

REFERENCE TITLE: firearms; regulation; state preemption

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

SB 1168

Introduced by
Senators Pearce R, Gould; Representatives Antenori, Gowan, Montenegro,
Murphy, Seel, Stevens; Senators Alvarez, Huppenthal, Nelson, Verschoor;
Representatives Burges, Crump, Kavanagh, Weiers JP

AN ACT

AMENDING SECTION 13-3108, ARIZONA REVISED STATUTES; RELATING TO FIREARMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-3108, Arizona Revised Statutes, is amended to
3 read:

4 13-3108. Firearms regulated by state: state preemption:
5 violation: classification

6 A. Except as provided in subsection ~~E~~ D of this section, a political
7 subdivision of this state shall not enact any ordinance, rule or tax relating
8 to the transportation, possession, carrying, sale, transfer, PURCHASE,
9 ACQUISITION, GIFT, DEVISE, STORAGE, LICENSING, REGISTRATION or use of
10 firearms or ammunition or any firearm or ammunition components, INCLUDING
11 RELOADER COMPONENTS, in this state.

12 B. A political subdivision of this state shall not require the
13 licensing or registration of firearms or ammunition or any firearm or
14 ammunition components, INCLUDING RELOADER COMPONENTS, or prohibit the
15 ownership, purchase, sale or transfer of firearms or ammunition or any
16 firearm or ammunition components, INCLUDING RELOADER COMPONENTS.

17 C. EXCEPT AS PROVIDED IN SUBSECTION D OF THIS SECTION, A POLITICAL
18 SUBDIVISION OF THIS STATE MAY ENACT A RULE OR ORDINANCE THAT RELATES TO
19 FIREARMS IF IT IS SPECIFICALLY AUTHORIZED BY STATE LAW AND IS CONSISTENT WITH
20 THIS CHAPTER. A POLITICAL SUBDIVISION OF THIS STATE SHALL NOT ENACT ANY RULE
21 OR ORDINANCE THAT RELATES TO FIREARMS AND THAT HAS A PENALTY THAT IS GREATER
22 THAN ANY STATE LAW PENALTY. A POLITICAL SUBDIVISION'S RULE OR ORDINANCE THAT
23 RELATES TO FIREARMS AND THAT IS INCONSISTENT WITH OR MORE RESTRICTIVE THAN
24 STATE LAW IS NULL AND VOID.

25 ~~E~~ D. This section does not prohibit a political subdivision of this
26 state from enacting and enforcing any ordinance or rule pursuant to state
27 law, to implement or enforce state law or relating to any of the following:

28 1. Imposing any privilege or use tax on the retail sale, lease or
29 rental of, or the gross proceeds or gross income from the sale, lease or
30 rental of, firearms or ammunition or any firearm or ammunition components at
31 a rate that applies generally to other items of tangible personal property.

32 2. Prohibiting a minor who is unaccompanied by a parent, grandparent
33 or guardian or a certified hunter safety instructor or certified firearms
34 safety instructor acting with the consent of the minor's parent, grandparent
35 or guardian from knowingly possessing or carrying on the minor's person,
36 within the minor's immediate control or in or on a means of transportation a
37 firearm in any place that is open to the public or on any street or highway
38 or on any private property except private property that is owned or leased by
39 the minor or the minor's parent, grandparent or guardian. Any ordinance or
40 rule that is adopted pursuant to this paragraph shall not apply to a minor
41 who is fourteen, fifteen, sixteen or seventeen years of age and who is
42 engaged in any of the following:

43 (a) Lawful hunting or shooting events or marksmanship practice at
44 established ranges or other areas where the discharge of a firearm is not
45 prohibited.

(b) Lawful transportation of an unloaded firearm for the purpose of lawful hunting.

(c) Lawful transportation of an unloaded firearm ~~between the hours of 5:00 a.m. and 10:00 p.m.~~ for the purpose of ATTENDING shooting events or marksmanship practice at established ranges or other areas where the discharge of a firearm is not prohibited.

