

REFERENCE TITLE: prohibited weapon; high capacity magazine.

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

HB 2711

Introduced by
Representatives Farley, Chabin, Hale, Hobbs, Miranda R, Tovar, Wheeler,
Senators Aboud, Cajero Bedford, Lopez: Representatives Ableser, Alston,
Arredondo, Gonzales, Heinz, McCune Davis, Meyer, Miranda C, Saldate,
Senator Gallardo

AN ACT

AMENDING SECTIONS 13-3101, 13-3102, 13-3110 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 13-3101, Arizona Revised Statutes, is amended to
3 read:
4 13-3101. Definitions
5 A. In this chapter, unless the context otherwise requires:
6 1. "Deadly weapon" means anything that is designed for lethal use.
7 The term includes a firearm.
8 2. "Deface" means to remove, alter or destroy the manufacturer's
9 serial number.
10 3. "Explosive" means any dynamite, nitroglycerine, black powder, or
11 other similar explosive material, including plastic explosives. Explosive
12 does not include ammunition or ammunition components such as primers,
13 percussion caps, smokeless powder, black powder and black powder substitutes
14 used for hand loading purposes.
15 4. "Firearm" means any loaded or unloaded handgun, pistol, revolver,
16 rifle, shotgun or other weapon that will expel, is designed to expel or may
17 readily be converted to expel a projectile by the action of an explosive.
18 Firearm does not include a firearm in permanently inoperable condition.
19 5. "Improvised explosive device" means a device that incorporates
20 explosives or destructive, lethal, noxious, pyrotechnic or incendiary
21 chemicals and that is designed to destroy, disfigure, terrify or harass.
22 6. "LARGE CAPACITY AMMUNITION FEEDING DEVICE" MEANS A MAGAZINE, DRUM,
23 FEED STRIP OR SIMILAR DEVICE THAT HAS A CAPACITY OF, OR THAT CAN BE READILY
24 RESTORED OR CONVERTED TO ACCEPT, MORE THAN TEN ROUNDS OF AMMUNITION BUT DOES
25 NOT INCLUDE AN ATTACHED TUBULAR DEVICE DESIGNED TO ACCEPT, AND CAPABLE OF
26 OPERATING ONLY WITH, .22 CALIBER RIMFIRE AMMUNITION.
27 ~~6-~~ 7. "Occupied structure" means any building, object, vehicle,
28 watercraft, aircraft or place with sides and a floor that is separately
29 securable from any other structure attached to it, that is used for lodging,
30 business, transportation, recreation or storage and in which one or more
31 human beings either are or are likely to be present or so near as to be in
32 equivalent danger at the time the discharge of a firearm occurs. Occupied
33 structure includes any dwelling house, whether occupied, unoccupied or
34 vacant.
35 ~~7-~~ 8. "Prohibited possessor" means any person:
36 (a) Who has been found to constitute a danger to ~~himself~~ SELF or to
37 others or to be persistently or acutely disabled or gravely disabled pursuant
38 to court order under section 36-540, and whose right to possess a firearm has
39 not been restored pursuant to section 13-925.
40 (b) Who has been convicted within or without this state of a felony or
41 who has been adjudicated delinquent for a felony and whose civil right to
42 possess or carry a gun or firearm has not been restored.
43 (c) Who is at the time of possession serving a term of imprisonment in
44 any correctional or detention facility.

1 (d) Who is at the time of possession serving a term of probation
2 pursuant to a conviction for a domestic violence offense as defined in
3 section 13-3601 or a felony offense, parole, community supervision, work
4 furlough, home arrest or release on any other basis or who is serving a term
5 of probation or parole pursuant to the interstate compact under title 31,
6 chapter 3, article ~~4~~ 4.1.

7 (e) Who is an undocumented alien or a nonimmigrant alien traveling
8 with or without documentation in this state for business or pleasure or who
9 is studying in this state and who maintains a foreign residence abroad. This
10 subdivision does not apply to:

11 (i) Nonimmigrant aliens who possess a valid hunting license or permit
12 that is lawfully issued by a state in the United States.

13 (ii) Nonimmigrant aliens who enter the United States to participate in
14 a competitive target shooting event or to display firearms at a sports or
15 hunting trade show that is sponsored by a national, state or local firearms
16 trade organization devoted to the competitive use or other sporting use of
17 firearms.

18 (iii) Certain diplomats.

19 (iv) Officials of foreign governments or distinguished foreign
20 visitors who are designated by the United States department of state.

21 (v) Persons who have received a waiver from the United States attorney
22 general.

