

State of Arizona  
Senate  
Forty-ninth Legislature  
First Regular Session  
2009

# SENATE BILL 1113

AN ACT

AMENDING SECTION 4-226, ARIZONA REVISED STATUTES; AMENDING TITLE 4, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 4-229; AMENDING SECTIONS 4-244, 4-246, 4-301, 5-395.03, 11-441, 13-3102, 13-3112, 28-1321, 28-1385, 28-3320, 28-3322, 28-3511 AND 38-1102, ARIZONA REVISED STATUTES; RELATING TO HANDGUNS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 4-226, Arizona Revised Statutes, is amended to  
3 read:

4 4-226. Exemptions

5 The provisions of this title do not apply to:

6 1. Drugstores selling spirituous liquors only upon prescription.

7 2. Any confectionery candy containing less than five per cent by  
8 weight of alcohol.

9 3. Ethyl alcohol intended for use or used for the following purposes:

10 (a) Scientific, chemical, mechanical, industrial and medicinal  
11 purposes.

12 (b) Use by those authorized to procure spirituous liquor or ethyl  
13 alcohol tax-free, as provided by the acts of Congress and regulations  
14 promulgated thereunder.

15 (c) In the manufacture of denatured alcohol produced and used as  
16 provided by the acts of Congress and regulations promulgated thereunder.

17 (d) In the manufacture of patented, patent, proprietary, medicinal,  
18 pharmaceutical, antiseptic, toilet, scientific, chemical, mechanical and  
19 industrial preparations or products, unfit and not used for beverage  
20 purposes.

21 (e) In the manufacture of flavoring extracts and syrups unfit for  
22 beverage purposes.

23 4. The purchase, storage, distribution, service or consumption of wine  
24 in connection with the bona fide practice of a religious belief or as an  
25 integral part of a religious exercise by a church recognized by the United  
26 States internal revenue service under section 501(c)(3) of the internal  
27 revenue code and in a manner not dangerous to public health or safety. This  
28 exemption does not apply to any alleged violation of section 4-244, paragraph  
29 9, ~~33, 34 or 40~~ 34, 35 OR 41.

30 Sec. 2. Title 4, chapter 2, article 2, Arizona Revised Statutes, is  
31 amended by adding section 4-229, to read:

32 4-229. Licenses; handguns; posting of notice

33 A. A PERSON WITH A PERMIT ISSUED PURSUANT TO SECTION 13-3112 OR WHO  
34 MEETS THE CRITERIA SPECIFIED IN SECTION 13-3102, SUBSECTION D, PARAGRAPH 1 OR  
35 2 MAY CARRY A CONCEALED HANDGUN ON THE PREMISES OF A LICENSEE WHO IS AN  
36 ON-SITE RETAILER THAT OFFERS FOR SALE FOOD FOR ON-SITE CONSUMPTION PREPARED  
37 IN A KITCHEN LOCATED ON THE PREMISES UNLESS THE LICENSEE POSTS A SIGN AT THE  
38 PRIMARY ENTRANCE TO THE LICENSED PREMISES OR AT THE PRIMARY ENTRANCES OF THE  
39 LICENSED PREMISES THAT CLEARLY PROHIBITS THE POSSESSION OF WEAPONS ON THE  
40 LICENSED PREMISES. THE SIGN OR SIGNS SHALL CONFORM TO THE FOLLOWING  
41 REQUIREMENTS:

42 1. BE POSTED IN A CONSPICUOUS LOCATION.

43 2. CONTAIN A PICTOGRAM THAT SHOWS A FIREARM WITHIN A RED CIRCLE AND A  
44 DIAGONAL RED LINE ACROSS THE FIREARM.

1           3. CONTAIN THE WORDS, "NO FIREARMS ALLOWED PURSUANT TO A.R.S. SECTION  
2 4-229".

3           B. THE DEPARTMENT OF LIQUOR LICENSES AND CONTROL SHALL PREPARE THE  
4 SIGNS REQUIRED BY THIS SECTION AND MAKE THEM AVAILABLE AT NO COST TO  
5 LICENSEES.

6           C. THE SIGNS REQUIRED BY THIS SECTION SHALL BE COMPOSED OF BLOCK,  
7 CAPITAL LETTERS PRINTED IN BLACK ON WHITE LAMINATED PAPER AT A MINIMUM WEIGHT  
8 OF ONE HUNDRED TEN POUND INDEX. THE LETTERING AND PICTOGRAM SHALL CONSUME A  
9 SPACE AT LEAST SIX INCHES BY NINE INCHES. THE LETTERS COMPRISING THE WORDS  
10 "NO FIREARMS ALLOWED" SHALL BE AT LEAST THREE-FOURTHS OF A VERTICAL INCH AND  
11 ALL OTHER LETTERS SHALL BE AT LEAST ONE-HALF OF A VERTICAL INCH.

12           D. THIS SECTION DOES NOT PROHIBIT A PERSON WHO POSSESSES A HANDGUN  
13 FROM ENTERING THE LICENSED PREMISES FOR A LIMITED TIME FOR THE SPECIFIC  
14 PURPOSE OF EITHER:

15           1. SEEKING EMERGENCY AID.

16           2. DETERMINING WHETHER A SIGN HAS BEEN POSTED PURSUANT TO SUBSECTION A  
17 OF THIS SECTION.

18           Sec. 3. Section 4-244, Arizona Revised Statutes, is amended to read:  
19 4-244. Unlawful acts

20           It is unlawful:

21           1. For a person to buy for resale, sell or deal in spirituous liquors  
22 in this state without first having procured a license duly issued by the  
23 board.

24           2. For a person to sell or deal in alcohol for beverage purposes  
25 without first complying with this title.

26           3. For a distiller, vintner, brewer or wholesaler knowingly to sell,  
27 dispose of or give spirituous liquor to any person other than a licensee  
28 except in sampling wares as may be necessary in the ordinary course of  
29 business, except in donating spirituous liquor to a nonprofit organization  
30 which has obtained a special event license for the purpose of charitable fund  
31 raising activities or except in donating spirituous liquor with a cost to the  
32 distiller, brewer or wholesaler of up to one hundred dollars in a calendar  
33 year to an organization that is exempt from federal income taxes under  
34 section 501(c) of the internal revenue code and not licensed under this  
35 title.

36           4. For a distiller, vintner or brewer to require a wholesaler to offer  
37 or grant a discount to a retailer, unless the discount has also been offered  
38 and granted to the wholesaler by the distiller, vintner or brewer.

39           5. For a distiller, vintner or brewer to use a vehicle for trucking or  
40 transportation of spirituous liquors unless there is affixed to both sides of  
41 the vehicle a sign showing the name and address of the licensee and the type  
42 and number of the person's license in letters not less than three and  
43 one-half inches in height.

44           6. For a person to take or solicit orders for spirituous liquors  
45 unless the person is a salesman or solicitor of a licensed wholesaler, a

1 salesman or solicitor of a distiller, brewer, vintner, importer or broker or  
2 a registered retail agent.

3 7. For any retail licensee to purchase spirituous liquors from any  
4 person other than a solicitor or salesman of a wholesaler licensed in this  
5 state.

6 8. For a retailer to acquire an interest in property owned, occupied  
7 or used by a wholesaler in his business, or in a license with respect to the  
8 premises of the wholesaler.

9 9. Except as provided in paragraphs 10 and 11 of this section, for a  
10 licensee or other person to sell, furnish, dispose of or give, or cause to be  
11 sold, furnished, disposed of or given, to a person under the legal drinking  
12 age or for a person under the legal drinking age to buy, receive, have in the  
13 person's possession or consume spirituous liquor. This paragraph shall not  
14 prohibit the employment by an off-sale retailer of persons who are at least  
15 sixteen years of age to check out, if supervised by a person on the premises  
16 who is at least nineteen years of age, package or carry merchandise,  
17 including spirituous liquor, in unbroken packages, for the convenience of the  
18 customer of the employer, if the employer sells primarily merchandise other  
19 than spirituous liquor.

20 10. For a licensee to employ a person under ~~the age of~~ nineteen years  
21 **OF AGE** to manufacture, sell or dispose of spirituous liquors. This paragraph  
22 shall not prohibit the employment by an off-sale retailer of persons who are  
23 at least sixteen years of age to check out, if supervised by a person on the  
24 premises who is at least nineteen years of age, package or carry merchandise,  
25 including spirituous liquor, in unbroken packages, for the convenience of the  
26 customer of the employer, if the employer sells primarily merchandise other  
27 than spirituous liquor.

28 11. For an on-sale retailer to employ a person under ~~the age of~~  
29 nineteen years **OF AGE** in any capacity connected with the handling of  
30 spirituous liquors. This paragraph does not prohibit the employment by an  
31 on-sale retailer of a person under ~~the age of~~ nineteen years **OF AGE** who  
32 cleans up the tables on the premises for reuse, removes dirty dishes, keeps a  
33 ready supply of needed items and helps clean up the premises.

34 12. For a licensee, when engaged in waiting on or serving customers, to  
35 consume spirituous liquor or for a licensee or on-duty employee to be on or  
36 about the licensed premises while in an intoxicated or disorderly condition.

37 13. For an employee of a retail licensee, during that employee's  
38 working hours or in connection with such employment, to give to or purchase  
39 for any other person, accept a gift of, purchase for himself or consume  
40 spirituous liquor, except that:

41 (a) An employee of a licensee, during that employee's working hours or  
42 in connection with the employment, while the employee is not engaged in  
43 waiting on or serving customers, may give spirituous liquor to or purchase  
44 spirituous liquor for any other person.

1 (b) An employee of an on-sale retail licensee, during that employee's  
2 working hours or in connection with the employment, while the employee is not  
3 engaged in waiting on or serving customers, may taste samples of beer or wine  
4 not to exceed four ounces per day or distilled spirits not to exceed two  
5 ounces per day provided by an employee of a wholesaler or distributor who is  
6 present at the time of the sampling.

7 (c) An employee of an on-sale retail licensee, under the supervision  
8 of a manager as part of the employee's training and education, while not  
9 engaged in waiting on or serving customers may taste samples of distilled  
10 spirits not to exceed two ounces per educational session or beer or wine not  
11 to exceed four ounces per educational session, and provided that a licensee  
12 shall not have more than two educational sessions in any thirty day period.

