

REFERENCE TITLE: **concealed weapons; permit; justification.**

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

HB 2347

Introduced by
Representatives Antenori, Gowan, Montenegro, Senators Gray C, Pearce R:
Representatives Burges, Crump, Hendrix, Kavanagh, Lesko, Murphy, Seel,
Stevens, Weiers JP, Senators Allen S, Harper, Nelson, Verschoor

AN ACT

AMENDING SECTIONS 4-229, 8-385.01, 12-714, 13-405, 13-415, 13-3102, 13-3105 AND 13-3112, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 31, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-3114; AMENDING SECTIONS 13-3118, 13-4401.01, 13-4903, 13-4904 AND 15-515, ARIZONA REVISED STATUTES; RELATING TO WEAPONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 4-229, Arizona Revised Statutes, is amended to read:

4-229. Licenses: handguns: posting of notice

A. A person with a permit issued pursuant to section 13-3112 ~~or who meets the criteria specified in section 13-3102, subsection D, paragraph 1 or 2~~ may carry a concealed handgun on the premises of a licensee who is an on-sale retailer unless the licensee posts a sign that clearly prohibits the possession of weapons on the licensed premises. The sign shall conform to the following requirements:

1. Be posted in a conspicuous location accessible to the general public and immediately adjacent to the liquor license posted on the licensed premises.

2. Contain a pictogram that shows a firearm within a red circle and a diagonal red line across the firearm.

3. Contain the words, "no firearms allowed pursuant to A.R.S. section 4-229".

B. A person shall not carry a firearm on the licensed premises of an on-sale retailer if the licensee has posted the notice prescribed in subsection A of this section.

C. It is an affirmative defense to a violation of subsection B of this section if:

1. The person was not informed of the notice prescribed in subsection A of this section ~~prior to~~ BEFORE the violation.

2. Any one or more of the following ~~applies~~ APPLY:

(a) At the time of the violation the notice prescribed in subsection A of this section had fallen down.

(b) At the time of the violation the person was not a resident of this state.

(c) The licensee had posted the notice prescribed in subsection A of this section not more than thirty days ~~prior to~~ BEFORE the violation.

D. The department of liquor licenses and control shall prepare the signs required by this section and make them available at no cost to licensees.

E. The signs required by this section shall be composed of block, capital letters printed in black on white laminated paper at a minimum weight of one hundred ten pound index. The lettering and pictogram shall consume a space at least six inches by nine inches. The letters comprising the words "no firearms allowed" shall be at least three-fourths of a vertical inch and all other letters shall be at least one-half of a vertical inch.

F. This section does not prohibit a person who possesses a handgun from entering the licensed premises for a limited time for the specific purpose of either:

1. Seeking emergency aid.

1 2. Determining whether a sign has been posted pursuant to subsection A
2 of this section.

3 Sec. 2. Section 8-385.01, Arizona Revised Statutes, is amended to
4 read:

5 8-385.01. Victims' rights for neighborhood associations

6 A. A neighborhood association may register with the city, town or
7 county in which the neighborhood association is located to invoke the rights
8 that are afforded pursuant to this article. The city, town or county shall
9 establish procedures for the registration of neighborhood associations
10 pursuant to this section. The procedures shall require the neighborhood
11 association to provide to the city, town or county the name and telephone
12 number of one person who shall act on behalf of the neighborhood association
13 and who may receive notice or invoke rights pursuant to this section. The
14 neighborhood association shall notify the city, town or county of any changes
15 to this information. If the neighborhood association fails to keep this
16 information current, the neighborhood association is deemed to have waived
17 its rights under this section.

18 B. Notwithstanding any law to the contrary, if a juvenile commits an
19 act that if committed by an adult would be a crime under section 13-1602,
20 subsection A, paragraph 5, section 13-3102, subsection A, paragraph ~~9~~ 7,
21 section 13-3201 or 13-3204, section 13-3208, subsection B or section 13-3209,
22 13-3405, 13-3407, 13-3408, 13-3421 or 13-4702, a neighborhood association
23 that is registered with a city, town or county pursuant to subsection A of
24 this section may receive notice or may invoke rights pursuant to the
25 following sections:

- 26 1. Section 8-390.
- 27 2. Section 8-400.
- 28 3. Section 8-405.

29 C. Sections 8-407, 8-413 and 8-415 apply to all matters in which a
30 neighborhood association invokes rights under this section.

31 D. If the neighborhood association wishes to invoke victims' rights
32 for a crime as prescribed in subsection B of this section that resulted in an
33 arrest, the person who is registered with the city, town or county pursuant
34 to subsection A of this section shall contact the law enforcement agency
35 responsible for the arrest. The law enforcement agency shall fill out the
36 form prescribed by section 8-386. Thereafter the neighborhood association,
37 through the contact person, shall be afforded all of the rights listed under
38 subsection B of this section.