23 ~~8~~ 9. "Prohibited weapon":

24 (a) Includes the following:

25 (i) An item that is a bomb, grenade, rocket having a propellant charge
26 of more than four ounces or mine and that is explosive, incendiary or poison
27 gas.

28 (ii) A device that is designed, made or adapted to muffle the report
29 of a firearm.

30 (iii) A firearm that is capable of shooting more than one shot
31 automatically, without manual reloading, by a single function of the trigger.

32 (iv) A rifle with a barrel length of less than sixteen inches, or
33 shotgun with a barrel length of less than eighteen inches, or any firearm
34 that is made from a rifle or shotgun and that, as modified, has an overall
35 length of less than twenty-six inches.

36 (v) An instrument, including a nunchaku, that consists of two or more
37 sticks, clubs, bars or rods to be used as handles, connected by a rope, cord,
38 wire or chain, in the design of a weapon used in connection with the practice
39 of a system of self-defense.

40 (vi) A breakable container that contains a flammable liquid with a
41 flash point of one hundred fifty degrees Fahrenheit or less and that has a
42 wick or similar device capable of being ignited.

43 (vii) A chemical or combination of chemicals, compounds or materials,
44 including dry ice, that is possessed or manufactured for the purpose of
45 generating a gas to cause a mechanical failure, rupture or bursting or an

1 explosion or detonation of the chemical or combination of chemicals,
2 compounds or materials.

3 (viii) An improvised explosive device.

4 (ix) Any combination of parts or materials that is designed and
5 intended for use in making or converting a device into an item set forth in
6 item (i), (vi) or (viii) of this subdivision.

7 (x) A LARGE CAPACITY AMMUNITION FEEDING DEVICE.

8 (b) Does not include:

9 (i) Any fireworks that are imported, distributed or used in compliance
10 with state laws or local ordinances.

11 (ii) Any propellant, propellant actuated devices or propellant
12 actuated industrial tools that are manufactured, imported or distributed for
13 their intended purposes.

14 (iii) A device that is commercially manufactured primarily for the
15 purpose of illumination.

16 B. The items set forth in subsection A, paragraph ~~8~~ 9, subdivision
17 (a), items (i), (ii), (iii) and (iv) of this section do not include any
18 firearms or devices that are registered in the national firearms registry and
19 transfer records of the United States treasury department or any firearm that
20 has been classified as a curio or relic by the United States treasury
21 department.

22 Sec. 2. Section 13-3102, Arizona Revised Statutes, is amended to read:
23 13-3102. Misconduct involving weapons; defenses;
24 classification; definitions

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

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

28 (a) In the furtherance of a serious offense as defined in section
29 13-706, a violent crime as defined in section 13-901.03 or any other felony
30 offense; or

31 (b) When contacted by a law enforcement officer and failing to
32 accurately answer the officer if the officer asks whether the person is
33 carrying a concealed deadly weapon; or

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

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

42 4. Possessing a deadly weapon or prohibited weapon if such person is a
43 prohibited possessor; or

44 5. Selling or transferring a deadly weapon to a prohibited possessor;
45 or

- 1 6. Defacing a deadly weapon; or
- 2 7. Possessing a defaced deadly weapon knowing the deadly weapon was
- 3 defaced; or
- 4 8. Using or possessing a deadly weapon during the commission of any
- 5 felony offense included in chapter 34 of this title; or
- 6 9. Discharging a firearm at an occupied structure in order to assist,
- 7 promote or further the interests of a criminal street gang, a criminal
- 8 syndicate or a racketeering enterprise; or
- 9 10. 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. Unless specifically authorized by law, entering an election polling
- 17 place on the day of any election carrying a deadly weapon; or
- 18 12. Possessing a deadly weapon on school grounds; or
- 19 13. 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. Supplying, selling or giving possession or control of a firearm to
- 23 another person if the person knows or has reason to know that the other
- 24 person would use the firearm in the commission of any felony; or
- 25 15. Using, possessing or exercising control over a deadly weapon in
- 26 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 2 of this section shall not apply to:
- 31 1. A person in his dwelling, on his business premises or on real
- 32 property owned or leased by that person or that person's parent, grandparent
- 33 or legal guardian.
- 34 2. A member of the sheriff's volunteer posse or reserve organization
- 35 who has received and passed firearms training that is approved by the Arizona
- 36 peace officer standards and training board and who is authorized by the
- 37 sheriff to carry a concealed weapon pursuant to section 11-441.
- 38 3. A firearm that is carried in:
- 39 (a) A manner where any portion of the firearm or holster in which the
- 40 firearm is carried is visible.
- 41 (b) A holster that is wholly or partially visible.
- 42 (c) A scabbard or case designed for carrying weapons that is wholly or
- 43 partially visible.
- 44 (d) Luggage.

