

COMMITTEE ON APPROPRIATIONS

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1168

(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Title 12, chapter 6, Arizona Revised Statutes, is amended by
3 adding article 18, to read:

4 ARTICLE 18. FIREARMS STORAGE LIABILITY

5 12-781. Transportation or storage of firearms; motor vehicles;
6 applicability

7 A. A PROPERTY OWNER, TENANT, PUBLIC OR PRIVATE EMPLOYER OR BUSINESS
8 ENTITY SHALL NOT ESTABLISH, MAINTAIN OR ENFORCE A POLICY OR RULE THAT
9 PROHIBITS OR UNDULY BURDENS OR HAS THE EFFECT OF PROHIBITING OR UNDULY
10 BURDENING A PERSON FROM LAWFULLY TRANSPORTING OR LAWFULLY STORING ANY FIREARM
11 THAT IS BOTH:

12 1. IN THE PERSON'S LOCKED AND PRIVATELY OWNED MOTOR VEHICLE OR IN A
13 LOCKED COMPARTMENT ON THE PERSON'S PRIVATELY OWNED MOTORCYCLE.

14 2. NOT VISIBLE FROM THE OUTSIDE OF THE MOTOR VEHICLE OR MOTORCYCLE.

15 B. ANY POLICY OR RULE THAT IS ESTABLISHED OR MAINTAINED OR THE
16 ATTEMPTED ENFORCEMENT OF ANY POLICY OR RULE THAT IS IN VIOLATION OF
17 SUBSECTION A IS CONTRARY TO PUBLIC POLICY, IS NULL AND VOID AND DOES NOT HAVE
18 LEGAL FORCE OR EFFECT.

19 C. THIS SECTION DOES NOT APPLY IF:

20 1. THE POSSESSION OF THE FIREARM IS PROHIBITED BY FEDERAL OR STATE
21 LAW.

22 2. THE MOTOR VEHICLE IS OWNED OR LEASED BY A PUBLIC OR PRIVATE
23 EMPLOYER OR BUSINESS ENTITY AND IS USED BY AN EMPLOYEE IN THE COURSE OF THE
24 EMPLOYMENT, UNLESS THE EMPLOYEE IS REQUIRED TO STORE OR TRANSPORT A FIREARM
25 IN THE OFFICIAL DISCHARGE OF THE EMPLOYEE'S DUTIES OR IF THE PUBLIC OR
26 PRIVATE EMPLOYER OR BUSINESS ENTITY CONSENTS TO THE TRANSPORTATION OR STORAGE
27 OF THE FIREARM.

1 3. THE PROPERTY OWNER, TENANT, PUBLIC OR PRIVATE EMPLOYER OR BUSINESS
2 ENTITY PROVIDES A SECURED AND GATED OR FENCED PARKING LOT, PARKING GARAGE OR
3 OTHER AREA DESIGNATED FOR PARKING MOTOR VEHICLES, SEARCHES ALL VEHICLES AND
4 OCCUPANTS OF THE VEHICLE ON EACH ENTRY TO THE PARKING AREA AND PROVIDES
5 TEMPORARY AND SECURE FIREARM STORAGE. THE STORAGE SHALL BE READILY
6 ACCESSIBLE ON ENTRY INTO THE PREMISES AND ALLOW FOR THE IMMEDIATE RETRIEVAL
7 OF THE FIREARM ON EXIT FROM THE PREMISES.

8 4. THE PROPERTY OWNER'S, TENANT'S, PUBLIC OR PRIVATE EMPLOYER'S OR
9 BUSINESS ENTITY'S COMPLIANCE WITH THIS SECTION NECESSITATES THE VIOLATION OF
10 ANOTHER APPLICABLE FEDERAL OR STATE LAW OR REGULATION.

11 5. THE PROPERTY OWNER, TENANT, PUBLIC OR PRIVATE EMPLOYER OR BUSINESS
12 ENTITY IS A NUCLEAR GENERATING STATION THAT PROVIDES A SECURED AND GATED OR
13 FENCED PARKING LOT, PARKING GARAGE OR OTHER AREA DESIGNATED FOR PARKING MOTOR
14 VEHICLES AND PROVIDES TEMPORARY AND SECURE FIREARM STORAGE. THE STORAGE
15 SHALL BE READILY ACCESSIBLE ON ENTRY INTO THE PREMISES AND ALLOW FOR THE
16 IMMEDIATE RETRIEVAL OF THE FIREARM ON EXIT FROM THE PREMISES.

17 6. THE PARKING LOT, PARKING GARAGE OR OTHER AREA DESIGNATED FOR
18 PARKING MOTOR VEHICLES IS ON AN OWNER OCCUPIED SINGLE FAMILY DETACHED
19 RESIDENCE OR A TENANT OCCUPIED SINGLE FAMILY DETACHED RESIDENCE.

20 7. THE PROPERTY OWNER, TENANT, PUBLIC OR PRIVATE EMPLOYER OR BUSINESS
21 ENTITY IS A CURRENT UNITED STATES DEPARTMENT OF DEFENSE CONTRACTOR AND THE
22 PROPERTY IS LOCATED IN WHOLE OR IN PART ON A UNITED STATES MILITARY BASE OR A
23 UNITED STATES MILITARY INSTALLATION. IF ANY PART OF THE PROPERTY IS NOT
24 LOCATED ON THE UNITED STATES MILITARY BASE OR UNITED STATES MILITARY
25 INSTALLATION, THE PROPERTY SHALL BE CONTIGUOUS WITH THE BASE OR INSTALLATION.

26 Sec. 2. Legislative findings

27 A. The Legislature finds that:

28 1. Article II, section 26, Constitution of Arizona, as well as the
29 Second Amendment to the United States Constitution, protects an individual's
30 right to bear arms in self-defense, that this right is fundamental and is
31 derived from the inherent and fundamental principle of self-preservation and

1 that individuals have a need to protect themselves in both their homes and in
2 their movement throughout this state.

3 2. The enjoyment of this right would be impaired if individuals are
4 deprived of the means of self-defense in their personal motor vehicles.

5 3. Individuals are deprived of the means of self-defense in their
6 personal motor vehicles when property owners, tenants, employers or business
7 entities forbid their invitees, customers, employees and others who are
8 lawfully permitted on their property to possess and store firearms in a
9 locked and privately owned motor vehicle.

10 4. An individual's locked and privately owned motor vehicle is not a
11 public space and an individual has a right to furnish their motor vehicle
12 with items that the individual may legally possess and that enhance the
13 individual's comfort, security, ease of movement and enjoyment of liberty.

14 5. Property owners, tenants, employers or business entities that allow
15 privately owned motor vehicles on their property are not unduly burdened by
16 the presence of legally possessed items that the owner of the motor vehicle
17 has secured within the motor vehicle.

18 6. This act is for the benefit and protection of those individuals who
19 choose to exercise and enforce their fundamental right to bear arms in
20 self-defense in their movements throughout this state, including in their
21 personal motor vehicles."

22 Amend title to conform

and, as so amended, it do pass

JOHN KAVANAGH
Chairman

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06/23/2009
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