

State of Arizona  
Senate  
Forty-ninth Legislature  
Second Regular Session  
2010

# SENATE BILL 1108

AN ACT

AMENDING SECTIONS 4-229, 13-3102, 13-3105 AND 13-3112, ARIZONA REVISED  
STATUTES; RELATING TO WEAPONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

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

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

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

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

16 3. Contain the words, "no firearms allowed pursuant to A.R.S. section  
17 4-229".

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

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

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

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

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

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

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

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

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

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

44 1. Seeking emergency aid.



- 1           12. Possessing a deadly weapon on school grounds; or  
2           13. Unless specifically authorized by law, entering a nuclear or  
3 hydroelectric generating station carrying a deadly weapon on his person or  
4 within the immediate control of any person; or  
5           14. Supplying, selling or giving possession or control of a firearm to  
6 another person if the person knows or has reason to know that the other  
7 person would use the firearm in the commission of any felony; or  
8           15. Using, possessing or exercising control over a deadly weapon in  
9 furtherance of any act of terrorism as defined in section 13-2301 or  
10 possessing or exercising control over a deadly weapon knowing or having  
11 reason to know that it will be used to facilitate any act of terrorism as  
12 defined in section 13-2301.

13           B. Subsection A, paragraph ~~1~~ 2 of this section shall not apply to:

14           1. A person in his dwelling, on his business premises or on real  
15 property owned or leased by that person OR THAT PERSON'S PARENT, GRANDPARENT  
16 OR LEGAL GUARDIAN.

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

21           3. A FIREARM THAT IS CARRIED IN:

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

24           (b) A HOLSTER THAT IS WHOLLY OR PARTIALLY VISIBLE.

25           (c) A SCABBARD OR CASE DESIGNED FOR CARRYING WEAPONS THAT IS WHOLLY OR  
26 PARTIALLY VISIBLE.

27           (d) LUGGAGE.

28           (e) A CASE, HOLSTER, SCABBARD, PACK OR LUGGAGE THAT IS CARRIED WITHIN  
29 A MEANS OF TRANSPORTATION OR WITHIN A STORAGE COMPARTMENT, MAP POCKET, TRUNK  
30 OR GLOVE COMPARTMENT OF A MEANS OF TRANSPORTATION.

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

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

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

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

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

42           ~~D. Subsection A, paragraphs 1 and 2 of this section shall not apply~~  
43 ~~to:~~

44           ~~1. A member of a sheriff's volunteer posse or reserve organization who~~  
45 ~~has received and passed firearms training that is approved by the Arizona~~

1 ~~peace officer standards and training board and who is authorized by the~~  
2 ~~sheriff to carry a concealed weapon pursuant to section 11 441.~~

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

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

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

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

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

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

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

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

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

1 ~~H.~~ F. Subsection A, paragraph 10 of this section shall not apply to  
2 shooting ranges or shooting events, hunting areas or similar locations or  
3 activities.

4 ~~I.~~ G. Subsection A, paragraph 3 of this section shall not apply to a  
5 weapon described in section 13-3101, subsection A, paragraph 8, subdivision  
6 (a), item (v), if such weapon is possessed for the purposes of preparing for,  
7 conducting or participating in lawful exhibitions, demonstrations, contests  
8 or athletic events involving the use of such weapon. Subsection A, paragraph  
9 ~~12~~ 10 of this section shall not apply to a weapon if such weapon is possessed  
10 for the purposes of preparing for, conducting or participating in hunter or  
11 firearm safety courses.

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

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

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

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

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

32 J. IF A LAW ENFORCEMENT OFFICER CONTACTS A PERSON WHO IS IN POSSESSION  
33 OF A FIREARM, THE LAW ENFORCEMENT OFFICER MAY TAKE TEMPORARY CUSTODY OF THE  
34 FIREARM FOR THE DURATION OF THAT CONTACT.