39 Sec. 3. Section 12-714, Arizona Revised Statutes, is amended to read:

40 12-714. Actions against firearm manufacturers; prohibition;
41 findings; definitions

42 A. A political subdivision of this state shall not commence a
43 qualified civil liability action in any Arizona court.

1 B. The legislature finds that:

2 1. The citizens of this state have the right, under the second
3 amendment to the United States Constitution and article ~~2~~ **II**, section 26 of
4 the Arizona Constitution, to keep and bear arms.

5 2. Lawsuits have been commenced against the manufacturers,
6 distributors, dealers and importers of nondefective firearms for the harm
7 caused by the misuse of firearms by third parties, including criminals.

8 3. Businesses in the United States that are engaged in the lawful sale
9 to the public of firearms or ammunition are not, and should not be liable for
10 the harm caused by those who unlawfully misuse firearms or ammunition.

11 4. The possibility of imposing liability on an entire industry for
12 harm that is the sole responsibility of others is an abuse of the legal
13 system, threatens the diminution of a basic constitutional right and
14 constitutes an unreasonable burden on the free enterprise system.

15 5. The liability actions commenced by political subdivisions are based
16 on theories without foundation in the common law and American jurisprudence.
17 Such an expansion of liability would constitute a deprivation of the rights,
18 privileges and immunities guaranteed to citizens of this state under both the
19 Constitution of Arizona and the United States Constitution.

20 C. As used in this section:

21 1. "Manufacturer" means, with respect to a qualified product:

22 (a) A person who is engaged in a business to import, make, produce,
23 create or assemble a qualified product and who designs or formulates, or has
24 engaged another person to design or formulate, a qualified product.

25 (b) A seller of a qualified product, but only with respect to an
26 aspect of the product that is made or affected when the seller makes,
27 produces, creates or assembles and designs or formulates an aspect of the
28 product made by another person.

29 (c) Any seller of a qualified product who represents to a user of a
30 qualified product that the seller is a manufacturer of the qualified product.

31 2. "Qualified civil liability action" means a civil action brought by
32 a political subdivision against a manufacturer or seller of a qualified
33 product or a trade association, for damages resulting from the criminal or
34 unlawful misuse of a qualified product by a third party. Qualified civil
35 liability action does not include an action brought against a transferor
36 convicted under 18 United States Code section 924(h) or section 13-3102,
37 subsection A, paragraph ~~14~~ **12** by a party directly harmed by the conduct of
38 which the transferee is convicted.

39 3. "Qualified product" means a nondefective firearm as defined in 18
40 United States Code section 921(a)(3) or nondefective ammunition as defined in
41 18 United States Code section 921(a)(17), or a component part of a firearm or
42 ammunition, that has been shipped or transported in interstate or foreign
43 commerce.

4. "Seller" means, with respect to a qualified product, a person who either:

(a) In the course of a business conducted for that purpose sells, distributes, rents, leases, prepares, blends, packages, labels or otherwise is involved in placing a qualified product in the stream of commerce.

(b) Installs, repairs, refurbishes, reconditions or maintains an aspect of a qualified product that is alleged to have resulted in damages.

5. "Trade association" means any association or business organization, whether or not incorporated under federal or state law, two or more members of which are manufacturers or sellers of a qualified product.

Sec. 4. Section 13-405, Arizona Revised Statutes, is amended to read: 13-405. Justification; use of deadly physical force

A person is justified in threatening or using deadly physical force against another IF BOTH OF THE FOLLOWING APPLY:

1. If ~~such~~ THE person would be justified in threatening or using physical force against the other under section 13-404, ~~and~~ OR DEFENSIVELY DISPLAYING A FIREARM UNDER SECTION 13-421.

2. When and to the degree a reasonable person would believe that deadly physical force is immediately necessary to protect himself against the other's use or attempted use of unlawful deadly physical force.

Sec. 5. Section 13-415, Arizona Revised Statutes, is amended to read: 13-415. Justification; domestic violence

If there have been past acts of domestic violence as defined in section 13-3601, subsection A against the defendant by the victim, the state of mind of a reasonable person under sections 13-404, 13-405, ~~and~~ 13-406 AND 13-421 shall be determined from the perspective of a reasonable person who has been a victim of those past acts of domestic violence.

