

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1168  
(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

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

4 ARTICLE 18. FIREARMS STORAGE LIABILITY

5 12-781. Transportation or storage of firearms; motor vehicles;  
6 civil liability; employer liability; affirmative  
7 defense; notice; applicability

8 A. A PROPERTY OWNER, TENANT, PUBLIC OR PRIVATE EMPLOYER OR BUSINESS  
9 ENTITY SHALL NOT PROHIBIT A PERSON WHO LAWFULLY POSSESSES A FIREARM FROM  
10 TRANSPORTING OR STORING THE FIREARM IN A LOCKED AND PRIVATELY OWNED MOTOR  
11 VEHICLE IF THE MOTOR VEHICLE IS PARKED IN A PARKING LOT, PARKING GARAGE OR  
12 OTHER AREA DESIGNATED FOR PARKING MOTOR VEHICLES AND THE FIREARM IS NOT  
13 VISIBLE FROM THE OUTSIDE OF THE MOTOR VEHICLE.

14 B. A PERSON WHO IS INJURED OR THE SURVIVORS OF A PERSON WHO IS KILLED  
15 AS A PROXIMATE RESULT OF A VIOLATION OF SUBSECTION A IF THE VIOLATION OF  
16 SUBSECTION A IS THE RESULT OF AN OFFICIALLY ADOPTED POLICY PROMULGATED BY AN  
17 OWNER OR HIGH MANAGERIAL AGENT OF THE PROPERTY OWNER, TENANT, PUBLIC OR  
18 PRIVATE EMPLOYER OR BUSINESS ENTITY MAY BRING A CIVIL ACTION AGAINST A  
19 PROPERTY OWNER, TENANT, PUBLIC OR PRIVATE EMPLOYER OR BUSINESS ENTITY THAT  
20 KNOWINGLY COMMITTED OR KNOWINGLY CAUSED THE VIOLATION.

21 C. ANY PERSON WHO IS ENTITLED TO TRANSPORT OR STORE A FIREARM PURSUANT  
22 TO THIS SECTION AND WHO IS PROHIBITED FROM TRANSPORTING OR STORING A FIREARM  
23 BY A PROPERTY OWNER, TENANT, PUBLIC OR PRIVATE EMPLOYER OR BUSINESS ENTITY IN  
24 VIOLATION OF THIS SECTION MAY BRING A CIVIL ACTION TO ENJOIN THE PROPERTY  
25 OWNER, TENANT, PUBLIC OR PRIVATE EMPLOYER OR BUSINESS ENTITY FROM VIOLATING  
26 SUBSECTION A.

27 D. A PUBLIC OR PRIVATE EMPLOYER OR BUSINESS ENTITY THAT VIOLATES  
28 SUBSECTION A IS CIVILLY LIABLE TO AN EMPLOYEE WHO IS DISCHARGED FOR LAWFULLY  
29 POSSESSING A FIREARM THAT IS TRANSPORTED OR STORED IN A MOTOR VEHICLE  
30 PURSUANT TO SUBSECTION A, AND THE EMPLOYEE IS ENTITLED TO:

31 1. REINSTATEMENT TO THE SAME POSITION HELD AT THE TIME OF THE  
32 EMPLOYEE'S DISCHARGE OR TO AN EQUIVALENT POSITION.

33 2. REINSTATEMENT OF THE EMPLOYEE'S FULL FRINGE BENEFITS AND SENIORITY  
34 RIGHTS, AS APPROPRIATE.

35 3. COMPENSATION, IF APPROPRIATE, FOR LOST WAGES, BENEFITS OR OTHER  
36 LOST REMUNERATION BECAUSE OF THE DISCHARGE.

1           4. PAYMENT OF REASONABLE ATTORNEY FEES AND COSTS.