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

4 C. Subsection A, paragraphs 2, 3, 7, 10, 11, 12 and 13 of this section
5 shall not apply to:

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

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

10 3. A warden, deputy warden, community correctional officer, detention
11 officer, special investigator or correctional officer of the state department
12 of corrections or the department of juvenile corrections; or

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

15 D. Subsection A, paragraphs 3 and 7 of this section shall not apply
16 to:

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

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

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

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

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

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

39 F. Subsection A, paragraph 10 of this section shall not apply to
40 shooting ranges or shooting events, hunting areas or similar locations or
41 activities.

42 G. Subsection A, paragraph 3 of this section shall not apply to a
43 weapon described in section 13-3101, subsection A, paragraph ~~8~~ 9, subdivision
44 (a), item (v), if such weapon is possessed for the purposes of preparing for,
45 conducting or participating in lawful exhibitions, demonstrations, contests

1 or athletic events involving the use of such weapon. Subsection A, paragraph
2 ~~10~~ 12 of this section shall not apply to a weapon if such weapon is possessed
3 for the purposes of preparing for, conducting or participating in hunter or
4 firearm safety courses.

5 H. Subsection A, paragraph 12 of this section shall not apply to the
6 possession of a:

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

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

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

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

25 J. If a law enforcement officer contacts a person who is in possession
26 of a firearm, the law enforcement officer may take temporary custody of the
27 firearm for the duration of that contact.

28 K. Misconduct involving weapons under subsection A, paragraph 15 of
29 this section is a class 2 felony. Misconduct involving weapons under
30 subsection A, paragraph 9 or 14 of this section is a class 3 felony.
31 Misconduct involving weapons under subsection A, paragraph 3, 4, 8 or 13 of
32 this section is a class 4 felony. Misconduct involving weapons under
33 subsection A, paragraph 12 of this section is a class 1 misdemeanor unless
34 the violation occurs in connection with conduct that violates section
35 13-2308, subsection A, paragraph 5, section 13-2312, subsection C, section
36 13-3409 or section 13-3411, in which case the offense is a class 6 felony.
37 Misconduct involving weapons under subsection A, paragraph 1, subdivision (a)
38 of this section or subsection A, paragraph 5, 6 or 7 of this section is a
39 class 6 felony. Misconduct involving weapons under subsection A, paragraph
40 1, subdivision (b) of this section or subsection A, paragraph 10 or 11 of
41 this section is a class 1 misdemeanor. Misconduct involving weapons under
42 subsection A, paragraph 2 of this section is a class 3 misdemeanor.

43 L. For the purposes of this section:

44 1. "Contacted by a law enforcement officer" means a lawful traffic or
45 criminal investigation, arrest or detention or an investigatory stop by a law

1 enforcement officer that is based on reasonable suspicion that an offense has
2 been or is about to be committed.

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

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

10 4. "School" means a public or nonpublic kindergarten program, common
11 school or high school.

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

13 Sec. 3. Section 13-3110, Arizona Revised Statutes, is amended to read:

14 13-3110. Misconduct involving simulated explosive devices;
15 classification; definition

16 A. A person commits misconduct involving simulated explosive devices
17 by intentionally giving or sending to another person or placing in a private
18 or public place a simulated explosive device with the intent to terrify,
19 intimidate, threaten or harass.

20 B. The placing or sending of a simulated explosive device without
21 written notice attached to the device in a conspicuous place that the device
22 has been rendered inert and is possessed for the purpose of curio or relic
23 collection, display or other similar purpose is prima facie evidence of
24 intent to terrify, intimidate, threaten or harass.

25 C. Misconduct involving simulated explosive devices is a class 5
26 felony.

27 D. For the purposes of this section, "simulated explosive device"
28 means a simulation of a prohibited weapon described in section 13-3101,
29 subsection A, paragraph 8 9, subdivision (a), item (i), (vi) or (viii) that a
30 reasonable person would believe is such a prohibited weapon.

31 Sec. 4. Section 13-3112, Arizona Revised Statutes, is amended to read:

32 13-3112. Concealed weapons; qualification; application; permit
33 to carry; civil penalty; report; applicability

34 A. The department of public safety shall issue a permit to carry a
35 concealed weapon to a person who is qualified under this section. The person
36 shall carry the permit at all times when the person is in actual possession
37 of the concealed weapon and is required by any other law to carry the permit.
38 If the person is in actual possession of the concealed weapon and is required
39 by any other law to carry the permit, the person shall present the permit for
40 inspection to any law enforcement officer on request.

