection on the  
29 request of a law enforcement officer is guilty of a class 2 misdemeanor. **A  
30 PERSON SHALL NOT BE CONVICTED OF A VIOLATION OF THIS SUBSECTION IF THE PERSON  
31 PRODUCES TO THE COURT A LEGIBLE PERMIT THAT IS ISSUED TO THE PERSON AND THAT  
32 WAS VALID AT THE TIME THE VIOLATION OF THIS SUBSECTION OCCURRED.**

33 E. The department of public safety shall issue a permit to an  
34 applicant who meets all of the following conditions:

- 35 1. Is a resident of this state or a United States citizen.
- 36 2. Is twenty-one years of age or older.
- 37 3. Is not under indictment for and has not been convicted in any  
38 jurisdiction of a felony.
- 39 4. Does not suffer from mental illness and has not been adjudicated  
40 mentally incompetent or committed to a mental institution.
- 41 5. Is not unlawfully present in the United States.
- 42 6. Satisfactorily completes a firearms safety training program  
43 approved by the department of public safety pursuant to subsection ~~4~~ 0 of  
44 this section. This paragraph does not apply to a person who is an active  
45 duty Arizona peace officer standards and training board certified or

1 federally credentialed peace officer or who is honorably retired as a  
2 federal, state or local peace officer with a minimum of ten years of service.

3 F. The application shall be completed on a form prescribed by the  
4 department of public safety. The form shall not require the applicant to  
5 disclose the type of firearm for which a permit is sought. The applicant  
6 shall attest under penalty of perjury that all of the statements made by the  
7 applicant are true. The applicant shall submit the application to the  
8 department with a certificate of completion from an approved firearms safety  
9 training program, two sets of fingerprints and a reasonable fee determined by  
10 the director of the department.

11 G. On receipt of an application, the department of public safety shall  
12 conduct a check of the applicant's criminal history record pursuant to  
13 section 41-1750. The department of public safety may exchange fingerprint  
14 card information with the federal bureau of investigation for federal  
15 criminal history record checks.

16 H. The department of public safety shall complete all of the required  
17 qualification checks within sixty days after receipt of the application and  
18 shall issue a permit within fifteen working days after completing the  
19 qualification checks if the applicant meets all of the conditions specified  
20 in subsection E of this section. If a permit is denied, the department of  
21 public safety shall notify the applicant in writing within fifteen working  
22 days after the completion of all of the required qualification checks and  
23 shall state the reasons why the application was denied. On receipt of the  
24 notification of the denial, the applicant has twenty days to submit any  
25 additional documentation to the department. On receipt of the additional  
26 documentation, the department shall reconsider its decision and inform the  
27 applicant within twenty days of the result of the reconsideration. If  
28 denied, the applicant shall be informed that the applicant may request a  
29 hearing pursuant to title 41, chapter 6, article 10.

30 I. On issuance, a permit is valid for ~~four~~ FIVE years, EXCEPT A PERMIT  
31 THAT IS HELD BY A MEMBER OF THE UNITED STATES ARMED FORCES, INCLUDING A  
32 MEMBER OF THE ARIZONA NATIONAL GUARD OR A MEMBER OF THE RESERVES OF ANY  
33 MILITARY ESTABLISHMENT OF THE UNITED STATES, WHO IS ON FEDERAL ACTIVE DUTY  
34 AND WHO IS DEPLOYED OVERSEAS SHALL BE EXTENDED UNTIL NINETY DAYS AFTER THE  
35 END OF THE MEMBER'S OVERSEAS DEPLOYMENT.

36 J. The department of public safety shall maintain a computerized  
37 permit record system that is accessible to criminal justice agencies for the  
38 purpose of confirming the permit status of any person who claims to hold a  
39 valid permit issued by this state. This information shall not be available  
40 to any other person or entity except on an order from a state or federal  
41 court.

42 K. NOTWITHSTANDING SUBSECTION J OF THIS SECTION, IT IS A DEFENSE TO  
43 ANY CHARGE FOR CARRYING A DEADLY WEAPON WITHOUT A PERMIT BY A MEMBER OF THE  
44 UNITED STATES ARMED FORCES, INCLUDING A MEMBER OF THE ARIZONA NATIONAL GUARD  
45 OR A MEMBER OF THE RESERVES OF ANY MILITARY ESTABLISHMENT OF THE UNITED  
46 STATES, IF THE MEMBER WAS ON FEDERAL ACTIVE DUTY AT THE TIME THE PERMIT

1 EXPIRED AND THE MEMBER PRESENTS DOCUMENTATION INDICATING RELEASE FROM ACTIVE  
2 DUTY OR REASSIGNMENT FROM OVERSEAS DEPLOYMENT WITHIN THE PRECEDING NINETY  
3 DAYS.

4 ~~K~~ L. A permit issued pursuant to this section is renewable every  
5 ~~four~~ FIVE years. Before a permit may be renewed, a criminal history ~~record~~  
6 RECORDS check shall be conducted pursuant to section 41-1750 within sixty  
7 days after receipt of the application for renewal. FOR THE PURPOSES OF THE  
8 FIRST PERMIT RENEWAL ONLY, THE PERMIT HOLDER IS REQUIRED TO SUBMIT ADDITIONAL  
9 FINGERPRINTS PURSUANT TO THIS SUBSECTION. FOR THE PURPOSES OF THE SECOND OR  
10 SUBSEQUENT PERMIT RENEWAL, THE PERMIT HOLDER IS NOT REQUIRED TO SUBMIT  
11 ADDITIONAL FINGERPRINTS PURSUANT TO THIS SUBSECTION.