2           E. IT IS AN AFFIRMATIVE DEFENSE TO ANY CIVIL ACTION FOR DAMAGES,  
3 INJURY OR DEATH THAT ARISES OUT OF OR RESULTS FROM AN ACT INVOLVING A FIREARM  
4 THAT IS TRANSPORTED OR STORED PURSUANT TO THIS SECTION IF, AT THE TIME OF THE  
5 ACT THAT GAVE RISE TO THE ACTION, EITHER OF THE FOLLOWING APPLIES:

6           1. THE PROPERTY OWNER, TENANT, PUBLIC OR PRIVATE EMPLOYER OR BUSINESS  
7 ENTITY OR ANY AGENT OR EMPLOYEE OF A PROPERTY OWNER, TENANT, PUBLIC OR  
8 PRIVATE EMPLOYER OR BUSINESS ENTITY WAS NOT IN VIOLATION OF SUBSECTION A, WAS  
9 NOT COMMITTING ANY CRIMINAL ACT AND HAD DONE BOTH OF THE FOLLOWING:

10           (a) ADOPTED A POLICY THAT REQUIRES UNATTENDED MOTOR VEHICLES PARKED IN  
11 A PARKING LOT, PARKING GARAGE OR OTHER AREA DESIGNATED FOR PARKING MOTOR  
12 VEHICLES TO REMAIN LOCKED.

13           (b) CLEARLY AND CONSPICUOUSLY POSTED THE ADOPTED POLICY ON THE  
14 PREMISES.

15           2. A PROPERTY OWNER, TENANT, PUBLIC OR PRIVATE EMPLOYER OR BUSINESS  
16 ENTITY OR ANY AGENT OR EMPLOYEE OF A PROPERTY OWNER, TENANT, PUBLIC OR  
17 PRIVATE EMPLOYER OR BUSINESS ENTITY IS EXEMPT PURSUANT TO SUBSECTION G AND  
18 WAS NOT COMMITTING ANY CRIMINAL ACT.

19           F. IN ANY CIVIL ACTION FILED PURSUANT TO THIS SECTION, THE COURT SHALL  
20 AWARD THE PREVAILING PARTY REASONABLE COSTS AND ATTORNEY FEES.

21           G. A CLAIM FOR RELIEF PURSUANT TO SUBSECTION C OR D MAY ONLY COMMENCE  
22 TEN BUSINESS DAYS AFTER THE PLAINTIFF SERVES THE DEFENDANT BY PERSONAL  
23 SERVICE OR CERTIFIED MAIL NOTICE THAT THE PLAINTIFF INTENDS TO SEEK RELIEF  
24 PURSUANT TO SUBSECTION C OR D.

25           H. THIS SECTION DOES NOT APPLY IF:

26           1. THE POSSESSION OF THE FIREARM IS PROHIBITED BY FEDERAL OR STATE  
27 LAW.

28           2. THE MOTOR VEHICLE IS OWNED OR LEASED BY A PUBLIC OR PRIVATE  
29 EMPLOYER OR BUSINESS ENTITY AND IS USED BY AN EMPLOYEE IN THE COURSE OF THE  
30 EMPLOYMENT, UNLESS THE EMPLOYEE IS REQUIRED TO STORE OR TRANSPORT A FIREARM  
31 IN THE OFFICIAL DISCHARGE OF THE EMPLOYEE'S DUTIES OR IF THE PUBLIC OR  
32 PRIVATE EMPLOYER OR BUSINESS ENTITY CONSENTS TO THE TRANSPORTATION OR STORAGE  
33 OF THE FIREARM.

34           3. THE PROPERTY OWNER, TENANT, PUBLIC OR PRIVATE EMPLOYER OR BUSINESS  
35 ENTITY PROVIDES A SECURED AND GATED OR FENCED PARKING LOT, PARKING GARAGE OR  
36 OTHER AREA DESIGNATED FOR PARKING MOTOR VEHICLES, SEARCHES ALL VEHICLES AND  
37 OCCUPANTS OF THE VEHICLE ON EACH ENTRY TO THE PARKING AREA AND PROVIDES

1 TEMPORARY AND SECURE FIREARM STORAGE. THE STORAGE SHALL BE READILY  
2 ACCESSIBLE ON ENTRY INTO THE PREMISES AND ALLOW FOR THE IMMEDIATE RETRIEVAL  
3 OF THE FIREARM ON EXIT FROM THE PREMISES.

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

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

13 6. THE PARKING LOT, PARKING GARAGE OR OTHER AREA DESIGNATED FOR  
14 PARKING MOTOR VEHICLES IS ON AN OWNER OCCUPIED SINGLE FAMILY DETACHED  
15 RESIDENCE OR A TENANT OCCUPIED SINGLE FAMILY DETACHED RESIDENCE."

16 Amend title to conform

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2:40 PM  
H:jmb