Sec. 6. Section 13-3102, Arizona Revised Statutes, is amended to read: 13-3102. Misconduct involving weapons; defenses; classification; definitions

A. A person commits misconduct involving weapons by knowingly:

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

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

~~3.~~ 1. Manufacturing, possessing, transporting, selling or transferring a prohibited weapon, except that if the violation involves dry ice, a person commits misconduct involving weapons by knowingly possessing the dry ice with the intent to cause injury to or death of another person or to cause damage to the property of another person; or

~~4.~~ 2. Possessing a deadly weapon or prohibited weapon if such person is a prohibited possessor; or

~~5.~~ 3. Selling or transferring a deadly weapon to a prohibited possessor; or

1 ~~6.~~ 4. Defacing a deadly weapon; or
 2 ~~7.~~ 5. Possessing a defaced deadly weapon knowing the deadly weapon
 3 was defaced; or

4 ~~8.~~ 6. Using or possessing a deadly weapon during the commission of
 5 any felony offense included in chapter 34 of this title; or

6 ~~9.~~ 7. Discharging a firearm at an occupied structure in order to
 7 assist, promote or further the interests of a criminal street gang, a
 8 criminal syndicate or a racketeering enterprise; or

9 ~~10.~~ 8. Unless specifically authorized by law, entering any public
 10 establishment or attending any public event and carrying a deadly weapon on
 11 his person after a reasonable request by the operator of the establishment or
 12 the sponsor of the event or the sponsor's agent to remove his weapon and
 13 place it in the custody of the operator of the establishment or the sponsor
 14 of the event for temporary and secure storage of the weapon pursuant to
 15 section 13-3102.01; or

16 ~~11.~~ 9. Unless specifically authorized by law, entering an election
 17 polling place on the day of any election carrying a deadly weapon; or

18 ~~12.~~ 10. Possessing a deadly weapon on school grounds; or

19 ~~13.~~ 11. Unless specifically authorized by law, entering a nuclear or
 20 hydroelectric generating station carrying a deadly weapon on his person or
 21 within the immediate control of any person; or

22 ~~14.~~ 12. Supplying, selling or giving possession or control of a
 23 firearm to another person if the person knows or has reason to know that the
 24 other person would use the firearm in the commission of any felony; or

25 ~~15.~~ 13. Using, possessing or exercising control over a deadly weapon
 26 in furtherance of any act of terrorism as defined in section 13-2301 or
 27 possessing or exercising control over a deadly weapon knowing or having
 28 reason to know that it will be used to facilitate any act of terrorism as
 29 defined in section 13-2301.

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

33 ~~C.~~ B. Subsection A, paragraphs 1, ~~2, 3, 7~~ 5, 8, 9, 10, ~~AND 11, 12~~
 34 ~~and 13~~ of this section shall not apply to:

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

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

39 3. A warden, deputy warden, community correctional officer, detention
 40 officer, special investigator or correctional officer of the state department
 41 of corrections or the department of juvenile corrections; or

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

44 ~~D. Subsection A, paragraphs 1 and 2 of this section shall not apply~~
 45 ~~to.~~

~~1. A member of a sheriff's volunteer posse or reserve organization who has received and passed firearms training that is approved by the Arizona peace officer standards and training board and who is authorized by the sheriff to carry a concealed weapon pursuant to section 11-441.~~

~~2. A person who has honorably served as a law enforcement officer in the United States for at least ten consecutive years and who possesses a photographic identification or a letter from a law enforcement agency that states the person has served for at least ten consecutive years as a law enforcement officer in the United States. On request, the law enforcement agency that most recently employed the person or, if the person was employed outside of this state, the sheriff of the county in which the person resides shall issue a photographic identification or a letter that verifies the person meets the requirement of this paragraph.~~

~~E.~~ C. Subsection A, paragraphs ~~3- 1~~ and ~~7- 5~~ of this section shall not apply to:

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

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

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

2. The regular and lawful transporting as merchandise; or

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

~~F.~~ D. Subsection A, paragraph ~~3- 1~~ of this section shall not apply to the merchandise of an authorized manufacturer of or dealer in prohibited weapons, when such material is intended to be manufactured, possessed, transported, sold or transferred solely for or to a dealer, a regularly constituted or appointed state, county or municipal police department or police officer, a detention facility, the military service of this or another state or the United States, a museum or educational institution or a person specifically licensed or permitted pursuant to federal or state law.

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

~~H.~~ E. Subsection A, paragraph ~~10~~ 8 of this section shall not apply to:

1. Shooting ranges or shooting events, hunting areas or similar locations or activities.

2. A PERSON WHO POSSESSES A PERMIT ISSUED PURSUANT TO SECTION 13-3112, UNLESS THE ESTABLISHMENT IS A SECURED FACILITY.

~~I.~~ F. Subsection A, paragraph ~~3~~ 1 of this section shall not apply to a weapon described in section 13-3101, subsection A, paragraph 8, subdivision (a), item (v), if such weapon is possessed for the purposes of preparing for, conducting or participating in lawful exhibitions, demonstrations, contests or athletic events involving the use of such weapon. Subsection A, paragraph ~~12~~ 10 of this section shall not apply to a weapon if such weapon is possessed for the purposes of preparing for, conducting or participating in hunter or firearm safety courses.

