

REFERENCE TITLE: **firearms omnibus.**

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

HB 2614

Introduced by
Representatives Stevens, Gowan, Montenegro: Vogt

AN ACT

AMENDING SECTIONS 12-714 AND 13-3102, ARIZONA REVISED STATUTES; REPEALING SECTION 13-3102.01, ARIZONA REVISED STATUTES; AMENDING SECTIONS 13-3105, 13-3107 AND 13-3108, ARIZONA REVISED STATUTES; REPEALING SECTION 13-3118, ARIZONA REVISED STATUTES; AMENDING SECTIONS 13-4903, 13-4904 AND 15-515, 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 12-714, Arizona Revised Statutes, is amended to
3 read:

4 12-714. Actions against firearm manufacturers; prohibition;
5 findings; definitions

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

8 B. The legislature finds that:

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

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

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

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

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

27 C. As used in this section:

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

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

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

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

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

1 3. "Qualified product" means a nondefective firearm as defined in 18
2 United States Code section 921(a)(3) or nondefective ammunition as defined in
3 18 United States Code section 921(a)(17), or a component part of a firearm or
4 ammunition, that has been shipped or transported in interstate or foreign
5 commerce.

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

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

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

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

16 Sec. 2. Section 13-3102, Arizona Revised Statutes, is amended to read:
17 13-3102. Misconduct involving weapons; defenses;
18 classification; definitions

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

20 1. Carrying a deadly weapon except a pocket knife concealed on his
21 person or within his immediate control in or on a means of transportation:

22 (a) In the furtherance of a serious offense as defined in section
23 13-706, a violent crime as defined in section 13-901.03 or any other felony
24 offense; or

25 (b) When contacted by a law enforcement officer and failing to
26 ~~accurately~~ TRUTHFULLY answer the officer if the officer asks whether the
27 person is carrying a concealed deadly weapon; or

28 2. Carrying a deadly weapon except a pocket knife concealed on his
29 person or concealed within his immediate control in or on a means of
30 transportation if the person is under twenty-one years of age; or

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

36 4. Possessing a deadly weapon or prohibited weapon if such person is a
37 prohibited possessor; or

38 5. Selling or transferring a deadly weapon to a prohibited possessor;
39 or

40 6. Defacing a deadly weapon; or

41 7. Possessing a defaced deadly weapon knowing the deadly weapon was
42 defaced; or

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

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

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

11 ~~11.~~ 10. Unless specifically authorized by law, entering an election
12 polling place on the day of any election carrying a deadly weapon; or

13 ~~12.~~ 11. Possessing a deadly weapon on school grounds; or

14 ~~13.~~ 12. Unless specifically authorized by law, entering a nuclear or
15 hydroelectric generating station carrying a deadly weapon on his person or
16 within the immediate control of any person; or

17 ~~14.~~ 13. Supplying, selling or giving possession or control of a
18 firearm to another person if the person knows or has reason to know that the
19 other person would use the firearm in the commission of any felony; or

20 ~~15.~~ 14. Using, possessing or exercising control over a deadly weapon
21 in furtherance of any act of terrorism as defined in section 13-2301 or
22 possessing or exercising control over a deadly weapon knowing or having
23 reason to know that it will be used to facilitate any act of terrorism as
24 defined in section 13-2301.

25 B. Subsection A, paragraph 2 of this section shall not apply to:

26 1. A person in his dwelling, on his business premises or on real
27 property owned or leased by that person or that person's parent, grandparent
28 or legal guardian.

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

33 3. A firearm that is carried in:

34 (a) A manner where any portion of the firearm or holster in which the
35 firearm is carried is visible.

36 (b) A holster that is wholly or partially visible.

37 (c) A scabbard or case designed for carrying weapons that is wholly or
38 partially visible.

39 (d) Luggage.

40 (e) A case, holster, scabbard, pack or luggage that is carried within
41 a means of transportation or within a storage compartment, map pocket, trunk
42 or glove compartment of a means of transportation.