13 (d) An unpaid volunteer who is a bona fide member of a club and who is  
14 not engaged in waiting on or serving spirituous liquor to customers may  
15 purchase for himself and consume spirituous liquor while participating in a  
16 scheduled event at the club. An unpaid participant in a food competition may  
17 purchase for himself and consume spirituous liquor while participating in the  
18 food competition.

19 (e) An unpaid volunteer of a special event licensee under section  
20 4-203.02 may purchase and consume spirituous liquor while not engaged in  
21 waiting on or serving spirituous liquor to customers at the special event.  
22 This subdivision does not apply to an unpaid volunteer whose responsibilities  
23 include verification of a person's legal drinking age, security or the  
24 operation of any vehicle or heavy machinery.

25 14. For a licensee or other person to serve, sell or furnish spirituous  
26 liquor to a disorderly or obviously intoxicated person, or for a licensee or  
27 employee of the licensee to allow or permit a disorderly or obviously  
28 intoxicated person to come into or remain on or about the premises, except  
29 that a licensee or an employee of the licensee may allow an obviously  
30 intoxicated person to remain on the premises for a period of time of not to  
31 exceed thirty minutes after the state of obvious intoxication is known or  
32 should be known to the licensee in order that a nonintoxicated person may  
33 transport the obviously intoxicated person from the premises. For the  
34 purposes of this section, "obviously intoxicated" means inebriated to the  
35 extent that a person's physical faculties are substantially impaired and the  
36 impairment is shown by significantly uncoordinated physical action or  
37 significant physical dysfunction that would have been obvious to a reasonable  
38 person.

39 15. For an on-sale or off-sale retailer or an employee of such retailer  
40 to sell, dispose of, deliver or give spirituous liquor to a person between  
41 the hours of 2:00 a.m. and 6:00 a.m. on weekdays, and 2:00 a.m. and  
42 10:00 a.m. on Sundays.

43 16. For a licensee or employee to knowingly permit any person on or  
44 about the licensed premises to give or furnish any spirituous liquor to any  
45 person under ~~the age of~~ twenty-one YEARS OF AGE or knowingly permit any

1 person under ~~the age of~~ twenty-one YEARS OF AGE to have in the person's  
2 possession spirituous liquor on the licensed premises.

3 17. For an on-sale retailer or an employee of such retailer to allow a  
4 person to consume or possess spirituous liquors on the premises between the  
5 hours of 2:30 a.m. and 6:00 a.m. on weekdays, and 2:30 a.m. and 10:00 a.m. on  
6 Sundays.

7 18. For an on-sale retailer to permit an employee or for an employee to  
8 solicit or encourage others, directly or indirectly, to buy the employee  
9 drinks or anything of value in the licensed premises during the employee's  
10 working hours. No on-sale retailer shall serve employees or allow a patron  
11 of the establishment to give spirituous liquor to, purchase liquor for or  
12 drink liquor with any employee during the employee's working hours.

13 19. For an off-sale retailer or employee to sell spirituous liquor  
14 except in the original unbroken container, to permit spirituous liquor to be  
15 consumed on the premises or to knowingly permit spirituous liquor to be  
16 consumed on adjacent property under the licensee's exclusive control.

17 20. For a person to consume spirituous liquor in a public place,  
18 thoroughfare or gathering. The license of a licensee permitting a violation  
19 of this paragraph on the premises shall be subject to revocation. This  
20 paragraph does not apply to the sale of spirituous liquors on the premises of  
21 and by an on-sale retailer. This paragraph also does not apply to a person  
22 consuming beer from a broken package in a public recreation area or on  
23 private property with permission of the owner or lessor or on the walkways  
24 surrounding such private property.

25 21. For a person to have possession of or to transport spirituous  
26 liquor which is manufactured in a distillery, winery, brewery or rectifying  
27 plant contrary to the laws of the United States and this state. Any property  
28 used in transporting such spirituous liquor shall be forfeited to the state  
29 and shall be seized and disposed of as provided in section 4-221.

30 22. For an on-sale retailer or employee to allow a person under the  
31 legal drinking age to remain in an area on the licensed premises during those  
32 hours in which its primary use is the sale, dispensing or consumption of  
33 alcoholic beverages after the licensee, or the licensee's employees, know or  
34 should have known that the person is under the legal drinking age. An  
35 on-sale retailer may designate an area of the licensed premises as an area in  
36 which spirituous liquor will not be sold or consumed for the purpose of  
37 allowing underage persons on the premises if the designated area is separated  
38 by a physical barrier and at no time will underage persons have access to the  
39 area in which spirituous liquor is sold or consumed. A licensee or an  
40 employee of a licensee may require a person who intends to enter a licensed  
41 premises or a portion of a licensed premises where persons under the legal  
42 drinking age are prohibited under this section to exhibit a written  
43 instrument of identification that is acceptable under section 4-241 as a  
44 condition of entry. The director, or a municipality, may adopt rules to  
45 regulate the presence of underage persons on licensed premises provided the

1 rules adopted by a municipality are more stringent than those adopted by the  
2 director. The rules adopted by the municipality shall be adopted by local  
3 ordinance and shall not interfere with the licensee's ability to comply with  
4 this paragraph. This paragraph does not apply:

5 (a) If the person under the legal drinking age is accompanied by a  
6 spouse, parent or legal guardian of legal drinking age or is an on-duty  
7 employee of the licensee.

8 (b) If the owner, lessee or occupant of the premises is a club as  
9 defined in section 4-101, paragraph 7, subdivision (a) and the person under  
10 the legal drinking age is any of the following:

11 (i) An active duty military service member.

12 (ii) A veteran.

13 (iii) A member of the United States army national guard or the United  
14 States air national guard.

15 (iv) A member of the United States military reserve forces.

16 (c) To the area of the premises used primarily for the serving of food  
17 during the hours when food is served.

18 23. For an on-sale retailer or employee to conduct drinking contests,  
19 to sell or deliver to a person an unlimited number of spirituous liquor  
20 beverages during any set period of time for a fixed price, to deliver more  
21 than thirty-two ounces of beer, one liter of wine or four ounces of distilled  
22 spirits in any spirituous liquor drink to one person at one time for that  
23 person's consumption or to advertise any practice prohibited by this  
24 paragraph.

25 24. For a licensee or employee to knowingly permit the unlawful  
26 possession, use, sale or offer for sale of narcotics, dangerous drugs or  
27 marijuana on the premises.

28 25. For a licensee or employee to knowingly permit prostitution or the  
29 solicitation of prostitution on the premises.

30 26. For a licensee or employee to knowingly permit unlawful gambling on  
31 the premises.

32 27. For a licensee or employee to knowingly permit trafficking or  
33 attempted trafficking in stolen property on the premises.

34 28. For a licensee or employee to fail or refuse to make the premises  
35 or records available for inspection and examination as provided in this title  
36 or to comply with a lawful subpoena issued under this title.

37 29. For any person other than a peace officer **OR A MEMBER OF A**  
38 **SHERIFF'S VOLUNTEER POSSE WHILE ON DUTY WHO HAS RECEIVED FIREARMS TRAINING**  
39 **THAT IS APPROVED BY THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD,**  
40 the licensee or an employee of the licensee acting with the permission of the  
41 licensee to be in possession of a firearm while on the licensed premises of  
42 an on-sale retailer knowing such possession is prohibited. This paragraph  
43 shall not be construed to include a situation in which a person is on  
44 licensed premises for a limited time in order to seek emergency aid and such

1 person does not buy, receive, consume or possess spirituous liquor. This  
2 paragraph shall not apply to:

3 (a) Hotel or motel guest room accommodations. ~~nor to~~

4 (b) The exhibition or display of a firearm in conjunction with a  
5 meeting, show, class or similar event.

6 (c) A PERSON WITH A PERMIT ISSUED PURSUANT TO SECTION 13-3112 WHO  
7 CARRIES A CONCEALED HANDGUN ON THE LICENSED PREMISES OF ANY ON-SALE RETAILER  
8 THAT HAS NOT POSTED A NOTICE PURSUANT TO SECTION 4-229 AND THAT OFFERS FOR  
9 SALE FOOD FOR ON-SITE CONSUMPTION IF THE FOOD IS PREPARED IN A KITCHEN  
10 LOCATED ON THE PREMISES.

11 30. For a licensee or employee to knowingly permit a person in  
12 possession of a firearm other than a peace officer OR A MEMBER OF A SHERIFF'S  
13 VOLUNTEER POSSE WHILE ON DUTY WHO HAS RECEIVED FIREARMS TRAINING THAT IS  
14 APPROVED BY THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD, the  
15 licensee or an employee of the licensee acting with the permission of the  
16 licensee to remain on the licensed premises or to serve, sell or furnish  
17 spirituous liquor to a person in possession of a firearm while on the  
18 licensed premises of an on-sale retailer. IT SHALL BE A DEFENSE TO ACTION  
19 UNDER THIS PARAGRAPH IF THE LICENSEE OR EMPLOYEE REQUESTED ASSISTANCE OF A  
20 PEACE OFFICER TO REMOVE SUCH PERSON. This paragraph shall not apply to:

21 (a) Hotel or motel guest room accommodations. ~~nor to~~

22 (b) The exhibition or display of a firearm in conjunction with a  
23 meeting, show, class or similar event. ~~It shall be a defense to action under~~  
24 ~~this paragraph if the licensee or employee requested assistance of a peace~~  
25 ~~officer to remove such person.~~

26 (c) A PERSON WITH A PERMIT ISSUED PURSUANT TO SECTION 13-3112 WHO  
27 CARRIES A CONCEALED HANDGUN ON THE LICENSED PREMISES OF ANY ON-SALE RETAILER  
28 THAT HAS NOT POSTED A NOTICE PURSUANT TO SECTION 4-229 AND THAT OFFERS FOR  
29 SALE FOOD FOR ON-SITE CONSUMPTION IF THE FOOD IS PREPARED IN A KITCHEN THAT  
30 IS LOCATED ON THE PREMISES.

31 31. FOR ANY PERSON IN POSSESSION OF A FIREARM WHILE ON THE LICENSED  
32 PREMISES OF AN ON-SALE RETAILER TO CONSUME SPIRITUOUS LIQUOR.