~~J.~~ G. Subsection A, paragraph ~~12~~ 10 of this section shall not apply to the possession of a:

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

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

3. FIREARM BY A PERSON WHO POSSESSES A CERTIFICATE OF FIREARMS PROFICIENCY PURSUANT TO SECTION 13-3112, SUBSECTION R AND WHO IS AUTHORIZED TO CARRY A CONCEALED FIREARM PURSUANT TO THE LAW ENFORCEMENT OFFICERS SAFETY ACT OF 2004 (P.L. 108-277; 118 STAT. 865; 18 UNITED STATES CODE SECTIONS 926B AND 926C).

~~K.~~ H. The operator of the establishment or the sponsor of the event or the employee of the operator or sponsor or the agent of the sponsor, including a public entity or public employee, is not liable for acts or omissions pursuant to subsection A, paragraph ~~10~~ 8 of this section unless the operator, sponsor, employee or agent intended to cause injury or was grossly negligent.

~~L.~~ I. Misconduct involving weapons under subsection A, paragraph ~~15~~ 13 of this section is a class 2 felony. Misconduct involving weapons under subsection A, paragraph ~~9~~ 7 or ~~14~~ 12 of this section is a class 3 felony. Misconduct involving weapons under subsection A, paragraph ~~3, 4, 8 or 13~~ 1, 2, 6 OR 11 of this section is a class 4 felony. Misconduct involving weapons under subsection A, paragraph ~~12~~ 10 of this section is a class 1 misdemeanor unless the violation occurs in connection with conduct that violates section 13-2308, subsection A, paragraph 5, section 13-2312, subsection C, section 13-3409 or section 13-3411, in which case the offense is a class 6 felony. Misconduct involving weapons under subsection A, paragraph ~~3, 4 OR 5, 6 or 7~~ 3, 4 OR 5 of this section is a class 6 felony. Misconduct involving weapons under

subsection A, paragraph ~~1, 2, 10 or 11~~ 8 OR 9 of this section is a class 1 misdemeanor.

~~M.~~ J. For the purposes of this section:

1. "CONTROLLED ACCESS" MEANS ACCESS TO A PUBLIC FACILITY THAT IS CONTROLLED OR RESTRICTED BY THE PRESENCE OF AT LEAST TWO OF THE FOLLOWING:

(a) A STATE OR FEDERAL CERTIFIED LAW ENFORCEMENT OFFICER.

(b) A UNIFORMED SECURITY OFFICER.

(c) METAL DETECTION, X-RAY, SCREENING OR OTHER WEAPON DETECTION EQUIPMENT.

(d) VIDEO SURVEILLANCE EQUIPMENT.

(e) BIOMETRIC ENTRY LOCKING DEVICES.

~~1.~~ 2. "Public establishment" means a structure, vehicle or craft that is owned, leased or operated by this state or a political subdivision of this state.

~~2.~~ 3. "Public event" means a specifically named or sponsored event of limited duration that is either conducted by a public entity or conducted by a private entity with a permit or license granted by a public entity. Public event does not include an unsponsored gathering of people in a public place.

~~3.~~ 4. "School" means a public or nonpublic kindergarten program, common school or high school.

~~4.~~ 5. "School grounds" means in, or on the grounds of, a school.

6. "SECURED FACILITY" MEANS A BUILDING OR STRUCTURE OR A PORTION OF A BUILDING OR STRUCTURE THAT IS USED PRIMARILY BY A PUBLIC AGENCY AND THAT IS NOT ACCESSIBLE TO THE GENERAL PUBLIC EXCEPT BY CONTROLLED ACCESS.

Sec. 7. Section 13-3105, Arizona Revised Statutes, is amended to read:

13-3105. Forfeiture of weapons and explosives

A. ~~Upon~~ ON the conviction of any person for ~~the~~ A violation of any felony in this state in which a deadly weapon, dangerous instrument or explosive was used, displayed or unlawfully possessed by ~~such~~ THE person, the court shall order the article forfeited and sold, ~~TO A FEDERAL FIREARMS LICENSEE WHO SHALL SELL THE ARTICLE TO THE PUBLIC ACCORDING TO FEDERAL AND STATE LAW, UNLESS THE ARTICLE IS OTHERWISE PROHIBITED FROM BEING SOLD UNDER FEDERAL OR STATE LAW, IN WHICH CASE IT SHALL BE~~ destroyed or otherwise properly disposed.

B. ~~Upon~~ ON the conviction of any person for ~~the~~ A violation of section 13-2904, subsection A, paragraph 6 or section 13-3102, subsection A, paragraph ~~1, 2, 6 OR 8 or 10~~, the court may order the forfeiture of the deadly weapon or dangerous instrument involved in the offense.