43 C. Subsection A, paragraphs 2, 3, 7, 10, 11, ~~AND 12 and 13~~ of this
44 section shall not apply to:

1 1. A peace officer or any person summoned by any peace officer to
2 assist and while actually assisting in the performance of official duties; or
3 2. A member of the military forces of the United States or of any
4 state of the United States in the performance of official duties; or
5 3. A warden, deputy warden, community correctional officer, detention
6 officer, special investigator or correctional officer of the state department
7 of corrections or the department of juvenile corrections; or
8 4. A person specifically licensed, authorized or permitted pursuant to
9 a statute of this state or of the United States.
10 D. Subsection A, paragraphs 3 and 7 of this section shall not apply
11 to:
12 1. The possessing, transporting, selling or transferring of weapons by
13 a museum as a part of its collection or an educational institution for
14 educational purposes or by an authorized employee of such museum or
15 institution, if:
16 (a) Such museum or institution is operated by the United States or
17 this state or a political subdivision of this state, or by an organization
18 described in 26 United States Code section 170(c) as a recipient of a
19 charitable contribution; and
20 (b) Reasonable precautions are taken with respect to theft or misuse
21 of such material.
22 2. The regular and lawful transporting as merchandise; or
23 3. Acquisition by a person by operation of law such as by gift, devise
24 or descent or in a fiduciary capacity as a recipient of the property or
25 former property of an insolvent, incapacitated or deceased person.
26 E. Subsection A, paragraph 3 of this section shall not apply to the
27 merchandise of an authorized manufacturer of or dealer in prohibited weapons,
28 when such material is intended to be manufactured, possessed, transported,
29 sold or transferred solely for or to a dealer, a regularly constituted or
30 appointed state, county or municipal police department or police officer, a
31 detention facility, the military service of this or another state or the
32 United States, a museum or educational institution or a person specifically
33 licensed or permitted pursuant to federal or state law.
34 ~~F. Subsection A, paragraph 10 of this section shall not apply to~~
35 ~~shooting ranges or shooting events, hunting areas or similar locations or~~
36 ~~activities.~~
37 ~~G.~~ F. Subsection A, paragraph 3 of this section shall not apply to a
38 weapon described in section 13-3101, subsection A, paragraph 8, subdivision
39 (a), item (v), if such weapon is possessed for the purposes of preparing for,
40 conducting or participating in lawful exhibitions, demonstrations, contests
41 or athletic events involving the use of such weapon. Subsection A, paragraph
42 ~~10~~ 11 of this section shall not apply to a weapon if such weapon is possessed
43 for the purposes of preparing for, conducting or participating in hunter or
44 firearm safety courses.

1 ~~H.~~ G. Subsection A, paragraph ~~12~~ 11 of this section shall not apply
2 to the possession of a:

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

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

10 3. Firearm by a person who possesses a certificate of firearms
11 proficiency pursuant to section 13-3112, subsection W and who is authorized
12 to carry a concealed firearm pursuant to the law enforcement officers safety
13 act of 2004 (P.L. 108-277; 118 Stat. 865; 18 United States Code sections 926B
14 and 926C).

15 ~~I. The operator of the establishment or the sponsor of the event or
16 the employee of the operator or sponsor or the agent of the sponsor,
17 including a public entity or public employee, is not liable for acts or
18 omissions pursuant to subsection A, paragraph 10 of this section unless the
19 operator, sponsor, employee or agent intended to cause injury or was grossly
20 negligent.~~

21 ~~J.~~ H. If a law enforcement officer contacts a person who is in
22 possession of a firearm, the law enforcement officer may take temporary
23 custody of the firearm for the duration of that contact.

24 ~~K.~~ I. Misconduct involving weapons under subsection A, paragraph ~~15~~
25 14 of this section is a class 2 felony. Misconduct involving weapons under
26 subsection A, paragraph 9 or ~~14~~ 13 of this section is a class 3 felony.
27 Misconduct involving weapons under subsection A, paragraph 3, 4, 8 or ~~13~~ 12
28 of this section is a class 4 felony. Misconduct involving weapons under
29 subsection A, paragraph ~~12~~ 11 of this section is a class 1 misdemeanor unless
30 the violation occurs in connection with conduct that violates section
31 13-2308, subsection A, paragraph 5, section 13-2312, subsection C, section
32 13-3409 or section 13-3411, in which case the offense is a class 6 felony.
33 Misconduct involving weapons under subsection A, paragraph 1, subdivision (a)
34 of this section or subsection A, paragraph 5, 6 or 7 of this section is a
35 class 6 felony. Misconduct involving weapons under subsection A, paragraph
36 1, subdivision (b) of this section or subsection A, paragraph 10 ~~or 11~~ of
37 this section is a class 1 misdemeanor. Misconduct involving weapons under
38 subsection A, paragraph 2 of this section is a class 3 misdemeanor.