35 ~~L.~~ K. Misconduct involving weapons under subsection A, paragraph 15  
36 of this section is a class 2 felony. Misconduct involving weapons under  
37 subsection A, paragraph 9 or 14 of this section is a class 3 felony.  
38 Misconduct involving weapons under subsection A, paragraph 3, 4, 8 or 13 of  
39 this section is a class 4 felony. Misconduct involving weapons under  
40 subsection A, paragraph 12 of this section is a class 1 misdemeanor unless  
41 the violation occurs in connection with conduct that violates section  
42 13-2308, subsection A, paragraph 5, section 13-2312, subsection C, section  
43 13-3409 or section 13-3411, in which case the offense is a class 6 felony.  
44 Misconduct involving weapons under SUBSECTION A, PARAGRAPH 1, SUBDIVISION (a)  
45 OF THIS SECTION OR subsection A, paragraph 5, 6 or 7 of this section is a

1 class 6 felony. Misconduct involving weapons under subsection A, paragraph  
2 1, ~~2~~, SUBDIVISION (b) OF THIS SECTION OR SUBSECTION A, PARAGRAPH 10 or 11 of  
3 this section is a class 1 misdemeanor. MISCONDUCT INVOLVING WEAPONS UNDER  
4 SUBSECTION A, PARAGRAPH 2 OF THIS SECTION IS A CLASS 3 MISDEMEANOR.

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

6 1. "CONTACTED BY A LAW ENFORCEMENT OFFICER" MEANS A LAWFUL TRAFFIC OR  
7 CRIMINAL INVESTIGATION, ARREST OR DETENTION OR AN INVESTIGATORY STOP BY A LAW  
8 ENFORCEMENT OFFICER THAT IS BASED ON REASONABLE SUSPICION THAT AN OFFENSE HAS  
9 BEEN OR IS ABOUT TO BE COMMITTED.

10 ~~1.~~ 2. "Public establishment" means a structure, vehicle or craft that  
11 is owned, leased or operated by this state or a political subdivision of this  
12 state.

13 ~~2.~~ 3. "Public event" means a specifically named or sponsored event of  
14 limited duration that is either conducted by a public entity or conducted by  
15 a private entity with a permit or license granted by a public entity. Public  
16 event does not include an unsponsored gathering of people in a public place.

17 ~~3.~~ 4. "School" means a public or nonpublic kindergarten program,  
18 common school or high school.

19 ~~4.~~ 5. "School grounds" means in, or on the grounds of, a school.

20 Sec. 3. Section 13-3105, Arizona Revised Statutes, is amended to read:

21 13-3105. Forfeiture of weapons and explosives

22 A. ~~Upon~~ ON the conviction of any person for ~~the~~ A violation of any  
23 felony in this state in which a deadly weapon, dangerous instrument or  
24 explosive was used, displayed or unlawfully possessed by ~~such~~ THE person, the  
25 court shall order the article forfeited and sold, ~~TO ANY BUSINESS THAT IS~~  
26 ~~AUTHORIZED TO RECEIVE AND DISPOSE OF THE ARTICLE UNDER FEDERAL, STATE AND~~  
27 ~~LOCAL LAW AND THAT SHALL SELL THE ARTICLE TO THE PUBLIC ACCORDING TO FEDERAL,~~  
28 ~~STATE AND LOCAL LAW, UNLESS THE ARTICLE IS OTHERWISE PROHIBITED FROM BEING~~  
29 ~~SOLD UNDER FEDERAL, STATE OR LOCAL LAW, IN WHICH CASE IT SHALL BE~~ destroyed  
30 or otherwise properly disposed.

31 B. ~~Upon~~ ON the conviction of any person for ~~the~~ A violation of section  
32 13-2904, subsection A, paragraph 6 or section 13-3102, subsection A,  
33 paragraph 1, ~~2~~, OR 8 ~~or 10~~, the court may order the forfeiture of the deadly  
34 weapon or dangerous instrument involved in the offense.