C. If at any time the court finds pursuant to rule 11 of the Arizona rules of criminal procedure that a person who is charged with a violation of this title is incompetent, the court shall order that any deadly weapon, dangerous instrument or explosive used, displayed or unlawfully possessed by the person during the commission of the alleged offense be forfeited and sold, ~~TO A FEDERAL FIREARMS LICENSEE WHO SHALL SELL THE ARTICLE TO THE PUBLIC ACCORDING TO FEDERAL AND STATE LAW, UNLESS THE ARTICLE IS OTHERWISE~~

PROHIBITED FROM BEING SOLD UNDER FEDERAL OR STATE LAW, IN WHICH CASE IT SHALL BE destroyed or otherwise properly disposed.

Sec. 8. Section 13-3112, Arizona Revised Statutes, is amended to read:

13-3112. Concealed weapons; qualification; application; permit to carry; report; applicability

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

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

~~C.~~ B. The permit of a person who is arrested or indicted for an offense that would make the person unqualified under section 13-3101, subsection A, paragraph 7 or this section shall be immediately suspended and seized. The permit of a person who becomes unqualified on conviction of that offense shall be revoked. The permit shall be restored on presentation of documentation from the court if the permittee is found not guilty or the charges are dismissed. The permit shall be restored on presentation of documentation from the county attorney that the charges against the permittee were dropped or dismissed.

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

C. THE PERMIT SHALL CONTAIN THE PERMITTEE'S FULL LEGAL NAME, ETHNICITY, SEX, HEIGHT, WEIGHT, HAIR COLOR AND EYE COLOR, THE PERMIT ISSUANCE DATE AND THE PERMIT EXPIRATION DATE.

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

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

1 5. Is not unlawfully present in the United States.

2 ~~6. Has ever satisfactorily completed a firearms safety training~~
3 ~~program authorized by the department of public safety pursuant to subsection~~
4 ~~0 of this section and provides adequate documentation that the authorized~~
5 ~~training program was satisfactorily completed. For the purposes of this~~
6 ~~paragraph, "adequate documentation" means a certificate, card or document of~~
7 ~~completion from a firearms safety training program authorized pursuant to~~
8 ~~subsection 0 of this section, dated not more than five years earlier than the~~
9 ~~date of application, that has affixed to it the stamp, signature or seal of~~
10 ~~the instructor or organization that conducted the program, or a current or~~
11 ~~expired permit issued by the department of public safety pursuant to this~~
12 ~~section. This paragraph does not apply to:~~

13 ~~(a) A person who is an active duty Arizona peace officer standards and~~
14 ~~training board certified or federally credentialed peace officer or who is~~
15 ~~honorably retired as a federal, state or local peace officer with a minimum~~
16 ~~of ten years of service.~~

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

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

21 ~~(d) A person who is an Arizona peace officer standards and training~~
22 ~~board certified full authority peace officer and who volunteers in a law~~
23 ~~enforcement agency's reserve program.~~

24 ~~F.~~ E. The application shall be completed on a form prescribed by the
25 department of public safety. The form shall not require the applicant to
26 disclose the type of firearm for which a permit is sought. The applicant
27 shall attest under penalty of perjury that all of the statements made by the
28 applicant are true. The applicant shall submit the application to the
29 department with ~~a certificate of completion from an authorized firearms~~
30 ~~safety training program,~~ two sets of fingerprints and a reasonable fee
31 determined by the director of the department.

32 ~~G.~~ F. On receipt of a concealed weapon permit application, the
33 department of public safety shall conduct a check of the applicant's criminal
34 history record pursuant to section 41-1750. The department of public safety
35 may exchange fingerprint card information with the federal bureau of
36 investigation for federal criminal history record checks.

37 ~~H.~~ G. The department of public safety shall complete all of the
38 required qualification checks within sixty days after receipt of the
39 application and shall issue a permit within fifteen working days after
40 completing the qualification checks if the applicant meets all of the
41 conditions specified in subsection ~~E~~ D of this section. If a permit is
42 denied, the department of public safety shall notify the applicant in writing
43 within fifteen working days after the completion of all of the required
44 qualification checks and shall state the reasons why the application was
45 denied. On receipt of the notification of the denial, the applicant has

1 twenty days to submit any additional documentation to the department. On
2 receipt of the additional documentation, the department shall reconsider its
3 decision and inform the applicant within twenty days of the result of the
4 reconsideration. If denied, the applicant shall be informed that the
5 applicant may request a hearing pursuant to title 41, chapter 6, article 10.