39 ~~L.~~ J. For the purposes of this section:

40 1. "Contacted by a law enforcement officer" means a lawful traffic or
41 criminal investigation, arrest or detention or an investigatory stop by a law
42 enforcement officer that is based on reasonable suspicion that an offense has
43 been or is about to be committed.

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

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

8 ~~4.~~ 2. "School" means a public or nonpublic kindergarten program,
9 common school or high school.

10 ~~5.~~ 3. "School grounds" means in, or on the grounds of, a school.

11 Sec. 3. Repeal

12 Section 13-3102.01, Arizona Revised Statutes, is repealed.

13 Sec. 4. Section 13-3105, Arizona Revised Statutes, is amended to read:

14 13-3105. Forfeiture of weapons and explosives

15 A. On the conviction of any person for a violation of any felony in
16 this state in which a deadly weapon, dangerous instrument or explosive was
17 used, displayed or unlawfully possessed by the person, the court shall order
18 the article forfeited and sold to any business that is authorized to receive
19 and dispose of the article under federal, ~~AND~~ state ~~and local~~ law and that
20 shall sell the article to the public according to federal, ~~AND~~ state ~~and~~
21 ~~local~~ law, unless the article is otherwise prohibited from being sold under
22 federal, ~~OR~~ state ~~or local~~ law, in which case it shall be destroyed or
23 otherwise properly disposed.

24 B. On the conviction of any person for a violation of section 13-2904,
25 subsection A, paragraph 6 or section 13-3102, subsection A, paragraph 1 or
26 8, the court may order the forfeiture of the deadly weapon or dangerous
27 instrument involved in the offense.

28 C. If at any time the court finds pursuant to rule 11 of the Arizona
29 rules of criminal procedure that a person who is charged with a violation of
30 this title is incompetent, the court shall order that any deadly weapon,
31 dangerous instrument or explosive used, displayed or unlawfully possessed by
32 the person during the commission of the alleged offense be forfeited and sold
33 to any business that is authorized to receive and dispose of the article
34 under federal, ~~AND~~ state ~~and local~~ law and that shall sell the article to
35 the public according to federal, ~~AND~~ state ~~and local~~ law, unless the article
36 is otherwise prohibited from being sold under federal, ~~OR~~ state ~~or local~~
37 law, in which case it shall be destroyed or otherwise properly disposed.

38 Sec. 5. Section 13-3107, Arizona Revised Statutes, is amended to read:

39 13-3107. Unlawful discharge of firearms; exceptions;
40 classification; definitions

41 A. A person who ~~with criminal negligence~~ KNOWINGLY discharges a
42 firearm within or into the limits of any municipality is guilty of a class 6
43 felony.

1 B. Notwithstanding the fact that the offense involves the discharge of
2 a deadly weapon, unless a dangerous offense is alleged and proven pursuant to
3 section 13-704, subsection L, section 13-604 applies to this offense.

4 C. This section does not apply if the firearm is discharged:

5 1. As allowed pursuant to chapter 4 of this title.

6 2. On a properly supervised range.

7 3. In an area recommended as a hunting area by the Arizona game and
8 fish department, ~~approved and posted as required by the chief of police,~~ but
9 any such area may be closed when deemed unsafe by the ~~chief of police or the~~
10 director of the Arizona game and fish department.

11 4. For the control of nuisance wildlife by permit from the Arizona
12 game and fish department or the United States fish and wildlife service.

13 5. By special permit of the chief of police of the municipality.

14 6. As required by an animal control officer in the performance of
15 duties as specified in section 9-499.04.

16 7. Using blanks.

17 8. More than one mile from any occupied structure as defined in
18 section 13-3101.

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

23 D. For the purposes of this section:

24 1. "Municipality" means any city or town and includes any property
25 that is fully enclosed within the city or town.

26 2. "Properly supervised range" means a range that is any of the
27 following:

28 (a) Operated by a club affiliated with the national rifle association
29 of America, the amateur trapshooting association, the national skeet
30 association or any other nationally recognized shooting organization, or by
31 any public or private school.

32 (b) Approved by any agency of the federal government, this state or a
33 county or city within which the range is located.

34 (c) Operated with adult supervision for shooting air or carbon dioxide
35 gas operated guns, or for shooting in underground ranges on private or public
36 property.