35 C. If at any time the court finds pursuant to rule 11 of the Arizona  
36 rules of criminal procedure that a person who is charged with a violation of  
37 this title is incompetent, the court shall order that any deadly weapon,  
38 dangerous instrument or explosive used, displayed or unlawfully possessed by  
39 the person during the commission of the alleged offense be forfeited and  
40 sold, ~~TO ANY BUSINESS THAT IS AUTHORIZED TO RECEIVE AND DISPOSE OF THE~~  
41 ~~ARTICLE UNDER FEDERAL, STATE AND LOCAL LAW AND THAT SHALL SELL THE ARTICLE TO~~  
42 ~~THE PUBLIC ACCORDING TO FEDERAL, STATE AND LOCAL LAW, UNLESS THE ARTICLE IS~~  
43 ~~OTHERWISE PROHIBITED FROM BEING SOLD UNDER FEDERAL, STATE OR LOCAL LAW, IN~~  
44 ~~WHICH CASE IT SHALL BE~~ destroyed or otherwise properly disposed.



1 OFFICER MAY TAKE TEMPORARY CUSTODY OF A FIREARM DURING AN INVESTIGATORY STOP  
2 OF THE PERMITTEE.

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

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

14 ~~6. Has ever satisfactorily completed a firearms safety training  
15 program authorized by the department of public safety pursuant to subsection  
16 0 of this section and provides adequate documentation that the authorized  
17 training program was satisfactorily completed. For the purposes of this  
18 paragraph, "adequate documentation" means a certificate, card or document of  
19 completion from a firearms safety training program authorized pursuant to  
20 subsection 0 of this section, dated not more than five years earlier than the  
21 date of application, that has affixed to it the stamp, signature or seal of  
22 the instructor or organization that conducted the program, or a current or  
23 expired permit issued by the department of public safety pursuant to this  
24 section. This paragraph does not apply to:~~

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

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

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

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

36 6. HAS EVER SATISFACTORILY COMPLETED A FIREARMS SAFETY TRAINING  
37 PROGRAM AUTHORIZED BY THE DEPARTMENT OF PUBLIC SAFETY PURSUANT TO SUBSECTION  
38 N, PARAGRAPH 1 OF THIS SECTION OR HAS EVER DEMONSTRATED COMPETENCE WITH A  
39 FIREARM AS PRESCRIBED BY SUBSECTION N, PARAGRAPH 2, 3, 4, 5, 6, 7, 8 OR 9 OF  
40 THIS SECTION AND PROVIDES ADEQUATE DOCUMENTATION THAT THE PERSON HAS  
41 SATISFACTORILY COMPLETED A TRAINING PROGRAM OR DEMONSTRATED COMPETENCE WITH A  
42 FIREARM IN ANY STATE OR POLITICAL SUBDIVISION IN THE UNITED STATES. FOR THE  
43 PURPOSES OF THIS PARAGRAPH, "ADEQUATE DOCUMENTATION" MEANS:

44 (a) A CERTIFICATE, CARD OR DOCUMENT OF COMPLETION FROM A FIREARMS  
45 SAFETY TRAINING PROGRAM AUTHORIZED PURSUANT TO SUBSECTION N, PARAGRAPH 1 OF

1 THIS SECTION, DATED NOT MORE THAN FIVE YEARS EARLIER THAN THE DATE OF  
2 APPLICATION, THAT HAS AFFIXED TO IT THE STAMP, SIGNATURE OR SEAL OF THE  
3 INSTRUCTOR OR ORGANIZATION THAT CONDUCTED THE PROGRAM, OR A CURRENT OR  
4 EXPIRED PERMIT ISSUED BY THE DEPARTMENT OF PUBLIC SAFETY PURSUANT TO THIS  
5 SECTION.