41 B. The permit of a person who is arrested or indicted for an offense
42 that would make the person unqualified under section 13-3101, subsection A,
43 paragraph 7 8 or this section shall be immediately suspended and seized. The
44 permit of a person who becomes unqualified on conviction of that offense
45 shall be revoked. The permit shall be restored on presentation of

1 documentation from the court if the permittee is found not guilty or the
2 charges are dismissed. The permit shall be restored on presentation of
3 documentation from the county attorney that the charges against the permittee
4 were dropped or dismissed.

5 C. A permittee who carries a concealed weapon, who is required by any
6 other law to carry a permit and who fails to present the permit for
7 inspection on the request of a law enforcement officer commits a violation of
8 this subsection and is subject to a civil penalty of not more than three
9 hundred dollars. The department of public safety shall be notified of all
10 violations of this subsection and shall immediately suspend the permit. A
11 permittee shall not be convicted of a violation of this ~~section~~ SUBSECTION if
12 the permittee produces to the court a legible permit that is issued to the
13 permittee and that was valid at the time the permittee failed to present the
14 permit for inspection.

15 D. A law enforcement officer shall not confiscate or forfeit a weapon
16 that is otherwise lawfully possessed by a permittee whose permit is suspended
17 pursuant to subsection C of this section, except that a law enforcement
18 officer may take temporary custody of a firearm during an investigatory stop
19 of the permittee.

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

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

31 6. Has ever satisfactorily completed a firearms safety training
32 program authorized by the department of public safety pursuant to subsection
33 N, paragraph 1 of this section or has ever demonstrated competence with a
34 firearm as prescribed by subsection N, paragraph 2, 3, 4, 5, 6, 7, 8 or 9 of
35 this section and provides adequate documentation that the person has
36 satisfactorily completed a training program or demonstrated competence with a
37 firearm in any state or political subdivision in the United States. For the
38 purposes of this paragraph, "adequate documentation" means:

39 (a) A certificate, card or document of completion from a firearms
40 safety training program authorized pursuant to subsection N, paragraph 1 of
41 this section, dated not more than five years earlier than the date of
42 application, that has affixed to it the stamp, signature or seal of the
43 instructor or organization that conducted the program, or a current or
44 expired permit issued by the department of public safety pursuant to this
45 section.

1 (b) An original or copy of a certificate, card or document that shows
2 the applicant has completed any course or class prescribed by subsection N,
3 paragraph 2, 3, 4, 5, 8 or 9 of this section or an affidavit from the
4 instructor, school, club or organization that conducted or taught the course
5 or class attesting to the applicant's completion of the course or class.

6 (c) An original or a copy of a United States department of defense
7 form 214 (DD-214) indicating an honorable discharge or general discharge
8 under honorable conditions, a certificate of completion of basic training or
9 any other document demonstrating proof of the applicant's current or former
10 service in the United States armed forces as prescribed by subsection N,
11 paragraph 6 of this section.

12 (d) An original or a copy of a concealed weapon, firearm or handgun
13 permit or a license as prescribed by subsection N, paragraph 7 of this
14 section.

15 F. The application shall be completed on a form prescribed by the
16 department of public safety. The form shall not require the applicant to
17 disclose the type of firearm for which a permit is sought. The applicant
18 shall attest under penalty of perjury that all of the statements made by the
19 applicant are true, that the applicant has been furnished a copy of ~~chapters~~
20 ~~4 and 31~~ THIS CHAPTER AND CHAPTER 4 of this title and that the applicant is
21 knowledgeable about the provisions contained in those chapters. The
22 applicant shall submit the application to the department with any
23 documentation prescribed by subsection E of this section, two sets of
24 fingerprints and a reasonable fee determined by the director of the
25 department.