6 ~~I.~~ H. On issuance, a permit is valid for five years, except a permit
7 that is held by a member of the United States armed forces, including a
8 member of the Arizona national guard or a member of the reserves of any
9 military establishment of the United States, who is on federal active duty
10 and who is deployed overseas shall be extended until ninety days after the
11 end of the member's overseas deployment.

12 ~~J.~~ I. The department of public safety shall maintain a computerized
13 permit record system that is accessible to criminal justice agencies for the
14 purpose of confirming the permit status of any person who claims to hold a
15 valid permit issued by this state. This information and any other records
16 that are maintained regarding applicants, ~~OR~~ permit holders ~~or instructors~~
17 shall not be available to any other person or entity except on an order from
18 a state or federal court.

19 ~~K. Notwithstanding subsection J of this section, it is a defense to~~
20 ~~any charge for carrying a deadly weapon without a permit by a member of the~~
21 ~~United States armed forces, including a member of the Arizona national guard~~
22 ~~or a member of the reserves of any military establishment of the United~~
23 ~~States, if the member was on federal active duty at the time the permit~~
24 ~~expired and the member presents documentation indicating release from active~~
25 ~~duty or reassignment from overseas deployment within the preceding ninety~~
26 ~~days.~~

27 ~~L.~~ J. A permit issued pursuant to this section is renewable every
28 five years. Before a permit may be renewed, a criminal history records check
29 shall be conducted pursuant to section 41-1750 within sixty days after
30 receipt of the application for renewal. For the purposes of permit renewal,
31 the permit holder is not required to submit additional fingerprints.

32 ~~M.~~ K. Applications for renewal shall be accompanied by a fee
33 determined by the director of the department of public safety.

34 ~~N.~~ L. The department of public safety shall suspend or revoke a
35 permit issued under this section if the permit holder becomes ineligible
36 pursuant to subsection ~~E~~ D of this section. The department of public safety
37 shall notify the permit holder in writing within fifteen working days after
38 the revocation or suspension and shall state the reasons for the revocation
39 or suspension.

40 ~~O. An organization shall apply to the department of public safety for~~
41 ~~authorization to provide firearms safety training. The department shall~~
42 ~~authorize an organization to provide firearms safety training if the training~~
43 ~~meets the following requirements:~~

44 ~~1. Is at least eight hours in length.~~

45 ~~2. Is conducted on a pass or fail basis.~~

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

- ~~(a) Legal issues relating to the use of deadly force.~~
- ~~(b) Weapon care and maintenance.~~
- ~~(c) Mental conditioning for the use of deadly force.~~
- ~~(d) Safe handling and storage of weapons.~~
- ~~(e) Marksmanship.~~
- ~~(f) Judgmental shooting.~~

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

~~P. If authorized pursuant to subsection 0 of this section, the organization on behalf of each of its instructors shall submit to the department of public safety two sets of fingerprints and a fee to be determined by the director of the department of public safety. On receipt of the fingerprints and fee, the department of public safety shall conduct a check of each instructor's criminal history record pursuant to section 41-1750. The department of public safety may exchange this fingerprint card information with the federal bureau of investigation for federal criminal history record checks.~~

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

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

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

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

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

1. The permit or license is recognized as valid in the issuing state.
2. The permit or license holder is all of the following:

- ~~(a) Not a resident of this state.~~
- ~~(b)~~ (a) Legally present in this state.

1 ~~(e)~~ (b) Not legally prohibited from possessing a firearm in this
2 state.

3 ~~W.~~ P. For the purpose of establishing mutual permit or license
4 recognition with other states, the department of public safety shall enter
5 into a written agreement if another state requires a written agreement.

6 ~~W.~~ Q. Notwithstanding the provisions of this section, a person with a
7 concealed weapons permit from another state may not carry a concealed weapon
8 in this state if the person is under twenty-one years of age or is under
9 indictment for, or has been convicted of, a felony offense in any
10 jurisdiction, unless ~~the person's rights have been restored and the~~ THAT
11 conviction is expunged, set aside or vacated OR THE PERSON'S RIGHTS HAVE BEEN
12 RESTORED and the ~~applicant~~ PERSON is currently not a prohibited possessor
13 under state or federal law.

14 ~~X.~~ R. The department of public safety may issue certificates of
15 firearms proficiency according to the Arizona peace officer standards and
16 training board firearms qualification for the purposes of implementing the
17 law enforcement officers safety act of 2004 (P.L. 108-277; 118 Stat. 865; 18
18 United States Code sections 926B and 926C). A law enforcement agency shall
19 issue to a law enforcement officer who has honorably retired a photographic
20 identification that states that the officer has honorably retired from the
21 agency. The chief law enforcement officer shall determine whether an officer
22 has honorably retired and the determination is not subject to review. A law
23 enforcement agency has no obligation to revoke, alter or modify the honorable
24 discharge photographic identification based on conduct that the agency
25 becomes aware of or that occurs after the officer has separated from the
26 agency.