6 (b) AN ORIGINAL OR COPY OF A CERTIFICATE, CARD OR DOCUMENT THAT SHOWS  
7 THE APPLICANT HAS COMPLETED ANY COURSE OR CLASS PRESCRIBED BY SUBSECTION N,  
8 PARAGRAPH 2, 3, 4, 5, 8 OR 9 OF THIS SECTION OR AN AFFIDAVIT FROM THE  
9 INSTRUCTOR, SCHOOL, CLUB OR ORGANIZATION THAT CONDUCTED OR TAUGHT THE COURSE  
10 OR CLASS ATTESTING TO THE APPLICANT'S COMPLETION OF THE COURSE OR CLASS.

11 (c) AN ORIGINAL OR A COPY OF A UNITED STATES DEPARTMENT OF DEFENSE  
12 FORM 214 (DD-214) INDICATING AN HONORABLE DISCHARGE OR GENERAL DISCHARGE  
13 UNDER HONORABLE CONDITIONS, A CERTIFICATE OF COMPLETION OF BASIC TRAINING OR  
14 ANY OTHER DOCUMENT DEMONSTRATING PROOF OF THE APPLICANT'S CURRENT OR FORMER  
15 SERVICE IN THE UNITED STATES ARMED FORCES AS PRESCRIBED BY SUBSECTION N,  
16 PARAGRAPH 6 OF THIS SECTION.

17 (d) AN ORIGINAL OR A COPY OF A CONCEALED WEAPON, FIREARM OR HANDGUN  
18 PERMIT OR A LICENSE AS PRESCRIBED BY SUBSECTION N, PARAGRAPH 7 OF THIS  
19 SECTION.

20 F. The application shall be completed on a form prescribed by the  
21 department of public safety. The form shall not require the applicant to  
22 disclose the type of firearm for which a permit is sought. The applicant  
23 shall attest under penalty of perjury that all of the statements made by the  
24 applicant are true, THAT THE APPLICANT HAS BEEN FURNISHED A COPY OF CHAPTERS  
25 4 AND 31 OF THIS TITLE AND THAT THE APPLICANT IS KNOWLEDGEABLE ABOUT THE  
26 PROVISIONS CONTAINED IN THOSE CHAPTERS. The applicant shall submit the  
27 application to the department with ~~a certificate of completion from an~~  
28 ~~authorized firearms safety training program,~~ ANY DOCUMENTATION PRESCRIBED BY  
29 SUBSECTION E OF THIS SECTION, two sets of fingerprints and a reasonable fee  
30 determined by the director of the department.

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

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

1 documentation, the department shall reconsider its decision and inform the  
2 applicant within twenty days of the result of the reconsideration. If  
3 denied, the applicant shall be informed that the applicant may request a  
4 hearing pursuant to title 41, chapter 6, article 10. FOR THE PURPOSES OF  
5 THIS SUBSECTION, "RECEIPT OF THE APPLICATION" MEANS THE FIRST DAY THAT THE  
6 DEPARTMENT HAS PHYSICAL CONTROL OF THE APPLICATION AND THAT IS PRESUMED TO BE  
7 ON THE DATE OF DELIVERY AS EVIDENCED BY PROOF OF DELIVERY BY THE UNITED  
8 STATES POSTAL SERVICE OR A WRITTEN RECEIPT, WHICH SHALL BE PROVIDED BY THE  
9 DEPARTMENT ON REQUEST OF THE APPLICANT.

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

16 J. The department of public safety shall maintain a computerized  
17 permit record system that is accessible to criminal justice agencies for the  
18 purpose of confirming the permit status of any person who IS CONTACTED BY A  
19 LAW ENFORCEMENT OFFICER AND WHO claims to hold a valid permit issued by this  
20 state. This information and any other records that are maintained regarding  
21 applicants, permit holders or instructors shall not be available to any other  
22 person or entity except on an order from a state or federal court. A  
23 CRIMINAL JUSTICE AGENCY OR OTHER ENTITY SHALL NOT USE THE COMPUTERIZED PERMIT  
24 RECORD SYSTEM TO CONDUCT INQUIRIES ON WHETHER A PERSON IS A CONCEALED WEAPONS  
25 PERMIT HOLDER UNLESS THE CRIMINAL JUSTICE AGENCY OR OTHER ENTITY HAS  
26 REASONABLE SUSPICION TO BELIEVE THE PERSON IS CARRYING A CONCEALED WEAPON AND  
27 THE PERSON IS SUBJECT TO A LAWFUL CRIMINAL INVESTIGATION, ARREST, DETENTION  
28 OR AN INVESTIGATORY STOP.