33 ~~31.~~ 32. For a licensee or employee to knowingly permit spirituous  
34 liquor to be removed from the licensed premises, except in the original  
35 unbroken package. This paragraph shall not apply to either of the following:

36 (a) A person who removes a bottle of wine which has been partially  
37 consumed in conjunction with a purchased meal from licensed premises if a  
38 cork is inserted flush with the top of the bottle or the bottle is otherwise  
39 securely closed.

40 (b) A person who is in licensed premises that have noncontiguous  
41 portions that are separated by a public or private walkway or driveway and  
42 who takes spirituous liquor from one portion of the licensed premises across  
43 the public or private walkway OR DRIVEWAY directly to the other portion of  
44 the licensed premises.

1           ~~32.~~ 33. For a person who is obviously intoxicated to buy or attempt to  
2 buy spirituous liquor from a licensee or employee of a licensee or to consume  
3 spirituous liquor on licensed premises.

4           ~~33.~~ 34. For a person under ~~the age of~~ twenty-one years **OF AGE** to drive  
5 or be in physical control of a motor vehicle while there is any spirituous  
6 liquor in the person's body.

7           ~~34.~~ 35. For a person under ~~the age of~~ twenty-one years **OF AGE** to  
8 operate or be in physical control of a motorized watercraft that is underway  
9 while there is any spirituous liquor in the person's body. For the purposes  
10 of this paragraph, "underway" has the same meaning prescribed in section  
11 5-301.

12           ~~35.~~ 36. For a licensee, manager, employee or controlling person to  
13 purposely induce a voter, by means of alcohol, to vote or abstain from voting  
14 for or against a particular candidate or issue on an election day.

15           ~~36.~~ 37. For a licensee to fail to report an occurrence of an act of  
16 violence to either the department or a law enforcement agency.

17           ~~37.~~ 38. For a licensee to use a vending machine for the purpose of  
18 dispensing spirituous liquor.

19           ~~38.~~ 39. For a licensee to offer for sale a wine carrying a label  
20 including a reference to Arizona or any Arizona city, town or geographic  
21 location unless at least seventy-five per cent by volume of the grapes used  
22 in making the wine were grown in Arizona.

23           ~~39.~~ 40. For a retailer to knowingly allow a customer to bring  
24 spirituous liquor onto the licensed premises, except that an on-sale retailer  
25 may allow a wine and food club to bring wine onto the premises for  
26 consumption by the club's members and guests of the club's members in  
27 conjunction with meals purchased at a meeting of the club that is conducted  
28 on the premises and that at least seven members attend. An on-sale retailer  
29 who allows wine and food clubs to bring wine onto its premises under this  
30 paragraph shall comply with all applicable provisions of this title and any  
31 rules adopted pursuant to this title to the same extent as if the on-sale  
32 retailer had sold the wine to the members of the club and their guests. For  
33 the purposes of this paragraph, "wine and food club" means an association  
34 that has more than twenty bona fide members paying at least six dollars per  
35 year in dues and that has been in existence for at least one year.

36           ~~40.~~ 41. For a person under ~~the age of~~ twenty-one years **OF AGE** to have  
37 in the person's body any spirituous liquor. In a prosecution for a violation  
38 of this paragraph:

39           (a) Pursuant to section 4-249, it is a defense that the spirituous  
40 liquor was consumed in connection with the bona fide practice of a religious  
41 belief or as an integral part of a religious exercise and in a manner not  
42 dangerous to public health or safety.

43           (b) Pursuant to section 4-226, it is a defense that the spirituous  
44 liquor was consumed for a bona fide medicinal purpose and in a manner not  
45 dangerous to public health or safety.

1       ~~41.~~ 42. For an employee of a licensee to accept any gratuity,  
2 compensation, remuneration or consideration of any kind to either:

3           (a) Permit a person who is under twenty-one years of age to enter any  
4 portion of the premises where that person is prohibited from entering  
5 pursuant to paragraph 22 of this section.

6           (b) Sell, furnish, dispose of or give spirituous liquor to a person  
7 who is under twenty-one years of age.

8       ~~42.~~ 43. For a person to purchase, offer for sale or use any device,  
9 machine or process which mixes spirituous liquor with pure oxygen or another  
10 gas to produce a vaporized product for the purpose of consumption by  
11 inhalation.

12       ~~43.~~ 44. For a retail licensee or an employee of a retail licensee to  
13 sell spirituous liquor to a person if the retail licensee or employee knows  
14 the person intends to resell the spirituous liquor.

15       Sec. 4. Section 4-246, Arizona Revised Statutes, is amended to read:

16       4-246. Violation; classification

17       A. A person violating any provision of this title is guilty of a class  
18 2 misdemeanor unless another classification is prescribed.

19       B. A person violating section 4-244, paragraph 9, 14, ~~33, 41 or 43~~ 34,  
20 42 OR 44 is guilty of a class 1 misdemeanor.

21       C. A PERSON VIOLATING SECTION 4-244, PARAGRAPH 31 IS GUILTY OF A CLASS  
22 3 MISDEMEANOR.

23       ~~C.~~ D. In addition to any other penalty prescribed by law, the court  
24 may suspend the privilege to drive of a person under eighteen years of age  
25 for a period of up to one hundred eighty days on receiving the record of the  
26 person's first conviction for a violation of section 4-244, paragraph 9.

27       ~~D.~~ E. In addition to any other penalty prescribed by law, a person  
28 who is convicted of a violation of section 4-244, paragraph ~~41~~ 42 shall pay a  
29 fine of not less than five hundred dollars.

30       ~~E.~~ F. In addition to any other penalty prescribed by law, a person  
31 who is convicted of a violation of section 4-241, subsection L, M or N shall  
32 pay a fine of not less than two hundred fifty dollars.

33       Sec. 5. Section 4-301, Arizona Revised Statutes, is amended to read:

34       4-301. Liability limitation; social host; on-sale retailer

35       A. A person other than a licensee or an employee of a licensee acting  
36 during the employee's working hours or in connection with such employment is  
37 not liable in damages to any person who is injured, or to the survivors of  
38 any person killed, or for damage to property, which is alleged to have been  
39 caused in whole or in part by reason of the furnishing or serving of  
40 spirituous liquor to a person of AT LEAST the legal drinking age.

41       B. AN ON-SALE RETAILER WHO DOES NOT POST A SIGN THAT PROHIBITS WEAPONS  
42 ON THE LICENSED PREMISES PURSUANT TO SECTION 4-229 IS NOT LIABLE IN DAMAGES  
43 TO ANY PERSON WHO IS INJURED, OR TO THE SURVIVORS OF ANY PERSON KILLED, OR  
44 FOR DAMAGE TO PROPERTY, WHICH IS ALLEGED TO HAVE BEEN CAUSED IN WHOLE OR IN  
45 PART BY ANOTHER PERSON'S ACTIONS INVOLVING A HANDGUN ON THE ON-SALE

1 RETAILER'S LICENSED PREMISES UNLESS THE ON-SALE RETAILER IS GROSSLY NEGLIGENT  
2 OR ACTS WILLFULLY AND MALICIOUSLY WITH INTENT TO HARM.

3 Sec. 6. Section 5-395.03, Arizona Revised Statutes, is amended to  
4 read:

5 5-395.03. Test for alcohol concentration or drug content:  
6 refusal

7 A. Any person who operates a motorized watercraft that is underway  
8 within this state gives consent, subject to section 4-244, paragraph ~~34~~ 35,  
9 section 5-395 or section 5-396, to a test or tests of the person's blood,  
10 breath, urine or other bodily substance for the purpose of determining  
11 alcohol concentration or drug content if the person is arrested for any  
12 offense arising out of acts alleged to have been committed in violation of  
13 this chapter or section 4-244, paragraph ~~34~~ 35 while the person was operating  
14 or in actual physical control of a motorized watercraft that was underway  
15 while under the influence of intoxicating liquor or drugs. The test or tests  
16 chosen by the law enforcement agency shall be administered at the direction  
17 of a law enforcement officer having reasonable grounds to believe the person  
18 to have been operating or in actual physical control of a motorized  
19 watercraft that is underway within this state while under the influence of  
20 intoxicating liquor or drugs, or if the person is under twenty-one years of  
21 age, with spirituous liquor in the person's body.

22 B. Following an arrest a violator shall be requested to submit to and  
23 successfully complete any test or tests prescribed by subsection A of this  
24 section.

25 C. If a person under arrest refuses to submit to the test designated  
26 by the law enforcement agency as provided in subsection A of this section  
27 none shall be given, except as provided in section 5-395, subsection L or  
28 pursuant to a search warrant.

29 Sec. 7. Section 11-441, Arizona Revised Statutes, is amended to read:  
30 11-441. Powers and duties

31 A. The sheriff shall:

32 1. Preserve the peace.

33 2. Arrest and take before the nearest magistrate for examination all  
34 persons who attempt to commit or who have committed a public offense.

35 3. Prevent and suppress all affrays, breaches of the peace, riots and  
36 insurrections which may come to the knowledge of the sheriff.

37 4. Attend all courts, except justice and municipal courts, when an  
38 element of danger is anticipated and attendance is requested by the presiding  
39 judge, and obey lawful orders and directions issued by the judge.

40 5. Take charge of and keep the county jail, including a county jail  
41 under the jurisdiction of a county jail district, and the prisoners in the  
42 county jail.

43 6. Endorse upon all process and notices the year, month, day, hour and  
44 minute of reception, and issue to the person delivering it, on payment of

1 fees, a certificate showing the names of the parties, title of paper and time  
2 of reception.

3 7. Serve process and notices in the manner prescribed by law and  
4 certify under the sheriff's hand upon the process or notices the manner and  
5 time of service, or if the sheriff fails to make service, the reasons for  
6 failure, and return them without delay. When returnable to another county,  
7 the sheriff may enclose such process or notices in an envelope, addressed to  
8 the officer from whom received, and deposit it postage prepaid in the post  
9 office. The return of the sheriff is prima facie evidence of the facts  
10 stated in the return.

11 8. Secure, as soon as possible, the home of a deceased person located  
12 outside the boundaries of an incorporated city or town if the sheriff is  
13 unable to determine or locate the heirs or executor of the deceased person.

14 B. The sheriff may in the execution of the duties prescribed in  
15 subsection A, paragraphs 1 through 4 command the aid of as many inhabitants  
16 of the county as the sheriff deems necessary.