37 Sec. 6. Section 13-3108, Arizona Revised Statutes, is amended to read:

38 13-3108. Firearms regulated by state; state preemption;

39 remedies; private forfeiture of public property;

40 violation; classification; definitions

41 A. Except as provided in subsection E of this section, ~~a~~ **THIS STATE**
42 **AND ANY AGENCY OR** political subdivision of this state shall not enact any
43 ordinance, rule or tax relating to the transportation, possession, carrying,
44 sale, transfer, purchase, acquisition, gift, devise, storage, licensing,

1 registration, discharge or use of firearms or ammunition or any firearm or
2 ammunition components or related accessories in this state.

3 B. ~~A- THIS STATE AND ANY AGENCY OR~~ political subdivision of this state
4 shall not require the licensing or registration of firearms or ammunition or
5 any firearm or ammunition components or related accessories or prohibit the
6 ownership, purchase, sale or transfer of firearms or ammunition or any
7 firearm or ammunition components, or related accessories.

8 C. ~~A- THIS STATE AND ANY AGENCY OR~~ political subdivision of this state
9 shall not require or maintain a record in any form, whether permanent or
10 temporary, including a list, log or database, of any of the following:

11 1. Any identifying information of a person who leaves a weapon in
12 temporary storage at any public establishment or public event, except that
13 the operator of the establishment or the sponsor of the event may require
14 that a person provide a government issued identification or a reasonable copy
15 of a government issued identification for the purpose of establishing
16 ownership of the weapon. The operator or sponsor shall store any provided
17 identification with the weapon and shall return the identification to the
18 person when the weapon is retrieved. The operator or sponsor shall not
19 retain records or copies of any identification provided pursuant to this
20 paragraph after the weapon is retrieved.

21 2. Except in the course of a law enforcement investigation, any
22 identifying information of a person who purchases, sells or transfers a
23 firearm, unless the transaction involves a federally licensed firearms
24 dealer.

25 3. The description, including the serial number, of a weapon that is
26 left in temporary storage at any public establishment or public event.

27 D. ~~A- THIS STATE AND ANY AGENCY OR~~ political subdivision of this state
28 shall not enact any rule or ordinance that relates to firearms and is more
29 prohibitive than or that has a penalty that is greater than any state law
30 penalty. A ~~political subdivision's~~ rule or ordinance that relates to
31 firearms and that is inconsistent with or more restrictive than state law,
32 whether enacted before or after ~~the effective date of the amendment to this~~
33 ~~section~~ JULY 29, 2010, is null and void.

34 E. This section does not prohibit ~~a-~~ THIS STATE OR ANY AGENCY OR
35 political subdivision of this state from enacting and enforcing any ordinance
36 or rule pursuant to state law or relating to any of the following:

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

41 2. Prohibiting a minor who is unaccompanied by a parent, grandparent
42 or guardian or a certified hunter safety instructor or certified firearms
43 safety instructor acting with the consent of the minor's parent, grandparent
44 or guardian from knowingly possessing or carrying on the minor's person,
45 within the minor's immediate control or in or on a means of transportation a

1 firearm in any place that is open to the public or on any street or highway
2 or on any private property except private property that is owned or leased by
3 the minor or the minor's parent, grandparent or guardian. Any ordinance or
4 rule that is adopted pursuant to this paragraph shall not apply to a minor
5 who is fourteen, fifteen, sixteen or seventeen years of age and who is
6 engaged in any of the following:

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

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

12 (c) Lawful transportation of an unloaded firearm for the purpose of
13 attending shooting events or marksmanship practice at established ranges or
14 other areas where the discharge of a firearm is not prohibited.

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

18 3. The regulation of land and structures, including a business
19 relating to firearms or ammunition or their components or a shooting range in
20 the same manner as other commercial businesses. Notwithstanding any other
21 law, this paragraph does not authorize ~~a~~ THIS STATE OR ANY AGENCY OR
22 political subdivision OF THIS STATE to regulate the sale or transfer of
23 firearms on property it owns, leases, operates or controls in a manner that
24 is different than or inconsistent with state law. For the purposes of this
25 paragraph, a use permit or other contract that provides for the use of
26 property owned, leased, operated or controlled by ~~a~~ THIS STATE OR ANY AGENCY
27 OR political subdivision OF THIS STATE shall not be considered a sale,
28 conveyance or disposition of property.