29 ~~K. Notwithstanding subsection J of this section, it is a defense to~~  
30 ~~any charge for carrying a deadly weapon without a permit by a member of the~~  
31 ~~United States armed forces, including a member of the Arizona national guard~~  
32 ~~or a member of the reserves of any military establishment of the United~~  
33 ~~States, if the member was on federal active duty at the time the permit~~  
34 ~~expired and the member presents documentation indicating release from active~~  
35 ~~duty or reassignment from overseas deployment within the preceding ninety~~  
36 ~~days.~~

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

42 ~~M.~~ L. Applications for renewal shall be accompanied by a fee  
43 determined by the director of the department of public safety.

44 ~~N.~~ M. The department of public safety shall suspend or revoke a  
45 permit issued under this section if the permit holder becomes ineligible

1 pursuant to subsection E of this section. The department of public safety  
2 shall notify the permit holder in writing within fifteen working days after  
3 the revocation or suspension and shall state the reasons for the revocation  
4 or suspension.

5 ~~0. An organization shall apply to the department of public safety for~~  
6 ~~authorization to provide firearms safety training. The department shall~~  
7 ~~authorize an organization to provide firearms safety training if the training~~  
8 ~~meets the following requirements:~~

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

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

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

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

14 ~~(b) Weapon care and maintenance.~~

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

16 ~~(d) Safe handling and storage of weapons.~~

17 ~~(e) Marksmanship.~~

18 ~~(f) Judgmental shooting.~~

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

24 N. AN APPLICANT SHALL DEMONSTRATE COMPETENCE WITH A FIREARM THROUGH  
25 ANY OF THE FOLLOWING:

26 1. COMPLETION OF ANY FIREARMS TRAINING PROGRAM THAT IS APPROVED BY THE  
27 DEPARTMENT OF PUBLIC SAFETY AND THAT IS CONDUCTED BY INSTRUCTORS WHO ARE  
28 AUTHORIZED BY THE DEPARTMENT OF PUBLIC SAFETY OR WHO POSSESS CURRENT NATIONAL  
29 RIFLE ASSOCIATION INSTRUCTOR CERTIFICATIONS IN PISTOL AND PERSONAL PROTECTION  
30 AND WHO SUBMIT TO A BACKGROUND INVESTIGATION, INCLUDING A CHECK FOR WARRANTS  
31 AND A CRIMINAL HISTORY RECORDS CHECK.

32 2. COMPLETION OF ANY FIREARMS SAFETY OR TRAINING COURSE OR CLASS THAT  
33 IS AVAILABLE TO THE GENERAL PUBLIC, THAT IS OFFERED BY A LAW ENFORCEMENT  
34 AGENCY, A JUNIOR COLLEGE, A COLLEGE OR A PRIVATE OR PUBLIC INSTITUTION,  
35 ACADEMY, ORGANIZATION OR FIREARMS TRAINING SCHOOL AND THAT IS APPROVED BY THE  
36 DEPARTMENT OF PUBLIC SAFETY.

37 3. COMPLETION OF ANY HUNTER EDUCATION OR HUNTER SAFETY COURSE APPROVED  
38 BY THE ARIZONA GAME AND FISH DEPARTMENT OR A SIMILAR AGENCY OF ANOTHER STATE.

39 4. COMPLETION OF ANY NATIONAL RIFLE ASSOCIATION FIREARMS SAFETY OR  
40 TRAINING COURSE.