17 C. The sheriff shall conduct or coordinate within the county search or  
18 rescue operations involving the life or health of any person, or may assist  
19 in such operations in another county at the request of that county's sheriff,  
20 and may request assistance from any persons or agencies in the fulfillment of  
21 duties under this subsection.

22 D. The sheriff, in the execution of the duties prescribed in this  
23 section, may request the aid of volunteer posse and reserve organizations  
24 located in the county.

25 E. The sheriff may assist in the execution of the duties prescribed in  
26 this section in another county at the request of that county's sheriff.

27 F. The sheriff may require any prisoner who is on work release to  
28 reimburse the county for reasonable expenses incurred in connection with the  
29 release.

30 G. The board of supervisors of a county bordering the Republic of  
31 Mexico may adopt an ordinance pursuant to chapter 2 of this title allowing  
32 the sheriff to prevent the entry from this state into the republic of Mexico  
33 at the border by any resident of this state who is under eighteen years of  
34 age if the minor is unaccompanied by a parent or guardian or does not have  
35 written consent for entry from a parent or guardian. The authority of the  
36 sheriff is only to prevent entry and not to otherwise detain the minor. This  
37 subsection shall not be construed to limit the authority of the sheriff  
38 pursuant to any other law. A county is not civilly or criminally liable for  
39 not adopting an ordinance pursuant to this subsection.

40 H. NOTWITHSTANDING SECTION 13-3112, THE SHERIFF MAY AUTHORIZE MEMBERS  
41 OF THE SHERIFF'S VOLUNTEER POSSE WHO HAVE RECEIVED AND PASSED FIREARMS  
42 TRAINING THAT IS APPROVED BY THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING  
43 BOARD TO CARRY A DEADLY WEAPON WITHOUT A PERMIT WHILE ON DUTY.

1           Sec. 8. Section 13-3102, Arizona Revised Statutes, is amended to read:  
2           13-3102. Misconduct involving weapons; defenses;  
3                                   classification; definitions

4           A. A person commits misconduct involving weapons by knowingly:

5           1. Carrying a deadly weapon without a permit pursuant to section  
6 13-3112 except a pocket knife concealed on his person; or

7           2. Carrying a deadly weapon without a permit pursuant to section  
8 13-3112 concealed within immediate control of any person in or on a means of  
9 transportation; or

10          3. Manufacturing, possessing, transporting, selling or transferring a  
11 prohibited weapon, except that if the violation involves dry ice, a person  
12 commits misconduct involving weapons by knowingly possessing the dry ice with  
13 the intent to cause injury to or death of another person or to cause damage  
14 to the property of another person; or

15          4. Possessing a deadly weapon or prohibited weapon if such person is a  
16 prohibited possessor; or

17          5. Selling or transferring a deadly weapon to a prohibited possessor;  
18 or

19          6. Defacing a deadly weapon; or

20          7. Possessing a defaced deadly weapon knowing the deadly weapon was  
21 defaced; or

22          8. Using or possessing a deadly weapon during the commission of any  
23 felony offense included in chapter 34 of this title; or

24          9. Discharging a firearm at an occupied structure in order to assist,  
25 promote or further the interests of a criminal street gang, a criminal  
26 syndicate or a racketeering enterprise; or

27          10. Unless specifically authorized by law, entering any public  
28 establishment or attending any public event and carrying a deadly weapon on  
29 his person after a reasonable request by the operator of the establishment or  
30 the sponsor of the event or the sponsor's agent to remove his weapon and  
31 place it in the custody of the operator of the establishment or the sponsor  
32 of the event for temporary and secure storage of the weapon pursuant to  
33 section 13-3102.01; or

34          11. Unless specifically authorized by law, entering an election polling  
35 place on the day of any election carrying a deadly weapon; or

36          12. Possessing a deadly weapon on school grounds; or

37          13. Unless specifically authorized by law, entering a nuclear or  
38 hydroelectric generating station carrying a deadly weapon on his person or  
39 within the immediate control of any person; or

40          14. Supplying, selling or giving possession or control of a firearm to  
41 another person if the person knows or has reason to know that the other  
42 person would use the firearm in the commission of any felony; or

43          15. Using, possessing or exercising control over a deadly weapon in  
44 furtherance of any act of terrorism as defined in section 13-2301 or  
45 possessing or exercising control over a deadly weapon knowing or having

1 reason to know that it will be used to facilitate any act of terrorism as  
2 defined in section 13-2301.

3 B. Subsection A, paragraph 1 of this section shall not apply to a  
4 person in his dwelling, on his business premises or on real property owned or  
5 leased by that person.

6 C. Subsection A, paragraphs 1, 2, 3, 7, 10, 11, 12 and 13 of this  
7 section shall not apply to:

8 1. A peace officer or any person summoned by any peace officer to  
9 assist and while actually assisting in the performance of official duties; or

10 2. A member of the military forces of the United States or of any  
11 state of the United States in the performance of official duties; or

12 3. A warden, deputy warden or correctional officer of the state  
13 department of corrections; or

14 4. A person specifically licensed, authorized or permitted pursuant to  
15 a statute of this state or of the United States.

16 D. SUBSECTION A, PARAGRAPHS 1 AND 2 OF THIS SECTION SHALL NOT APPLY  
17 TO:

18 1. A MEMBER OF A SHERIFF'S VOLUNTEER POSSE OR RESERVE ORGANIZATION WHO  
19 HAS RECEIVED AND PASSED FIREARMS TRAINING THAT IS APPROVED BY THE ARIZONA  
20 PEACE OFFICER STANDARDS AND TRAINING BOARD AND WHO IS AUTHORIZED BY THE  
21 SHERIFF TO CARRY A CONCEALED WEAPON PURSUANT TO SECTION 11-441.

22 2. A PERSON WHO HAS HONORABLY SERVED AS A LAW ENFORCEMENT OFFICER IN  
23 THE UNITED STATES FOR AT LEAST TEN CONSECUTIVE YEARS AND WHO POSSESSES A  
24 PHOTOGRAPHIC IDENTIFICATION FROM A LAW ENFORCEMENT AGENCY THAT STATES THE  
25 PERSON HAS SERVED FOR AT LEAST TEN CONSECUTIVE YEARS AS A LAW ENFORCEMENT  
26 OFFICER IN THE UNITED STATES. ON REQUEST, THE LAW ENFORCEMENT AGENCY THAT  
27 MOST RECENTLY EMPLOYED THE PERSON OR, IF THE PERSON WAS EMPLOYED OUTSIDE OF  
28 THIS STATE, THE SHERIFF OF THE COUNTY IN WHICH THE PERSON RESIDES SHALL ISSUE  
29 A PHOTOGRAPHIC IDENTIFICATION THAT VERIFIES THE PERSON MEETS THE REQUIREMENT  
30 OF THIS PARAGRAPH.

31 ~~D.~~ E. Subsection A, paragraphs 3 and 7 of this section shall not  
32 apply to:

33 1. The possessing, transporting, selling or transferring of weapons by  
34 a museum as a part of its collection or an educational institution for  
35 educational purposes or by an authorized employee of such museum or  
36 institution, if:

37 (a) Such museum or institution is operated by the United States or  
38 this state or a political subdivision of this state, or by an organization  
39 described in 26 United States Code section 170(c) as a recipient of a  
40 charitable contribution; and

41 (b) Reasonable precautions are taken with respect to theft or misuse  
42 of such material.

1           2. The regular and lawful transporting as merchandise; or

2           3. Acquisition by a person by operation of law such as by gift, devise  
3 or descent or in a fiduciary capacity as a recipient of the property or  
4 former property of an insolvent, incapacitated or deceased person.

5           ~~F.~~ F. Subsection A, paragraph 3 of this section shall not apply to  
6 the merchandise of an authorized manufacturer of or dealer in prohibited  
7 weapons, when such material is intended to be manufactured, possessed,  
8 transported, sold or transferred solely for or to a dealer, a regularly  
9 constituted or appointed state, county or municipal police department or  
10 police officer, a detention facility, the military service of this or another  
11 state or the United States, a museum or educational institution or a person  
12 specifically licensed or permitted pursuant to federal or state law.

13           ~~F.~~ G. Subsection A, paragraph 1 of this section shall not apply to a  
14 weapon or weapons carried in a belt holster that is wholly or partially  
15 visible, ~~or~~ carried in a scabbard or case designed for carrying weapons that  
16 is wholly or partially visible or carried in luggage. Subsection A,  
17 paragraph 2 of this section shall not apply to a weapon or weapons carried in  
18 a case, holster, scabbard, pack or luggage that is carried within a means of  
19 transportation or within a storage compartment, map pocket, trunk or glove  
20 compartment of a means of transportation.

21           ~~G.~~ H. Subsection A, paragraph 10 of this section shall not apply to  
22 shooting ranges or shooting events, hunting areas or similar locations or  
23 activities.

24           ~~H.~~ I. Subsection A, paragraph 3 of this section shall not apply to a  
25 weapon described in section 13-3101, subsection A, paragraph 8, subdivision  
26 (a), item (v), if such weapon is possessed for the purposes of preparing for,  
27 conducting or participating in lawful exhibitions, demonstrations, contests  
28 or athletic events involving the use of such weapon. Subsection A, paragraph  
29 12 of this section shall not apply to a weapon if such weapon is possessed  
30 for the purposes of preparing for, conducting or participating in hunter or  
31 firearm safety courses.

32           ~~I.~~ J. Subsection A, paragraph 12 of this section shall not apply to  
33 the possession of a:

34           1. Firearm that is not loaded and that is carried within a means of  
35 transportation under the control of an adult provided that if the adult  
36 leaves the means of transportation the firearm shall not be visible from the  
37 outside of the means of transportation and the means of transportation shall  
38 be locked.

39           2. Firearm for use on the school grounds in a program approved by a  
40 school.

41           ~~J.~~ K. The operator of the establishment or the sponsor of the event  
42 or the employee of the operator or sponsor or the agent of the sponsor,  
43 including a public entity or public employee, is not liable for acts or  
44 omissions pursuant to subsection A, paragraph 10 of this section unless the

1 operator, sponsor, employee or agent intended to cause injury or was grossly  
2 negligent.