27 Sec. 9. Title 13, chapter 31, Arizona Revised Statutes, is amended by
28 adding section 13-3114, to read:

29 13-3114. Unlawful possession or carrying of firearm:
30 exceptions: classification

31 A. A PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE SHALL NOT KNOWINGLY
32 CARRY A FIREARM CONCEALED ON HIS PERSON OR WITHIN HIS IMMEDIATE CONTROL IN OR
33 ON A MEANS OF TRANSPORTATION.

34 B. THIS SECTION DOES NOT APPLY TO:

35 1. A PERSON IN HIS DWELLING, ON HIS BUSINESS PREMISES OR ON REAL
36 PROPERTY OWNED OR LEASED BY THAT PERSON OR A DWELLING, BUSINESS PREMISES OR
37 ON PROPERTY OWNED OR LEASED BY THAT PERSON'S PARENT, GRANDPARENT OR LEGAL
38 GUARDIAN.

39 2. A MEMBER OF THE MILITARY FORCES OF THE UNITED STATES OR OF ANY
40 STATE OF THE UNITED STATES IN THE PERFORMANCE OF OFFICIAL DUTIES.

41 3. A PERSON SPECIFICALLY LICENSED, AUTHORIZED OR PERMITTED PURSUANT TO
42 A STATUTE OF THIS STATE OR OF THE UNITED STATES.

43 4. A FIREARM THAT IS CARRIED IN:

44 (a) A MANNER WHERE ANY PORTION OF THE FIREARM OR HOLSTER IN WHICH THE
45 FIREARM IS CARRIED IS VISIBLE.

- 1 (b) A BELT HOLSTER THAT IS WHOLLY OR PARTIALLY VISIBLE.
2 (c) A SCABBARD OR CASE DESIGNED FOR CARRYING WEAPONS THAT IS WHOLLY OR
3 PARTIALLY VISIBLE.
4 (d) LUGGAGE.
5 (e) A CASE, HOLSTER, CLOSED PURSE, SCABBARD, PACK OR LUGGAGE THAT IS
6 CARRIED WITHIN A MEANS OF TRANSPORTATION OR WITHIN A STORAGE COMPARTMENT, MAP
7 POCKET, TRUNK OR GLOVE COMPARTMENT OF A MEANS OF TRANSPORTATION.

8 C. A VIOLATION OF THIS SECTION IS A PETTY OFFENSE.

9 Sec. 10. Section 13-3118, Arizona Revised Statutes, is amended to
10 read:

11 13-3118. Possession or storage of firearms; restrictions
12 prohibited; exceptions

13 A. Except for the legislature, this state and any agency or political
14 subdivision of this state shall not enact or implement any law, rule or
15 ordinance relating to the possession or storage of firearms other than as
16 provided in statute.

17 B. This section does not prohibit:

18 1. A state, county or municipal judicial department, law enforcement
19 agency or prosecutorial agency from prohibiting a deadly weapon pursuant to
20 section 13-3102, subsection A, paragraph ~~10~~ 8.

21 2. A political subdivision of this state from enacting any rule or
22 ordinance requiring a business that obtains a secondhand firearm by purchase,
23 trade or consignment to retain the firearm for a period of not more than ten
24 days at its place of business or another storage location that is approved by
25 the applicable law enforcement agency.

26 Sec. 11. Section 13-4401.01, Arizona Revised Statutes, is amended to
27 read:

28 13-4401.01. Victims' rights for neighborhood associations

29 A. A neighborhood association may register with the city, town or
30 county in which the neighborhood association is located to invoke the rights
31 that are afforded pursuant to this ~~article~~ CHAPTER. The city, town or county
32 shall establish procedures for the registration of neighborhood associations
33 pursuant to this section. The procedures shall require the neighborhood
34 association to provide to the city, town or county the name and telephone
35 number of one person who shall act on behalf of the neighborhood association
36 and who may receive notice or invoke rights pursuant to this section. The
37 neighborhood association shall notify the city, town or county of any changes
38 to this information. If the neighborhood association fails to keep this
39 information current, the neighborhood association is deemed to have waived
40 its rights under this section.

41 B. Notwithstanding any law to the contrary, if a person commits an act
42 in violation of section 13-1602, subsection A, paragraph 5, section 13-3102,
43 subsection A, paragraph ~~9~~ 7, section 13-3201 or 13-3204, section 13-3208,
44 subsection B or section 13-3209, 13-3405, 13-3407, 13-3408, 13-3409, 13-3421
45 or 13-4702, a neighborhood association that is registered with a city, town

1 or county pursuant to subsection A of this section may receive notice or may
2 invoke rights pursuant to the following sections:

3 1. Section 13-4409.

4 2. Section 13-4420.