29 4. Regulating employees or independent contractors of ~~the~~ THIS STATE
30 OR ANY AGENCY OR political subdivision OF THIS STATE who are acting within
31 the course and scope of their employment or contract. THIS PARAGRAPH DOES
32 NOT PROHIBIT THE LAWFUL TRANSPORTING OR LAWFUL STORING OF ANY FIREARM
33 PURSUANT TO SECTION 12-781.

34 5. Limiting or prohibiting the discharge of firearms in parks and
35 preserves except:

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

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

38 (c) In an area approved as a hunting area by the Arizona game and fish
39 department. Any such area may be closed when deemed unsafe by the director
40 of the Arizona game and fish department.

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

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

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

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

7 6. LIMITING OR PROHIBITING THE POSSESSION OF FIREARMS IN A PUBLIC
8 ESTABLISHMENT OR AT A PUBLIC EVENT IF ALL THE FOLLOWING APPLY:

9 (a) THE PUBLIC ESTABLISHMENT OR PUBLIC EVENT IS A SECURED FACILITY
10 WITH CONTROLLED ACCESS OR IS A SECURED FACILITY THAT IS ISSUED A LICENSE
11 PURSUANT TO TITLE 4, EXCEPT THAT ANY ORDINANCE OR RULE IS ONLY APPLICABLE TO
12 THE ROOM, AREA OR LOCATION ON THE PREMISES THAT IS IDENTIFIED IN THE LICENSE
13 APPLICATION PURSUANT TO SECTION 4-205.02, SUBSECTION C AND ONLY AT TIMES WHEN
14 ALCOHOLIC BEVERAGES ARE AVAILABLE FOR CONSUMPTION ON THE PREMISES.

15 (b) A SIGN IS CONSPICUOUSLY POSTED PROHIBITING THE POSSESSION OF
16 FIREARMS AT ALL PUBLIC ENTRANCES AND THE SIGN MEETS ALL OF THE FOLLOWING
17 REQUIREMENTS:

18 (i) CONTAINS A PICTOGRAM THAT SHOWS A FIREARM WITHIN A RED CIRCLE AND
19 A DIAGONAL RED LINE ACROSS THE FIREARM.

20 (ii) CONTAINS THE WORDS, "NO FIREARMS ALLOWED PURSUANT TO
21 A.R.S. SECTION 13-3108".

22 (iii) IS COMPOSED OF BLOCK, CAPITAL LETTERS PRINTED IN BLACK ON WHITE
23 LAMINATED PAPER AT A MINIMUM WEIGHT OF ONE HUNDRED TEN POUND INDEX. THE
24 LETTERING AND PICTOGRAM SHALL CONSUME A SPACE AT LEAST SIX INCHES BY NINE
25 INCHES. THE LETTERS COMPRISING THE WORDS, "NO FIREARMS ALLOWED" SHALL BE AT
26 LEAST THREE-FOURTHS OF A VERTICAL INCH AND ALL OTHER LETTERS SHALL BE AT
27 LEAST ONE-HALF OF A VERTICAL INCH.

28 (c) THE PUBLIC ESTABLISHMENT OR PUBLIC EVENT IS EQUIPPED WITH SECURE
29 FIREARM LOCKERS THAT ARE IN DIRECT PROXIMITY TO THE MAIN ENTRANCE AND ARE
30 UNDER THE DIRECT OBSERVATION OF THE OPERATOR, OPERATOR'S DESIGNATED AGENT,
31 SPONSOR OR SPONSOR'S DESIGNATED AGENT.

32 F. AN ORDINANCE OR RULE ENACTED PURSUANT TO SUBSECTION E, PARAGRAPH 6
33 OF THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

34 1. A PEACE OFFICER OR ANY PERSON SUMMONED BY A PEACE OFFICER TO ASSIST
35 AND WHILE ACTUALLY ASSISTING IN THE PERFORMANCE OF OFFICIAL DUTIES.

36 2. A PERSON SPECIFICALLY LICENSED, AUTHORIZED OR PERMITTED PURSUANT TO
37 A STATUTE OF THIS STATE OR OF THE UNITED STATES.

38 3. ANY SHOOTING RANGES OR SHOOTING EVENTS, HUNTING AREAS OR SIMILAR
39 LOCATIONS OR ACTIVITIES.