3 ~~K.~~ L. MISCONDUCT INVOLVING WEAPONS UNDER SUBSECTION A, PARAGRAPH 15  
4 OF THIS SECTION IS A CLASS 2 FELONY. Misconduct involving weapons under  
5 subsection A, paragraph 9, ~~OR 14~~ ~~or 15~~ of this section is a class 3  
6 felony. Misconduct involving weapons under subsection A, paragraph 3, 4, 8  
7 or 13 of this section is a class 4 felony. Misconduct involving weapons  
8 under subsection A, paragraph 12 of this section is a class 1 misdemeanor  
9 unless the violation occurs in connection with conduct that violates section  
10 13-2308, subsection A, paragraph 5, section 13-2312, subsection C, section  
11 13-3409 or section 13-3411, in which case the offense is a class 6 felony.  
12 Misconduct involving weapons under subsection A, paragraph 5, 6 or 7 of this  
13 section is a class 6 felony. Misconduct involving weapons under subsection  
14 A, paragraph 1, 2, 10 or 11 of this section is a class 1 misdemeanor.

15 ~~L.~~ M. For the purposes of this section:

16 1. "Public establishment" means a structure, vehicle or craft that is  
17 owned, leased or operated by this state or a political subdivision of this  
18 state.

19 2. "Public event" means a specifically named or sponsored event of  
20 limited duration that is either conducted by a public entity or conducted by  
21 a private entity with a permit or license granted by a public entity. Public  
22 event does not include an unsponsored gathering of people in a public place.

23 3. "School" means a public or nonpublic kindergarten program, common  
24 school or high school.

25 4. "School grounds" means in, or on the grounds of, a school.

26 Sec. 9. Section 13-3112, Arizona Revised Statutes, is amended to read:

27 13-3112. Concealed weapons; qualification; application; permit  
28 to carry; certificate of firearms proficiency;  
29 training program; program instructors; report;  
30 applicability; violation; classification

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

36 B. A person who fails to carry the permit at all times that the person  
37 is in actual possession of a concealed weapon may have the permit suspended.  
38 The department of public safety shall be notified of all violations of this  
39 section and shall immediately suspend the permit. The permittee shall  
40 present the permit to the law enforcement agency or the court. On  
41 notification of the presentation of the permit, the department shall restore  
42 the permit.

43 C. The permit of a person who is arrested or indicted for an offense  
44 that would make the person unqualified under section 13-3101, subsection A,  
45 paragraph 7 or this section shall be immediately suspended and seized. The

1 permit of a person who becomes unqualified on conviction of that offense  
2 shall be revoked. The permit shall be restored on presentation of  
3 documentation from the court if the permittee is found not guilty or the  
4 charges are dismissed. The permit shall be restored on presentation of  
5 documentation from the county attorney that the charges against the permittee  
6 were dropped or dismissed.

7 D. A permittee who carries a concealed weapon and who fails to present  
8 a permit for inspection on the request of a law enforcement officer is guilty  
9 of a petty offense. A permittee shall not be convicted of a violation of  
10 this subsection if the permittee produces to the court a legible permit that  
11 is issued to the permittee and that was valid at the time the violation of  
12 this subsection occurred.

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

- 15 1. Is a resident of this state or a United States citizen.
- 16 2. Is twenty-one years of age or older.
- 17 3. Is not under indictment for and has not been convicted in any  
18 jurisdiction of a felony unless that conviction has been expunged, set aside  
19 or vacated or the applicant's rights have been restored and the applicant is  
20 currently not a prohibited possessor under state or federal law.
- 21 4. Does not suffer from mental illness and has not been adjudicated  
22 mentally incompetent or committed to a mental institution.
- 23 5. Is not unlawfully present in the United States.

24 6. Has ever satisfactorily completed a firearms safety training  
25 program authorized by the department of public safety pursuant to subsection  
26 0 of this section and provides adequate documentation that the authorized  
27 training program was satisfactorily completed. For the purposes of this  
28 paragraph, "adequate documentation" means a certificate, card or document of  
29 completion from ~~an authorized~~ A firearms safety training program **AUTHORIZED**  
30 pursuant to subsection 0 of this section, dated not more than five years  
31 earlier than the date of application, that has affixed to it the stamp,  
32 signature or seal of the instructor or organization that conducted the  
33 program, or a current or expired permit issued by the department of public  
34 safety pursuant to this section. This paragraph does not apply to:

35 (a) A person who is an active duty Arizona peace officer standards and  
36 training board certified or federally credentialed peace officer or who is  
37 honorably retired as a federal, state or local peace officer with a minimum  
38 of ten years of service.

39 (b) A person who is an active duty county detention officer and who  
40 has been weapons certified by the officer's employing agency.

41 (c) A person who is issued a certificate of firearms proficiency  
42 pursuant to subsection X of this section.

43 (d) **A PERSON WHO IS AN ARIZONA PEACE OFFICER STANDARDS AND TRAINING**  
44 **BOARD CERTIFIED FULL AUTHORITY PEACE OFFICER AND WHO VOLUNTEERS IN A LAW**  
45 **ENFORCEMENT AGENCY'S RESERVE PROGRAM.**

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

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

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

28 I. On issuance, a permit is valid for five years, except a permit that  
29 is held by a member of the United States armed forces, including a member of  
30 the Arizona national guard or a member of the reserves of any military  
31 establishment of the United States, who is on federal active duty and who is  
32 deployed overseas shall be extended until ninety days after the end of the  
33 member's overseas deployment.

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

41 K. Notwithstanding subsection J of this section, it is a defense to  
42 any charge for carrying a deadly weapon without a permit by a member of the  
43 United States armed forces, including a member of the Arizona national guard  
44 or a member of the reserves of any military establishment of the United  
45 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 L. A permit issued pursuant to this section is renewable every five  
5 years. Before a permit may be renewed, a criminal history records check  
6 shall be conducted pursuant to section 41-1750 within sixty days after  
7 receipt of the application for renewal. For the purposes of permit renewal,  
8 the permit holder is not required to submit additional fingerprints.

9 M. Applications for renewal shall be accompanied by a fee determined  
10 by the director of the department of public safety.

11 N. The department of public safety shall suspend or revoke a permit  
12 issued under this section if the permit holder becomes ineligible pursuant to  
13 subsection E of this section. The department of public safety shall notify  
14 the permit holder in writing within fifteen working days after the revocation  
15 or suspension and shall state the reasons for the revocation or suspension.

16 O. An organization shall apply to the department of public safety for  
17 authorization to provide firearms safety training. The department shall  
18 authorize an organization to provide firearms safety training if the training  
19 meets the following requirements:

20 1. Is at least eight hours in length.

21 2. Is conducted on a pass or fail basis.

22 3. Addresses all of the following topics in a format approved by the  
23 director of the department:

24 (a) Legal issues relating to the use of deadly force.

25 (b) Weapon care and maintenance.

26 (c) Mental conditioning for the use of deadly force.

27 (d) Safe handling and storage of weapons.

28 (e) Marksmanship.

29 (f) Judgmental shooting.

30 4. Is conducted by instructors who are authorized by the department of  
31 public safety or who possess current national rifle association instructor  
32 certifications in pistol and personal protection and who submit to a  
33 background investigation, including a check for warrants and a criminal  
34 history records check.

35 P. If authorized pursuant to subsection O of this section, the  
36 organization on behalf of each of its instructors shall submit to the  
37 department of public safety two sets of fingerprints and a fee to be  
38 determined by the director of the department of public safety. On receipt of  
39 the fingerprints and fee, the department of public safety shall conduct a  
40 check of each instructor's criminal history record pursuant to section  
41 41-1750. The department of public safety may exchange this fingerprint card  
42 information with the federal bureau of investigation for federal criminal  
43 history record checks.

44 Q. The proprietary interest of all authorized instructors and programs  
45 shall be safeguarded, and the contents of any training program shall not be

1 disclosed to any person or entity other than a bona fide criminal justice  
2 agency, except on an order from a state or federal court.

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

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

10 T. The director of the department of public safety shall adopt rules  
11 for the purpose of implementing and administering the concealed weapons  
12 permit program including fees relating to permits and certificates that are  
13 issued pursuant to this section.

14 U. This state and any political subdivision of this state shall  
15 recognize a concealed weapon, firearm or handgun permit or license that is  
16 issued by another state or a political subdivision of another state if both:

17 1. The permit or license is recognized as valid in the issuing state.

18 2. The permit or license holder is all of the following:

19 (a) Not a resident of this state.

20 (b) Legally present in this state.

21 (c) Not legally prohibited from possessing a firearm in this state.

22 V. For the purpose of establishing mutual permit or license  
23 recognition with other states, the department of public safety shall enter  
24 into a written agreement if another state requires a written agreement.

25 W. Notwithstanding the provisions of this section, a person with a  
26 concealed weapons permit from another state may not carry a concealed weapon  
27 in this state if the person is under twenty-one years of age or is under  
28 indictment for, or has been convicted of, a felony offense in any  
29 jurisdiction, unless the person's rights have been restored and the  
30 conviction is expunged, set aside or vacated and the applicant is currently  
31 not a prohibited possessor under state or federal law.

32 X. The department of public safety may issue certificates of firearms  
33 proficiency according to the Arizona peace officer standards and training  
34 board firearms qualification for the purposes of implementing the law  
35 enforcement officers safety act of 2004 (P.L. 108-277; 118 Stat. 865; 18  
36 United States Code sections 926B and 926C). A law enforcement agency shall  
37 issue to a law enforcement officer who has honorably retired a photographic  
38 identification that states that the officer has honorably retired from the  
39 agency. The chief law enforcement officer shall determine whether an officer  
40 has honorably retired and the determination is not subject to review. A law  
41 enforcement agency has no obligation to revoke, alter or modify the honorable  
42 discharge photographic identification based on conduct that the agency  
43 becomes aware of or that occurs after the officer has separated from the  
44 agency.