5 3. Section 13-4426.

6 C. Sections 13-4428, 13-4434 and 13-4436 apply to all matters in which
7 a neighborhood association invokes rights under this section.

8 D. If the neighborhood association wishes to invoke victims' rights
9 for a crime as prescribed in subsection B of this section that resulted in an
10 arrest, the person who is registered with the city, town or county pursuant
11 to subsection A of this section shall contact the law enforcement agency
12 responsible for the arrest. The law enforcement agency shall fill out the
13 form prescribed by section 13-4405. Thereafter the neighborhood association,
14 through the contact person, shall be afforded all of the rights listed under
15 subsection B of this section.

16 Sec. 12. Section 13-4903, Arizona Revised Statutes, is amended to
17 read:

18 13-4903. Use of force; armed nuclear security guards

19 A. An armed nuclear security guard is justified in using physical
20 force against another person at a commercial nuclear generating station or
21 structure or fenced yard of a commercial nuclear generating station if the
22 armed nuclear security guard reasonably believes that such force is necessary
23 to prevent or terminate the commission or attempted commission of criminal
24 damage under section 13-1602, subsection A, paragraph 3 and subsection B,
25 paragraph 1 or 2, misconduct involving weapons under section 13-3102,
26 subsection A, paragraph ~~13~~ 11 or criminal trespass on a commercial nuclear
27 generating station under section 13-4902.

28 B. Notwithstanding sections 13-403, 13-404, 13-405, 13-406, 13-408,
29 13-409, 13-410 and 13-411, an armed nuclear security guard is justified in
30 using physical force up to and including deadly physical force against
31 another person at a commercial nuclear generating station or structure or
32 fenced yard of a commercial nuclear generating station if the armed nuclear
33 security guard reasonably believes that such force is necessary to:

34 1. Prevent the commission of manslaughter under section 13-1103,
35 second or first degree murder under section 13-1104 or 13-1105, aggravated
36 assault under section 13-1204, subsection A, paragraph 1 or 2, kidnapping
37 under section 13-1304, burglary in the second or first degree under section
38 13-1507 or 13-1508, arson of a structure or property under section 13-1703,
39 arson of an occupied structure under section 13-1704, armed robbery under
40 section 13-1904 or an act of terrorism under section 13-2308.01.

41 2. Defend oneself or a third person from the use or imminent use of
42 deadly physical force.

43 C. Notwithstanding any other provision of this chapter, an armed
44 nuclear security guard is justified in threatening to use physical or deadly
45 physical force if and to the extent a reasonable armed nuclear security guard

1 believes it necessary to protect oneself or others against another person's
2 potential use of physical force or deadly physical force.

3 D. An armed nuclear security guard is not subject to civil liability
4 for engaging in conduct that is otherwise justified pursuant to this chapter.

5 Sec. 13. Section 13-4904, Arizona Revised Statutes, is amended to
6 read:

7 13-4904. Detention authority; armed nuclear security guards

8 A. An armed nuclear security guard, with reasonable belief, may detain
9 in or on a commercial nuclear generating station or a structure or fenced
10 yard of a commercial nuclear generating station in a reasonable manner and
11 for a reasonable time any person who is suspected of committing or attempting
12 to commit manslaughter under section 13-1103, second or first degree murder
13 under section 13-1104 or 13-1105, aggravated assault under section 13-1204,
14 subsection A, paragraph 1 or 2, kidnapping under section 13-1304, burglary in
15 the second or first degree under section 13-1507 or 13-1508, criminal damage
16 under section 13-1602, subsection A, paragraph 3 and subsection B, paragraph
17 1 or 2, arson of a structure or property under section 13-1703, arson of an
18 occupied structure under section 13-1704, armed robbery under section
19 13-1904, an act of terrorism under section 13-2308.01, misconduct involving
20 weapons under section 13-3102, subsection A, paragraph ~~13~~ 11 or criminal
21 trespass on a commercial nuclear generating station under section 13-4902 for
22 the purpose of summoning a law enforcement officer.

23 B. Reasonable belief of an armed nuclear security guard is a defense
24 to a civil or criminal action against an armed nuclear security guard for
25 false arrest, false or unlawful imprisonment or wrongful detention.

26 Sec. 14. Section 15-515, Arizona Revised Statutes, is amended to read:

27 15-515. Duty to report violations occurring on school premises

28 All school personnel who observe a violation of section 13-3102,
29 subsection A, paragraph ~~12~~ 10 or section 13-3111 on school premises shall
30 immediately report the violation to the school administrator. The
31 administrator shall immediately report the violation to a peace officer. The
32 peace officer shall report this violation to the department of public safety
33 for inclusion in the statewide and federal uniform crime reports prescribed
34 in section 41-1750, subsection A, paragraph 2.