40 G. THIS SECTION DOES NOT PROHIBIT A POLITICAL SUBDIVISION OF THIS
41 STATE FROM ENACTING ANY RULE OR ORDINANCE REQUIRING A BUSINESS THAT OBTAINS A
42 SECONDHAND FIREARM BY PURCHASE, TRADE OR CONSIGNMENT TO RETAIN THE FIREARM
43 FOR A PERIOD OF NOT MORE THAN TEN DAYS AT ITS PLACE OF BUSINESS OR ANOTHER
44 STORAGE LOCATION THAT IS APPROVED BY THE APPLICABLE LAW ENFORCEMENT AGENCY.

1 H. A PERSON WHO IS ADVERSELY AFFECTED BY ANY ORDINANCE, REGULATION,
2 MEASURE, DIRECTIVE, RULE, ENACTMENT, ORDER OR POLICY THAT IS ENACTED OR
3 ENFORCED IN VIOLATION OF THIS SECTION MAY FILE SUIT IN AN APPROPRIATE COURT
4 FOR DECLARATIVE AND INJUNCTIVE RELIEF AND FOR ACTUAL AND CONSEQUENTIAL
5 DAMAGES. THE COURT SHALL AWARD THE PREVAILING PLAINTIFF ATTORNEY FEES AND
6 COSTS IN THE TRIAL AND APPELLATE COURTS. IF AN AWARD ORDERED PURSUANT TO
7 THIS SUBSECTION IS NOT PAID WITHIN SEVENTY-TWO HOURS AFTER THE ORDER'S ENTRY
8 AND PUBLICATION, PAYMENT MAY BE SECURED BY SEIZURE AGAINST ANY MUNICIPAL
9 VEHICLES USED OR OPERATED FOR THE BENEFIT OF ANY ELECTED OFFICEHOLDER IN THE
10 APPROPRIATE POLITICAL SUBDIVISION.

11 I. THE COUNTY ATTORNEY IN THE COUNTY IN WHICH AN ALLEGED VIOLATION
12 OCCURRED SHALL INVESTIGATE ALL COMPLAINTS OF A VIOLATION OF THIS SECTION.
13 THE COUNTY ATTORNEY SHALL INSTITUTE AND PROSECUTE APPROPRIATE PROCEEDINGS IN
14 A COURT OF COMPETENT JURISDICTION WITHOUT DELAY.

15 J. EXCEPT AS REQUIRED BY ARTICLE II, SECTION 24, CONSTITUTION OF
16 ARIZONA OR THE SIXTH AMENDMENT TO THE UNITED STATES CONSTITUTION, THIS STATE
17 OR ANY AGENCY OR POLITICAL SUBDIVISION OF THIS STATE SHALL NOT APPROPRIATE OR
18 SPEND PUBLIC MONIES TO DEFEND ANY PERSON WHO IS CHARGED WITH A VIOLATION OF
19 SUBSECTION K OF THIS SECTION.

20 K. AN EMPLOYEE, OFFICIAL, DESIGNEE OR OTHER PERSON WHO IS ACTING IN
21 THE PERSON'S OFFICIAL CAPACITY ON BEHALF OF THIS STATE OR ANY AGENCY OR
22 POLITICAL SUBDIVISION OF THIS STATE AND WHO KNOWINGLY VIOLATES ANY PROVISION
23 OF THIS SECTION IS GUILTY OF A CLASS 5 FELONY AND THE VIOLATION IS CAUSE FOR
24 IMMEDIATE TERMINATION OF THE PERSON'S EMPLOYMENT OR CONTRACT OR, IF THE
25 PERSON WAS APPOINTED BY THE GOVERNOR, REMOVAL FROM OFFICE BY THE GOVERNOR.

26 ~~F.~~ L. A violation of any ordinance ~~established~~ ENACTED pursuant to
27 subsection E, paragraph 5 of this section is a class 2 misdemeanor unless the
28 political subdivision designates a lesser classification by ordinance. A
29 VIOLATION OF ANY ORDINANCE ENACTED PURSUANT TO SUBSECTION E, PARAGRAPH 6 OF
30 THIS SECTION IS A CLASS 3 MISDEMEANOR.

31 ~~G.~~ M. For the purposes of this section: ~~—~~

32 1. "CONTROLLED ACCESS" MEANS ACCESS IS CONTROLLED OR RESTRICTED BY THE
33 PRESENCE OF ALL OF THE FOLLOWING:

34 (a) A STATE OR FEDERAL CERTIFIED LAW ENFORCEMENT OFFICER OR AN ARMED
35 SECURITY OFFICER.

36 (b) METAL DETECTION, X-RAY, SCREENING OR OTHER WEAPON DETECTION
37 EQUIPMENT.