1           Sec. 10. Section 28-1321, Arizona Revised Statutes, is amended to  
2 read:

3           28-1321. Implied consent; tests; refusal to submit to test;  
4                           order of suspension; hearing; review; temporary  
5                           permit; notification of suspension; special ignition  
6                           interlock restricted driver license

7           A. A person who operates a motor vehicle in this state gives consent,  
8 subject to section 4-244, paragraph ~~33~~ 34 or section 28-1381, 28-1382 or  
9 28-1383, to a test or tests of the person's blood, breath, urine or other  
10 bodily substance for the purpose of determining alcohol concentration or drug  
11 content if the person is arrested for any offense arising out of acts alleged  
12 to have been committed in violation of this chapter or section 4-244,  
13 paragraph ~~33~~ 34 while the person was driving or in actual physical control of  
14 a motor vehicle while under the influence of intoxicating liquor or drugs.  
15 The test or tests chosen by the law enforcement agency shall be administered  
16 at the direction of a law enforcement officer having reasonable grounds to  
17 believe that the person was driving or in actual physical control of a motor  
18 vehicle in this state either:

- 19           1. While under the influence of intoxicating liquor or drugs.  
20           2. If the person is under twenty-one years of age, with spirituous  
21 liquor in the person's body.

22           B. After an arrest a violator shall be requested to submit to and  
23 successfully complete any test or tests prescribed by subsection A of this  
24 section, and if the violator refuses the violator shall be informed that the  
25 violator's license or permit to drive will be suspended or denied for twelve  
26 months, or for two years for a second or subsequent refusal within a period  
27 of eighty-four months, unless the violator expressly agrees to submit to and  
28 successfully completes the test or tests. A failure to expressly agree to  
29 the test or successfully complete the test is deemed a refusal. The violator  
30 shall also be informed that:

31           1. If the test results show a blood or breath alcohol concentration of  
32 0.08 or more, or if the results show a blood or breath alcohol concentration  
33 of 0.04 or more and the violator was driving or in actual physical control of  
34 a commercial motor vehicle, the violator's license or permit to drive will be  
35 suspended or denied for not less than ninety consecutive days.

36           2. The violator's driving privilege, license, permit, right to apply  
37 for a license or permit or nonresident operating privilege may be issued or  
38 reinstated following the period of suspension only if the violator completes  
39 alcohol or other drug screening.

40           C. A person who is dead, unconscious or otherwise in a condition  
41 rendering the person incapable of refusal is deemed not to have withdrawn the  
42 consent provided by subsection A of this section and the test or tests may be  
43 administered, subject to section 4-244, paragraph ~~33~~ 34 or section 28-1381,  
44 28-1382 or 28-1383.

1 D. If a person under arrest refuses to submit to the test designated  
2 by the law enforcement agency as provided in subsection A of this section:

3 1. The test shall not be given, except as provided in section 28-1388,  
4 subsection E or pursuant to a search warrant.

5 2. The law enforcement officer directing the administration of the  
6 test shall:

7 (a) File a certified report of the refusal with the department.

8 (b) On behalf of the department, serve an order of suspension on the  
9 person that is effective fifteen days after the date the order is served.

10 (c) Require the immediate surrender of any license or permit to drive  
11 that is issued by this state and that is in the possession or control of the  
12 person.

13 (d) If the license or permit is not surrendered, state the reason why  
14 it is not surrendered.

15 (e) If a valid license or permit is surrendered, issue a temporary  
16 driving permit that is valid for fifteen days.

17 (f) Forward the certified report of refusal, a copy of the completed  
18 notice of suspension, a copy of any completed temporary permit and any driver  
19 license or permit taken into possession under this section to the department  
20 within five days after the issuance of the notice of suspension.

21 E. The certified report is subject to the penalty for perjury as  
22 prescribed by section 28-1561 and shall state all of the following:

23 1. The officer's reasonable grounds to believe that the arrested  
24 person was driving or in actual physical control of a motor vehicle in this  
25 state either:

26 (a) While under the influence of intoxicating liquor or drugs.

27 (b) If the person is under twenty-one years of age, with spirituous  
28 liquor in the person's body.

29 2. The manner in which the person refused to submit to the test or  
30 tests.

31 3. That the person was advised of the consequences of refusal.

32 F. On receipt of the certified report of refusal and a copy of the  
33 order of suspension and on the effective date stated on the order, the  
34 department shall enter the order of suspension on its records unless a  
35 written request for a hearing as provided in this section has been filed by  
36 the accused person. If the department receives only the certified report of  
37 refusal, the department shall notify the person named in the report in  
38 writing sent by mail that:

39 1. Fifteen days after the date of issuance of the notice the  
40 department will suspend the person's license or permit, driving privilege or  
41 nonresident driving privilege.

42 2. The department will provide an opportunity for a hearing if the  
43 person requests a hearing in writing and the request is received by the  
44 department within fifteen days after the notice is sent.

1 G. The order of suspension issued by a law enforcement officer or the  
2 department under this section shall notify the person that:

3 1. The person may submit a written request for a hearing.

4 2. The request for a hearing must be received by the department within  
5 fifteen days after the date of the notice or the order of suspension will  
6 become final.

7 3. The affected person's license or permit to drive or right to apply  
8 for a license or permit or any nonresident operating privilege will be  
9 suspended for twelve months from that date or for two years from that date  
10 for a second or subsequent refusal within a period of eighty-four months.

11 4. The person's driving privilege, license, permit, right to apply for  
12 a license or permit or nonresident operating privilege may be issued or  
13 reinstated following the period of suspension only if the person completes  
14 alcohol or other drug screening.

15 H. The order for suspension shall:

16 1. Be accompanied by printed forms that are ready to mail to the  
17 department and that may be filled out and signed by the person to indicate  
18 the person's desire for a hearing.

19 2. Advise the person that unless the person has surrendered any driver  
20 license or permit issued by this state the person's hearing request will not  
21 be accepted, except that the person may certify pursuant to section 28-3170  
22 that the license or permit is lost or destroyed.

23 I. On the receipt of a request for a hearing, the department shall set  
24 the hearing within thirty days in the county in which the person named in the  
25 report resides unless the law enforcement agency filing the certified report  
26 of refusal pursuant to subsection D of this section requests at the time of  
27 its filing that the hearing be held in the county where the refusal occurred.

28 J. A timely request for a hearing stays the suspension until a hearing  
29 is held, except that the department shall not return any surrendered license  
30 or permit to the person but may issue temporary permits to drive that expire  
31 no later than when the department has made its final decision. If the person  
32 is a resident without a license or permit or has an expired license or  
33 permit, the department may allow the person to apply for a restricted license  
34 or permit. If the department determines the person is otherwise entitled to  
35 the license or permit, the department shall issue and retain a restricted  
36 license or permit subject to this section.

37 K. Hearings requested under this section shall be conducted in the  
38 same manner and under the same conditions as provided in section 28-3306.  
39 For the purposes of this section, the scope of the hearing shall include only  
40 the issues of whether:

41 1. A law enforcement officer had reasonable grounds to believe that  
42 the person was driving or was in actual physical control of a motor vehicle  
43 in this state either:

1 (a) While under the influence of intoxicating liquor or drugs.

2 (b) If the person is under twenty-one years of age, with spirituous  
3 liquor in the person's body.

4 2. The person was placed under arrest.

5 3. The person refused to submit to the test.

6 4. The person was informed of the consequences of refusal.

7 L. If the department determines at the hearing to suspend the affected  
8 person's privilege to operate a motor vehicle, the suspension provided in  
9 this section is effective fifteen days after giving written notice of the  
10 suspension, except that the department may issue or extend a temporary  
11 license that expires on the effective date of the suspension. If the person  
12 is a resident without a license or permit or has an expired license or permit  
13 to operate a motor vehicle in this state, the department shall deny to the  
14 person the issuance of a license or permit for a period of twelve months  
15 after the order of suspension becomes effective or for a period of two years  
16 after the order of suspension becomes effective for a second or subsequent  
17 refusal within a period of eighty-four months, and may reinstate the person's  
18 driving privilege, license, permit, right to apply for a license or permit or  
19 nonresident operating privilege following the period of suspension only if  
20 the person completes alcohol or other drug screening.

21 M. If the suspension order is sustained after the hearing, a motion  
22 for rehearing is not required. Within thirty days after a suspension order  
23 is sustained, the affected person may file a petition in the superior court  
24 to review the final order of suspension or denial by the department in the  
25 same manner provided in section 28-3317. The court shall hear the review of  
26 the final order of suspension or denial on an expedited basis.

27 N. If the suspension or determination that there should be a denial of  
28 issuance is not sustained, the ruling is not admissible in and has no effect  
29 on any administrative, civil or criminal court proceeding.

30 O. If it has been determined under the procedures of this section that  
31 a nonresident's privilege to operate a motor vehicle in this state has been  
32 suspended, the department shall give information either in writing or by  
33 electronic means of the action taken to the motor vehicle administrator of  
34 the state of the person's residence and of any state in which the person has  
35 a license.

36 P. After completing not less than ninety consecutive days of the  
37 period of suspension required by this section and any alcohol or other drug  
38 screening that is ordered by the department pursuant to this chapter, a  
39 person whose driving privilege is suspended pursuant to this section may  
40 apply to the department for a special ignition interlock restricted driver  
41 license pursuant to section 28-1401. Unless the certified ignition interlock  
42 period is extended by the department pursuant to section 28-1461, a person  
43 who is issued a special ignition interlock restricted driver license as  
44 provided in this subsection shall maintain a functioning certified ignition  
45 interlock device in compliance with this chapter during the remaining period

1 of the suspension prescribed by this section. This subsection does not apply  
2 to a person whose driving privilege is suspended for a second or subsequent  
3 refusal within a period of eighty-four months or a person who within a period  
4 of eighty-four months has been convicted of a second or subsequent violation  
5 of article 3 of this chapter or section 4-244, paragraph ~~33~~ 34 or an act in  
6 another jurisdiction that if committed in this state would be a violation of  
7 article 3 of this chapter or section 4-244, paragraph ~~33~~ 34.

8 Sec. 11. Section 28-1385, Arizona Revised Statutes, is amended to  
9 read:

10 28-1385. Administrative license suspension for driving under  
11 the influence or for homicide or assault involving a  
12 motor vehicle; report; hearing; summary review;  
13 ignition interlock device requirement

14 A. A law enforcement officer shall forward to the department a  
15 certified report as prescribed in subsection B of this section, subject to  
16 the penalty for perjury prescribed by section 28-1561, if both of the  
17 following occur:

18 1. The officer arrests a person for a violation of section 4-244,  
19 paragraph ~~33~~ 34, section 28-1381, section 28-1382 or section 28-1383 or for a  
20 violation of title 13, chapter 11 or section 13-1201 or 13-1204 involving a  
21 motor vehicle.

