

REFERENCE TITLE: firearms; peace officers

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HB 2457

Introduced by
Representative Pearce, Senator Gray L: Representatives Crump, Reagan

AN ACT

AMENDING TITLE 38, CHAPTER 8, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 38-1102; RELATING TO THE CARRYING OF FIREARMS BY PEACE OFFICERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 38, chapter 8, article 1, Arizona Revised Statutes,
3 is amended by adding section 38-1102, to read:
4 38-1102. Carrying of firearms by peace officers; exceptions;
5 definitions
6 A. THIS STATE, A COUNTY, A CITY OR TOWN OR ANY OTHER POLITICAL
7 SUBDIVISION OF THIS STATE, EXCEPT A PUBLIC UTILITY THAT IS FORMED PURSUANT TO
8 TITLE 40, SHALL NOT PROHIBIT A PEACE OFFICER FROM CARRYING A FIREARM IF THE
9 PEACE OFFICER IS IN COMPLIANCE WITH THE FIREARM REQUIREMENTS PRESCRIBED BY
10 THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD.
11 B. A PEACE OFFICER MAY BE PROHIBITED FROM CARRYING A FIREARM AS
12 FOLLOWS:
13 1. IN A JAIL OR CORRECTIONAL FACILITY.
14 2. BY ORDER OF:
15 (a) THE PRESIDING JUDGE OR JUSTICE WHEN ATTENDING ANY COURT THAT IS
16 ESTABLISHED PURSUANT TO TITLE 12.
17 (b) A JUSTICE COURT.
18 (c) A MUNICIPAL COURT.
19 3. WHEN THE PEACE OFFICER IS RELIEVED OF THE PEACE OFFICER'S DUTIES
20 AND IS UNDER A CRIMINAL OR ADMINISTRATIVE INVESTIGATION.
21 4. WHEN IN A SECURED POLICE FACILITY.
22 5. WHEN CONSUMING ALCOHOL AT A LICENSED LIQUOR ESTABLISHMENT, EXCEPT
23 IF THE PEACE OFFICER IS IN THE PERFORMANCE OF THE DUTIES OF A PEACE OFFICER.
24 C. AN AGENCY THAT EMPLOYS A PEACE OFFICER MAY ESTABLISH RULES THAT ARE
25 CONSISTENT WITH THIS SECTION. THE AGENCY MAY DETERMINE THE NUMBER, TYPE,
26 MODEL, CALIBER AND BRAND OF FIREARM AND THE AMMUNITION THAT IS CARRIED BY ITS
27 PEACE OFFICERS.
28 D. FOR THE PURPOSES OF THIS SECTION:
29 1. "FIREARM" HAS THE SAME MEANING PRESCRIBED IN SECTION 13-105.
30 2. "PEACE OFFICER" HAS THE SAME MEANING PRESCRIBED IN SECTION 1-215.
31 3. "RELIEVED OF DUTY" MEANS WHEN A PEACE OFFICER IS NO LONGER REQUIRED
32 TO PERFORM THE DUTIES FOR WHICH THE OFFICER WAS EMPLOYED.
33 4. "SECURED POLICE FACILITY" MEANS A BUILDING OR STRUCTURE THAT IS
34 USED PRIMARILY BY A PUBLIC AGENCY AND THAT IS NOT ACCESSIBLE TO THE GENERAL
35 PUBLIC EXCEPT BY CONTROLLED ACCESS.