41 5. COMPLETION OF ANY LAW ENFORCEMENT FIREARMS SAFETY OR TRAINING  
42 COURSE OR CLASS THAT IS OFFERED FOR SECURITY GUARDS, INVESTIGATORS, SPECIAL  
43 DEPUTIES OR OTHER DIVISIONS OR SUBDIVISIONS OF LAW ENFORCEMENT OR SECURITY  
44 ENFORCEMENT AND THAT IS APPROVED BY THE DEPARTMENT OF PUBLIC SAFETY.

1           6. EVIDENCE OF CURRENT MILITARY SERVICE OR PROOF OF HONORABLE  
2 DISCHARGE OR GENERAL DISCHARGE UNDER HONORABLE CONDITIONS FROM THE UNITED  
3 STATES ARMED FORCES.

4           7. A VALID CURRENT OR EXPIRED CONCEALED WEAPON, FIREARM OR HANDGUN  
5 PERMIT OR LICENSE THAT IS ISSUED BY ANOTHER STATE OR A POLITICAL SUBDIVISION  
6 OF ANOTHER STATE AND THAT HAS A TRAINING OR TESTING REQUIREMENT FOR INITIAL  
7 ISSUANCE.

8           8. COMPLETION OF ANY GOVERNMENTAL POLICE AGENCY FIREARMS TRAINING  
9 COURSE AND QUALIFICATION TO CARRY A FIREARM IN THE COURSE OF NORMAL POLICE  
10 DUTIES.

11           9. COMPLETION OF ANY OTHER FIREARMS TRAINING THAT THE DEPARTMENT OF  
12 PUBLIC SAFETY DEEMS ACCEPTABLE.

13           ~~P.~~ O. If authorized pursuant to subsection ~~0~~ N, PARAGRAPH 1 of this  
14 section, the organization on behalf of each of its instructors shall submit  
15 to the department of public safety two sets of fingerprints and a fee to be  
16 determined by the director of the department of public safety. On receipt of  
17 the fingerprints and fee, the department of public safety shall conduct a  
18 check of each instructor's criminal history record pursuant to section  
19 41-1750. The department of public safety may exchange this fingerprint card  
20 information with the federal bureau of investigation for federal criminal  
21 history record checks.

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

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

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

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

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

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

42           ~~(a) Not a resident of this state.~~

43           ~~(b)~~ (a) Legally present in this state.

44           ~~(c)~~ (b) Not legally prohibited from possessing a firearm in this  
45 state.

1           ~~V.~~ U. For the purpose of establishing mutual permit or license  
2 recognition with other states, the department of public safety shall enter  
3 into a written agreement if another state requires a written agreement.  
4           ~~W.~~ V. Notwithstanding the provisions of this section, a person with a  
5 concealed weapons permit from another state may not carry a concealed weapon  
6 in this state if the person is under twenty-one years of age or is under  
7 indictment for, or has been convicted of, a felony offense in any  
8 jurisdiction, unless ~~the person's rights have been restored and the~~ THAT  
9 conviction is expunged, set aside or vacated OR THE PERSON'S RIGHTS HAVE BEEN  
10 RESTORED and the ~~applicant~~ PERSON is currently not a prohibited possessor  
11 under state or federal law.  
12           ~~X.~~ W. The department of public safety may issue certificates of  
13 firearms proficiency according to the Arizona peace officer standards and  
14 training board firearms qualification for the purposes of implementing the  
15 law enforcement officers safety act of 2004 (P.L. 108-277; 118 Stat. 865; 18  
16 United States Code sections 926B and 926C). A law enforcement agency shall  
17 issue to a law enforcement officer who has honorably retired a photographic  
18 identification that states that the officer has honorably retired from the  
19 agency. The chief law enforcement officer shall determine whether an officer  
20 has honorably retired and the determination is not subject to review. A law  
21 enforcement agency has no obligation to revoke, alter or modify the honorable  
22 discharge photographic identification based on conduct that the agency  
23 becomes aware of or that occurs after the officer has separated from the  
24 agency.