38 2. "Political subdivision" includes MUNICIPALITIES, COUNTIES, SCHOOL
39 DISTRICTS, COMMUNITY COLLEGE DISTRICTS, SPECIAL TAXING DISTRICTS,
40 CONSERVATION DISTRICTS, AUTHORITIES, ANY CORPORATE OR OTHER ENTITY THAT
41 LEASES A PUBLIC IMPROVEMENT TO A POLITICAL SUBDIVISION, A PUBLIC ORGANIZATION
42 OF ANY CHARACTER, THE GOVERNING BODY OF A POLITICAL SUBDIVISION AND ITS
43 MEMBERS AND OFFICERS IN THEIR OFFICIAL CAPACITY AND a political subdivision
44 acting in any capacity, including under police power, in a proprietary
45 capacity or otherwise.

1 3. "PUBLIC ESTABLISHMENT" MEANS A STRUCTURE, VEHICLE OR CRAFT THAT IS
2 OWNED, LEASED, OPERATED OR CONTROLLED IN ANY MANNER BY THIS STATE OR A
3 POLITICAL SUBDIVISION OF THIS STATE.

4 4. "PUBLIC EVENT" MEANS A SPECIFICALLY NAMED OR SPONSORED EVENT OF
5 LIMITED DURATION THAT IS EITHER CONDUCTED BY A PUBLIC ENTITY OR CONDUCTED BY
6 A PRIVATE ENTITY WITH A PERMIT OR LICENSE GRANTED BY A PUBLIC ENTITY. PUBLIC
7 EVENT DOES NOT INCLUDE AN UNSPONSORED GATHERING OF PEOPLE IN A PUBLIC PLACE.

8 5. "SECURED FACILITY" MEANS ANY PUBLIC ESTABLISHMENT, PUBLIC EVENT OR
9 PUBLIC BUILDING OR STRUCTURE OR ANY PORTION OF A BUILDING OR STRUCTURE THAT
10 IS USED PRIMARILY BY A PUBLIC AGENCY AND THAT IS NOT ACCESSIBLE TO THE
11 GENERAL PUBLIC EXCEPT BY CONTROLLED ACCESS.

12 Sec. 7. Repeal

13 Section 13-3118, Arizona Revised Statutes, is repealed.

14 Sec. 8. Section 13-4903, Arizona Revised Statutes, is amended to read:
15 13-4903. Use of force; armed nuclear security guards

16 A. An armed nuclear security guard is justified in using physical
17 force against another person at a commercial nuclear generating station or
18 structure or fenced yard of a commercial nuclear generating station if the
19 armed nuclear security guard reasonably believes that such force is necessary
20 to prevent or terminate the commission or attempted commission of criminal
21 damage under section 13-1602, subsection A, paragraph 3 and subsection B,
22 paragraph 1 or 2, misconduct involving weapons under section 13-3102,
23 subsection A, paragraph ~~13~~ 12 or criminal trespass on a commercial nuclear
24 generating station under section 13-4902.

25 B. Notwithstanding sections 13-403, 13-404, 13-405, 13-406, 13-408,
26 13-409, 13-410 and 13-411, an armed nuclear security guard is justified in
27 using physical force up to and including deadly physical force against
28 another person at a commercial nuclear generating station or structure or
29 fenced yard of a commercial nuclear generating station if the armed nuclear
30 security guard reasonably believes that such force is necessary to:

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

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

40 C. Notwithstanding any other provision of this chapter, an armed
41 nuclear security guard is justified in threatening to use physical or deadly
42 physical force if and to the extent a reasonable armed nuclear security guard
43 believes it necessary to protect oneself or others against another person's
44 potential use of physical force or deadly physical force.

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

3 Sec. 9. Section 13-4904, Arizona Revised Statutes, is amended to read:
4 13-4904. Detention authority; armed nuclear security guards

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

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

23 Sec. 10. Section 15-515, Arizona Revised Statutes, is amended to read:
24 15-515. Duty to report violations occurring on school premises

25 All school personnel who observe a violation of section 13-3102,
26 subsection A, paragraph ~~12~~ 11 or section 13-3111 on school premises shall
27 immediately report the violation to the school administrator. The
28 administrator shall immediately report the violation to a peace officer. The
29 peace officer shall report this violation to the department of public safety
30 for inclusion in the statewide and federal uniform crime reports prescribed
31 in section 41-1750, subsection A, paragraph 2.