22 2. The person submits to a blood or breath alcohol test permitted by  
23 section 28-1321 or any other law or a sample of blood is obtained pursuant to  
24 section 28-1388 and the results are either not available or the results  
25 indicate either of the following:

26 (a) 0.08 or more alcohol concentration in the person's blood or  
27 breath.

28 (b) 0.04 or more alcohol concentration in the person's blood or breath  
29 if the person was driving or in actual physical control of a commercial motor  
30 vehicle.

31 B. The officer shall make the certified report required by subsection  
32 A of this section on forms supplied or approved by the department. The  
33 report shall state information that is relevant to the enforcement action,  
34 including:

35 1. Information that adequately identifies the arrested person.

36 2. A statement of the officer's grounds for belief that the person was  
37 driving or in actual physical control of a motor vehicle in violation of  
38 section 4-244, paragraph ~~33~~ 34, section 28-1381, section 28-1382 or section  
39 28-1383 or committed a violation of title 13, chapter 11 or section 13-1201  
40 or 13-1204 involving a motor vehicle.

41 3. A statement that the person was arrested for a violation of section  
42 4-244, paragraph ~~33~~ 34, section 28-1381, section 28-1382 or section 28-1383  
43 or for a violation of title 13, chapter 11 or section 13-1201 or 13-1204  
44 involving a motor vehicle.

1           4. A report of the results of the blood or breath alcohol test that  
2 was administered, if the results are available.

3           C. The officer shall also serve an order of suspension on the person  
4 on behalf of the department. The order of suspension:

5           1. Is effective fifteen days after the date it is served.

6           2. Shall require the immediate surrender of any license or permit to  
7 drive that is issued by this state and that is in the possession or control  
8 of the person.

9           3. Shall contain information concerning the right to a summary review  
10 and hearing, including information concerning the hearing as required by  
11 section 28-1321, subsections G and H.

12           4. Shall be accompanied by printed forms ready to mail to the  
13 department that the person may fill out and sign to indicate the person's  
14 desire for a hearing.

15           5. Shall be entered on the department's records on receipt of the  
16 report by the officer and a copy of the order of suspension.

17           6. Shall inform the person that the person's driving privilege,  
18 license, permit, right to apply for a license or permit or nonresident  
19 operating privilege may be issued or reinstated following the period of  
20 suspension only if the person completes alcohol or other drug screening.

21           7. Shall contain information on alcohol or other drug education and  
22 treatment programs that are provided by a facility approved by the department  
23 of health services.

24           D. If the blood alcohol concentration test result is unavailable at  
25 the time the test is administered, the result shall be forwarded to the  
26 department before the hearing held pursuant to this section in a form  
27 prescribed by the director.

28           E. If the license or permit is not surrendered pursuant to subsection  
29 C of this section, the officer shall state the reason for the nonsurrender.  
30 If a valid license or permit is surrendered, the officer shall issue a  
31 temporary driving permit that is valid for fifteen days. The officer shall  
32 forward a copy of the completed order of suspension, a copy of any completed  
33 temporary permit and any driver license or permit taken into possession under  
34 this section to the department within five days after the issuance of the  
35 order of suspension along with the report.

36           F. The department shall suspend the affected person's license or  
37 permit to drive or right to apply for a license or permit or any nonresident  
38 operating privilege for not less than ninety consecutive days from that  
39 date. If the person is otherwise qualified, the department may reinstate the  
40 person's driving privilege, license, permit, right to apply for a license or  
41 permit or nonresident operating privilege following the period of suspension  
42 only if the violator completes alcohol or other drug screening.

43           G. Notwithstanding subsections A through F of this section, the  
44 department shall suspend the driving privileges of the person described in  
45 subsection A of this section for not less than thirty consecutive days and

1 shall restrict the driving privileges of the person for not less than sixty  
2 consecutive additional days to travel between the person's place of  
3 employment and residence and during specified periods of time while at  
4 employment, to travel between the person's place of residence and the  
5 person's secondary or postsecondary school, according to the person's  
6 employment or educational schedule, to travel between the person's place of  
7 residence and the office of the person's probation officer for scheduled  
8 appointments or to travel between the person's place of residence and a  
9 screening, education or treatment facility for scheduled appointments if the  
10 person:

11 1. Did not cause ~~a~~ death or ~~a~~ serious physical injury as defined in  
12 section 13-105 to another person during the course of conduct out of which  
13 the current action arose.

14 2. Has not been convicted of a violation of section 4-244, paragraph  
15 ~~33~~ 34, section 28-1381, section 28-1382 or section 28-1383 within eighty-four  
16 months of the date of commission of the acts out of which the current action  
17 arose. The dates of commission of the acts are the determining factor in  
18 applying the eighty-four month provision.

19 3. Has not had the person's privilege to drive suspended pursuant to  
20 this section or section 28-1321 within eighty-four months of the date of  
21 commission of the acts out of which the current action arose.

22 4. Provides satisfactory evidence to the department of the person's  
23 completion of alcohol or other drug screening that is ordered by the  
24 department. If the person does not complete alcohol or other drug screening,  
25 the department may impose a ninety day suspension pursuant to this section.

26 H. If the officer does not serve an order of suspension pursuant to  
27 subsection C of this section and if the department does not receive the  
28 report of the results of the blood or breath alcohol test pursuant to  
29 subsection B, paragraph 4 of this section, but subsequently receives the  
30 results and the results indicate 0.08 or more alcohol concentration in the  
31 person's blood or breath, or a blood or breath alcohol concentration of 0.04  
32 or more and the person was driving or in actual physical control of a  
33 commercial motor vehicle, the department shall notify the person named in the  
34 report in writing sent by mail that fifteen days after the date of issuance  
35 of the notice the department will suspend the person's license or permit,  
36 driving privilege or nonresident driving privilege. The notice shall also  
37 state that the department will provide an opportunity for a hearing and  
38 administrative review if the person requests a hearing or review in writing  
39 and the request is received by the department within fifteen days after the  
40 notice is sent.

41 I. A timely request for a hearing stays the suspension until a hearing  
42 is held, except that the department shall not return any surrendered license  
43 or permit to the person but may issue temporary permits to drive that expire  
44 no later than when the department has made its final decision. If the person  
45 is a resident without a license or permit or has an expired license or

1 permit, the department may allow the person to apply for a restricted license  
2 or permit. If the department determines the person is otherwise entitled to  
3 the restricted license or permit, the department shall issue, but retain, the  
4 license or permit, subject to this section. All hearings requested under  
5 this section shall be conducted in the same manner and under the same  
6 conditions as provided in section 28-3306.

7 J. For the purposes of this section, the scope of the hearing shall  
8 include only the following issues:

9 1. Whether the officer had reasonable grounds to believe the person  
10 was driving or was in actual physical control of a motor vehicle while under  
11 the influence of intoxicating liquor.

12 2. Whether the person was placed under arrest for a violation of  
13 section 4-244, paragraph ~~33~~ 34, section 28-1381, section 28-1382 or section  
14 28-1383 or for a violation of title 13, chapter 11 or section 13-1201 or  
15 13-1204 involving a motor vehicle.

16 3. Whether a test was taken, the results of which indicated the  
17 alcohol concentration in the person's blood or breath at the time the test  
18 was administered of either:

19 (a) 0.08 or more.

20 (b) 0.04 or more if the person was driving or in actual physical  
21 control of a commercial motor vehicle.

22 4. Whether the testing method used was valid and reliable.

23 5. Whether the test results were accurately evaluated.

24 K. The results of the blood or breath alcohol test shall be admitted  
25 on establishing the requirements in section 28-1323 or 28-1326.

26 L. If the department determines at the hearing to suspend the affected  
27 person's privilege to operate a motor vehicle, the suspension provided in  
28 this section is effective fifteen days after giving written notice of the  
29 suspension, except that the department may issue or extend a temporary  
30 license that expires on the effective date of the suspension. If the person  
31 is a resident without a license or permit or has an expired license or permit  
32 to operate a motor vehicle in this state, the department shall deny the  
33 issuance of a license or permit to the person for not less than ninety  
34 consecutive days. The department may reinstate the person's driving  
35 privilege, license, permit, right to apply for a license or permit or  
36 nonresident operating privilege following the period of suspension only if  
37 the violator completes alcohol or other drug screening.

38 M. A person may apply for a summary review of an order issued pursuant  
39 to this section instead of a hearing at any time before the effective date of  
40 the order. The person shall submit the application in writing to any  
41 department driver license examining office together with any written  
42 explanation as to why the department should not suspend the driving  
43 privilege. The agent of the department receiving the notice shall issue to  
44 the person an additional driving permit that expires twenty days from the  
45 date the request is received. The department shall review all reports

1 submitted by the officer and any written explanation submitted by the person  
2 and shall determine if the order of suspension should be sustained or  
3 cancelled. The department shall not hold a hearing, and the review is not  
4 subject to title 41, chapter 6. The department shall notify the person of  
5 its decision before the temporary driving permit expires.

6 N. If the suspension or determination that there should be a denial of  
7 issuance is not sustained after a hearing or review, the ruling is not  
8 admissible in and does not have any effect on any civil or criminal court  
9 proceeding.

10 O. If it has been determined under the procedures of this section that  
11 a nonresident's privilege to operate a motor vehicle in this state has been  
12 suspended, the department shall give information either in writing or by  
13 electronic means of the action taken to the motor vehicle administrator of  
14 the state of the person's residence and of any state in which the person has  
15 a license.

16 Sec. 12. Section 28-3320, Arizona Revised Statutes, is amended to  
17 read:

18 28-3320. Suspension of license for persons under eighteen years  
19 of age; notice; definition

20 A. In addition to the grounds for mandatory suspension or revocation  
21 provided for in chapters 3, 4 and 5 of this title, the department shall  
22 immediately suspend the driver license or privilege to drive or refuse to  
23 issue a driver license or privilege to drive of a person who commits an  
24 offense while under eighteen years of age as follows:

25 1. For a period of two years on receiving the record of the person's  
26 conviction for a violation of section 4-244, paragraph ~~33~~ 34, section 28-1381  
27 or section 28-1382.

28 2. For a period of three years on receiving the record of the person's  
29 conviction for a violation of section 28-1383.