(d) Any activity that is related to the production of crops, livestock, poultry, livestock products, poultry products or ratites or storage of agricultural commodities.

3. The use of land and structures, including a business relating to firearms or ammunition or their components or a shooting range in the same manner as other commercial businesses. Notwithstanding any other law, this paragraph does not authorize a political subdivision to regulate the sale or transfer of firearms on property it owns, leases, operates or controls in a manner that is different than or inconsistent with state law. For the purposes of this paragraph, a use permit or other contract that provides for the use of property owned, leased, operated or controlled by a political subdivision shall not be considered a sale, conveyance or disposition of property.

4. Regulating employees or independent contractors of the political subdivision who are acting within the course and scope of their employment or contract.

~~5. Limiting firearms possession in parks or preserves of one square mile or less in area to persons who possess a concealed weapons permit issued pursuant to section 13-3112. The political subdivision shall post reasonable notice at each park or preserve. The notice shall state the following: "Carrying a firearm in this park is limited to persons who possess a permit issued pursuant to section 13-3112." In parks or preserves that are more than one square mile in area, a political subdivision may designate developed or improved areas in which the political subdivision may limit firearms possession to persons who possess a concealed weapons permit issued pursuant to section 13-3112. The political subdivision shall post reasonable notice at each designated developed or improved area. The notice shall state the following: "Carrying a firearm in this developed or improved area is limited to persons with a permit issued pursuant to section 13-3112." For the purposes of this paragraph, "developed or improved area" means an area of property developed for public recreation or family activity, including picnic areas, concessions, playgrounds, amphitheaters, racquet courts, swimming areas, golf courses, zoos, horseback riding facilities and boat landing and docking facilities. Developed or improved area does not include campgrounds, trails, paths or roadways except trails, paths and roadways directly associated with and adjacent to designated developed or improved areas. Any notice that is required by this paragraph shall be conspicuously posted at all public entrances and at intervals of one-fourth mile or less where the park, preserve or developed or improved area has an open perimeter. Any~~

~~limitation imposed by a political subdivision pursuant to this paragraph shall not apply to a person:~~

~~(a) Engaged in a permitted firearms or hunter safety course conducted in a park by a certified hunter safety instructor or certified firearms safety instructor.~~

~~(b) At a properly supervised range, as defined in section 13-3107, at a permitted shooting event, at a permitted firearms show or in a permitted hunting area.~~

~~(c) Legally transporting, carrying, storing or possessing a firearm in a vehicle.~~

~~(d) Going directly to or from an area where the person is lawfully engaged in hunting, marksmanship practice or recreational shooting.~~

~~(e) Traversing a trailhead area in order to gain access to areas where the possession of firearms is not limited.~~

~~(f) Using trails, paths or roadways to go directly to or from an area where the possession of firearms is not limited and where no reasonable alternate means of access is available.~~

~~6.~~ 5. Limiting or prohibiting the discharge of firearms in parks and preserves except:

(a) As allowed pursuant to chapter 4 of this title.

(b) On a properly supervised range as defined in section 13-3107.

(c) In an area recommended **AND DEEMED SAFE** as a hunting area by the Arizona game and fish department ~~and approved and posted as required by the political subdivision's chief law enforcement officer~~. Any such area may be closed when deemed unsafe by the ~~political subdivision's chief law enforcement officer or the~~ director of the Arizona game and fish department.

(d) To control nuisance wildlife by permit from the Arizona game and fish department or the United States fish and wildlife service.

(e) By special permit of the chief law enforcement officer of the political subdivision.

(f) As required by an animal control officer in performing duties specified in section 9-499.04 and title 11, chapter 7, article 6.

(g) In self-defense or defense of another person against an animal attack if a reasonable person would believe that deadly physical force against the animal is immediately necessary and reasonable under the circumstances to protect oneself or the other person.

~~D.~~ E. A violation of any ordinance established pursuant to subsection ~~C~~ D, paragraph ~~6~~ 5 of this section is a class 2 misdemeanor unless the political subdivision designates a lesser classification by ordinance.