12 ~~L~~ M. Applications for renewal shall be accompanied by a fee  
13 determined by the director of the department of public safety. A certificate  
14 of completion of a ~~four-hour~~ TWO-HOUR refresher firearms safety training  
15 program approved by the director of the department is required before a  
16 renewal permit may be issued and shall accompany an application for renewal.

17 ~~M~~ N. The department of public safety shall suspend or revoke a  
18 permit issued under this section if the permit holder becomes ineligible  
19 pursuant to subsection E of this section. The department of public safety  
20 shall notify the permit holder in writing within fifteen working days after  
21 the revocation or suspension and shall state the reasons for the revocation  
22 or suspension.

23 ~~N~~ O. An organization shall apply to the department of public safety  
24 for approval of its firearms safety training program. The department shall  
25 approve a program that meets the following requirements:

- 26 1. Is at least ~~sixteen~~ EIGHT hours in length.
- 27 2. Is conducted on a pass or fail basis.
- 28 3. Addresses all of the following topics in a format approved by the  
29 director of the department:
  - 30 (a) Legal issues relating to the use of deadly force.
  - 31 (b) Weapon care and maintenance.
  - 32 (c) Mental conditioning for the use of deadly force.
  - 33 (d) Safe handling and storage of weapons.
  - 34 (e) Marksmanship.
  - 35 (f) Judgmental shooting.
- 36 4. Is conducted by instructors who submit to a background  
37 investigation, including a check for warrants and a criminal history ~~record~~  
38 RECORDS check.

39 ~~O~~ P. If approved pursuant to subsection ~~N~~ O of this section, the  
40 organization shall submit to the department of public safety two sets of  
41 fingerprints from each instructor and a fee to be determined by the director  
42 of the department of public safety. On receipt of the fingerprints and fee,  
43 the department of public safety shall conduct a check of each instructor's  
44 criminal history record pursuant to section 41-1750. The department of  
45 public safety may exchange this fingerprint card information with the federal  
46 bureau of investigation for federal criminal history record checks.

1           ~~P.~~ Q. The proprietary interest of all approved instructors and  
2 programs shall be safeguarded, and the contents of any training program shall  
3 not be disclosed to any person or entity other than a bona fide criminal  
4 justice agency, except upon an order from a state or federal court.

5           ~~Q.~~ R. If the department of public safety rejects a program, the  
6 rejected organization may request a hearing pursuant to title 41, chapter 6,  
7 article 10.

8           ~~R.~~ S. The department of public safety shall maintain information  
9 comparing the number of permits requested, the number of permits issued and  
10 the number of permits denied. The department shall annually report this  
11 information to the governor and the legislature.

12           ~~S.~~ T. The director of the department of public safety shall adopt  
13 rules for the purpose of implementing and administering the concealed weapons  
14 permit program, including fees relating to permits issued pursuant to this  
15 section.

16           ~~T.~~ U. The department of public safety shall enter into reciprocal  
17 agreements with states that have concealed weapons laws substantially similar  
18 to this section for the purpose of establishing a basis under which a  
19 concealed weapons license or permit that is issued by either state may be  
20 used by the licensee or permittee within the jurisdiction of either state. If  
21 another state requires this state to enter into a reciprocal agreement before  
22 accepting a concealed weapons permit issued in this state, the department of  
23 public safety shall enter into the agreement if the issuing authority for the  
24 other state:

- 25           1. Issues a permit with an expiration date printed on the permit.
- 26           2. Is available to verify the permit status for law enforcement  
27 purposes within three business days of a request for verification.
- 28           3. Has disqualification, suspension and revocation requirements for  
29 concealed weapons permits.
- 30           4. Requires that an applicant for a concealed weapons permit meet all  
31 of the following conditions:
  - 32           (a) ~~Submit~~ SUBMITS to a criminal history ~~record~~ RECORDS check.
  - 33           (b) Is not prohibited from possessing firearms pursuant to federal  
34 law.
  - 35           (c) Satisfactorily completes a firearms safety program.

36           ~~U.~~ V. Notwithstanding subsection ~~T.~~ U of this section, unless a  
37 person would be a prohibited possessor in this state, a person who is a  
38 resident of another state and who is temporarily in this state may carry a  
39 concealed weapon in this state without a permit issued pursuant to this  
40 section if both of the following apply:

- 41           1. The person is legally in this state.
- 42           2. The person presents a valid concealed weapons permit from another  
43 state on the request of a law enforcement officer if the issuing authority  
44 for the other state:
  - 45           (a) Issues a permit with an expiration date printed on the permit.

1 (b) Has disqualification, suspension and revocation requirements for  
2 concealed weapons permits.

3 (c) Requires that an applicant for a concealed weapons permit meet all  
4 of the following conditions:

5 (i) Submits to a criminal history ~~record~~ RECORDS check.

6 (ii) Is not prohibited from possessing firearms pursuant to federal  
7 law.

8 (iii) Satisfactorily completes a firearms safety program.

9 ~~V.~~ W. Notwithstanding the provisions of this section, a person with a  
10 concealed weapons permit from another state may not carry a concealed weapon  
11 in this state if the person is under twenty-one years of age or is under  
12 indictment for, or has been convicted of, a felony offense in any  
13 jurisdiction, even if the person's rights have been restored and the  
14 conviction is expunged, set aside or vacated.

15 Sec. 2. Applicability

16 Notwithstanding section 13-3112, subsection L, Arizona Revised  
17 Statutes, as amended by this act, all persons who hold current permits on the  
18 effective date of this act shall submit additional fingerprints on their  
19 first renewal application that is submitted after the effective date of this  
20 act.