30 3. Until the person's eighteenth birthday on receiving the record of  
31 the person's conviction for a violation of section 13-1602, subsection A,  
32 paragraph 1 or section 13-1604, subsection A involving the damage or  
33 disfigurement of property by graffiti.

34 4. Until the person's eighteenth birthday on receiving the record of  
35 the person's conviction of criminal damage pursuant to section 13-1602,  
36 subsection A, paragraph 5 or a violation of a city or town ordinance that  
37 prohibits the type of criminal action prescribed in section 13-1602,  
38 subsection A, paragraph 5.

39 5. Until the person's eighteenth birthday on receiving the record of  
40 the person's conviction for a violation of any statute or ordinance involving  
41 the purchase or possession of materials used for graffiti.

42 6. Until the person's eighteenth birthday on receiving the record of  
43 the person's conviction for a violation of any provision of title 13,  
44 chapter 34.

1           7. Until the person's eighteenth birthday or for a period of two years  
2 on receiving the record of the person's conviction for a second or subsequent  
3 violation of section 4-244, paragraph 9, if ordered by the court.

4           8. Until the person's eighteenth birthday on receiving the record of  
5 the person's conviction of theft of a motor vehicle pursuant to section  
6 13-1802, unlawful use of means of transportation pursuant to section 13-1803  
7 or theft of means of transportation pursuant to section 13-1814.

8           B. If ordered by the court, the department shall restrict the person's  
9 privilege to drive between the person's home, school and place of employment  
10 during specified periods of time according to the person's school and  
11 employment schedule.

12           C. If a person commits an offense prescribed in subsection A,  
13 paragraph 1 of this section and the person's privilege to drive is restricted  
14 as prescribed in subsection B of this section, the department shall issue a  
15 special ignition interlock restricted driver license to the person pursuant  
16 to section 28-1401.

17           D. If ordered by the court pursuant to section 4-246, subsection ~~C~~ D,  
18 the department shall suspend the driving privilege of a person under ~~the age~~  
19 ~~of~~ **YEARS OF AGE** for a period of up to one hundred eighty days on  
20 receiving the record of the person's first conviction for a violation of  
21 section 4-244, paragraph 9.

22           E. For the purposes of this section, "conviction" means a final  
23 conviction or judgment, including an order of the juvenile court finding that  
24 a juvenile violated any provision of this title or committed a delinquent act  
25 that if committed by an adult would constitute a criminal offense.

26           Sec. 13. Section 28-3322, Arizona Revised Statutes, is amended to  
27 read:

28           **28-3322. Suspension of license for persons eighteen, nineteen**  
29           **and twenty years of age; definition**

30           A. In addition to the grounds for mandatory suspension or revocation  
31 provided for in chapters 3, 4 and 5 of this title, the department shall  
32 immediately suspend the driver license or privilege to drive or refuse to  
33 issue a driver license or privilege to drive of a person who commits a  
34 violation of section 4-244, paragraph ~~33~~ 34 while the person is eighteen,  
35 nineteen or twenty years of age on receipt of the record of the person's  
36 conviction for a violation of section 4-244, paragraph ~~33~~ 34 for a period of  
37 two years.

38           B. If ordered by the court, the department shall restrict the person's  
39 privilege to drive between the person's home, school and place of employment  
40 during specified periods of time according to the person's school and  
41 employment schedule.

42           C. If a person's privilege to drive is restricted as prescribed in  
43 subsection B of this section, the department shall issue a special ignition  
44 interlock restricted driver license to the person pursuant to section  
45 28-1401.

1 D. For the purposes of this section, "conviction" means a final  
2 conviction or judgment, including an order of the juvenile court finding that  
3 a juvenile violated any provision of this title or committed a delinquent act  
4 that if committed by an adult would constitute a criminal offense.

5 Sec. 14. Section 28-3511, Arizona Revised Statutes, is amended to  
6 read:

7 28-3511. Removal and immobilization or impoundment of vehicle

8 A. A peace officer shall cause the removal and either immobilization  
9 or impoundment of a vehicle if the peace officer determines that a person is  
10 driving the vehicle while either of the following applies:

11 1. The person's driving privilege is suspended or revoked for any  
12 reason.

13 2. The person has not ever been issued a valid driver license or  
14 permit by this state and the person does not produce evidence of ever having  
15 a valid driver license or permit issued by another jurisdiction.

16 3. The person is subject to an ignition interlock device requirement  
17 pursuant to chapter 4 of this title and the person is operating a vehicle  
18 without a functioning certified ignition interlock device. This paragraph  
19 does not apply to a person operating an employer's vehicle or the operation  
20 of a vehicle due to a substantial emergency as defined in section 28-1464.

21 B. A peace officer shall cause the removal and impoundment of a  
22 vehicle if the peace officer determines that a person is driving the vehicle  
23 and if all of the following apply:

24 1. The person's driving privilege is canceled, suspended or revoked  
25 for any reason or the person has not ever been issued a driver license or  
26 permit by this state and the person does not produce evidence of ever having  
27 a driver license or permit issued by another jurisdiction.

28 2. The person is not in compliance with the financial responsibility  
29 requirements of chapter 9, article 4 of this title.

30 3. The person is driving a vehicle that is involved in an accident  
31 that results in either property damage or injury to or death of another  
32 person.

33 C. Except as provided in subsection D of this section, while a peace  
34 officer has control of the vehicle the peace officer shall cause the removal  
35 and either immobilization or impoundment of the vehicle if the peace officer  
36 has probable cause to arrest the driver of the vehicle for a violation of  
37 section 4-244, paragraph ~~33~~ 34 or section 28-1382 or 28-1383.

38 D. A peace officer shall not cause the removal and either the  
39 immobilization or impoundment of a vehicle pursuant to subsection C of this  
40 section if all of the following apply:

41 1. The peace officer determines that the vehicle is currently  
42 registered and that the driver or the vehicle is in compliance with the  
43 financial responsibility requirements of chapter 9, article 4 of this title.

44 2. The spouse of the driver is with the driver at the time of the  
45 arrest.

1           3. The peace officer has reasonable grounds to believe that the spouse  
2 of the driver:

3           (a) Has a valid driver license.

4           (b) Is not impaired by intoxicating liquor, any drug, a vapor  
5 releasing substance containing a toxic substance or any combination of  
6 liquor, drugs or vapor releasing substances.

7           (c) Does not have any spirituous liquor in the spouse's body if the  
8 spouse is under twenty-one years of age.

9           4. The spouse notifies the peace officer that the spouse will drive  
10 the vehicle from the place of arrest to the driver's home or other place of  
11 safety.

12           5. The spouse drives the vehicle as prescribed by paragraph 4 of this  
13 subsection.

14           E. Except as otherwise provided in this article, a vehicle that is  
15 removed and either immobilized or impounded pursuant to subsection A, B or C  
16 of this section shall be immobilized or impounded for thirty days. An  
17 insurance company does not have a duty to pay any benefits for charges or  
18 fees for immobilization or impoundment.

19           F. The owner of a vehicle that is removed and either immobilized or  
20 impounded pursuant to subsection A, B or C of this section, the spouse of the  
21 owner and each person identified on the department's record with an interest  
22 in the vehicle shall be provided with an opportunity for an immobilization or  
23 poststorage hearing pursuant to section 28-3514.

24           Sec. 15. Section 38-1102, Arizona Revised Statutes, is amended to  
25 read:

26           38-1102. Carrying of firearms by peace officers; exceptions;  
27 definitions

28           A. ~~This state, a county, a city or town or any other political~~  
29 ~~subdivision of this state shall not prohibit~~ NOTWITHSTANDING ANY OTHER LAW  
30 AND EXCEPT AS PROVIDED PURSUANT TO SUBSECTION B OF THIS SECTION, a peace  
31 officer SHALL NOT BE PROHIBITED from carrying a firearm if the peace officer  
32 is in compliance with the firearm requirements prescribed by the Arizona  
33 peace officer standards and training board.

34           B. A peace officer may be prohibited from carrying a firearm as  
35 follows:

36           1. In a jail, correctional facility or juvenile detention facility.

37           2. By order of:

38           (a) The presiding judge or justice when attending any court that is  
39 established pursuant to the constitution of this state or title 12, except if  
40 the peace officer is providing court security or responding to an emergency.

41           (b) A justice court when attending the justice court, except if the  
42 peace officer is providing court security or responding to an emergency.

43           (c) A municipal court when attending the municipal court, except if  
44 the peace officer is providing court security or responding to an emergency.

1           3. When the peace officer is relieved of ~~the peace officer's duties~~  
2 **DUTY** and is under a criminal or administrative investigation.  
3           4. When in a secured police facility.  
4           5. When consuming alcohol at a licensed liquor establishment operated  
5 by this state, a county, a city or town, or any other political subdivision  
6 of this state, except if the peace officer's employing agency authorizes the  
7 consumption of alcohol in the performance of the peace officer's duties.  
8           6. In a location prohibited by federal law.  
9           7. Pursuant to court order.  
10          8. Pursuant to any state or federal law that makes the officer a  
11 prohibited possessor.  
12          9. When in the judgment of the department head, or the department  
13 head's designee, the peace officer exhibits any impairment, including any  
14 physical or mental impairment that would cause concern for the well-being and  
15 safety of the officer, the officer's law enforcement agency, law enforcement  
16 agency employees or the community.  
17          C. A law enforcement agency that employs a peace officer may establish  
18 rules that are consistent with this section. The law enforcement agency may  
19 determine the number, type, model, caliber and brand of firearm and the  
20 ammunition that is carried by its peace officers on or off duty.  
21          D. This section does not create any civil liability for acting or  
22 failing to act.  
23          E. For the purposes of this section:  
24           1. "Firearm" has the same meaning prescribed in section 13-105.  
25           2. "Peace officer" has the same meaning prescribed in section 1-215.  
26           3. "Relieved of duty" means when a peace officer is no longer required  
27 to perform, either temporarily or permanently, the duties for which the  
28 officer was employed.  
29           4. "Secured police facility" means a building or structure that is  
30 used primarily by a public agency and that is not accessible to the general  
31 public except by controlled access.  
32           (EMERGENCY NOT ENACTED)  
33           Sec. 16. Emergency  
34           This act is an emergency measure that is necessary to preserve the  
35 public peace, health or safety and is operative immediately as provided by  
36 law.