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

31 H. The department of public safety shall complete all of the required
32 qualification checks within sixty days after receipt of the application and
33 shall issue a permit within fifteen working days after completing the
34 qualification checks if the applicant meets all of the conditions specified
35 in subsection E of this section. If a permit is denied, the department of
36 public safety shall notify the applicant in writing within fifteen working
37 days after the completion of all of the required qualification checks and
38 shall state the reasons why the application was denied. On receipt of the
39 notification of the denial, the applicant has twenty days to submit any
40 additional documentation to the department. On receipt of the additional
41 documentation, the department shall reconsider its decision and inform the
42 applicant within twenty days of the result of the reconsideration. If
43 denied, the applicant shall be informed that the applicant may request a
44 hearing pursuant to title 41, chapter 6, article 10. For the purposes of
45 this subsection, "receipt of the application" means the first day that the

1 department has physical control of the application and that is presumed to be
2 on the date of delivery as evidenced by proof of delivery by the United
3 States postal service or a written receipt, which shall be provided by the
4 department on request of the applicant.

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

11 J. The department of public safety shall maintain a computerized
12 permit record system that is accessible to criminal justice agencies for the
13 purpose of confirming the permit status of any person who is contacted by a
14 law enforcement officer and who claims to hold a valid permit issued by this
15 state. This information and any other records that are maintained regarding
16 applicants, permit holders or instructors shall not be available to any other
17 person or entity except on an order from a state or federal court. A
18 criminal justice agency or other entity shall not use the computerized permit
19 record system to conduct inquiries on whether a person is a concealed weapons
20 permit holder unless the criminal justice agency or other entity has
21 reasonable suspicion to believe the person is carrying a concealed weapon and
22 the person is subject to a lawful criminal investigation, arrest, detention
23 or an investigatory stop.

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

29 L. Applications for renewal shall be accompanied by a fee determined
30 by the director of the department of public safety.

31 M. The department of public safety shall suspend or revoke a permit
32 issued under this section if the permit holder becomes ineligible pursuant to
33 subsection E of this section. The department of public safety shall notify
34 the permit holder in writing within fifteen working days after the revocation
35 or suspension and shall state the reasons for the revocation or suspension.

36 N. An applicant shall demonstrate competence with a firearm through
37 any of the following:

38 1. Completion of any firearms training program that is approved by the
39 department of public safety and that is conducted by instructors who are
40 authorized by the department of public safety or who possess current national
41 rifle association instructor certifications in pistol and personal protection
42 and who submit to a background investigation, including a check for warrants
43 and a criminal history records check.

- 1 2. Completion of any firearms safety or training course or class that
2 is available to the general public, that is offered by a law enforcement
3 agency, a junior college, a college or a private or public institution,
4 academy, organization or firearms training school and that is approved by the
5 department of public safety.
- 6 3. Completion of any hunter education or hunter safety course approved
7 by the Arizona game and fish department or a similar agency of another state.
- 8 4. Completion of any national rifle association firearms safety or
9 training course.
- 10 5. Completion of any law enforcement firearms safety or training
11 course or class that is offered for security guards, investigators, special
12 deputies or other divisions or subdivisions of law enforcement or security
13 enforcement and that is approved by the department of public safety.
- 14 6. Evidence of current military service or proof of honorable
15 discharge or general discharge under honorable conditions from the United
16 States armed forces.
- 17 7. A valid current or expired concealed weapon, firearm or handgun
18 permit or license that is issued by another state or a political subdivision
19 of another state and that has a training or testing requirement for initial
20 issuance.
- 21 8. Completion of any governmental police agency firearms training
22 course and qualification to carry a firearm in the course of normal police
23 duties.
- 24 9. Completion of any other firearms training that the department of
25 public safety deems acceptable.
- 26 O. If authorized pursuant to subsection N, paragraph 1 of this
27 section, the organization on behalf of each of its instructors shall submit
28 to the department of public safety two sets of fingerprints and a fee to be
29 determined by the director of the department of public safety. On receipt of
30 the fingerprints and fee, the department of public safety shall conduct a
31 check of each instructor's criminal history record pursuant to section
32 41-1750. The department of public safety may exchange this fingerprint card
33 information with the federal bureau of investigation for federal criminal
34 history record checks.
- 35 P. The proprietary interest of all authorized instructors and programs
36 shall be safeguarded, and the contents of any training program shall not be
37 disclosed to any person or entity other than a bona fide criminal justice
38 agency, except on an order from a state or federal court.
- 39 Q. If the department of public safety rejects a program, the rejected
40 organization may request a hearing pursuant to title 41, chapter 6,
41 article 10.
- 42 R. The department of public safety shall maintain information
43 comparing the number of permits requested, the number of permits issued and
44 the number of permits denied. The department shall annually report this
45 information to the governor and the legislature.

1 S. The director of the department of public safety shall adopt rules
2 for the purpose of implementing and administering this section including fees
3 relating to permits that are issued pursuant to this section.

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

7 1. The permit or license is recognized as valid in the issuing state.

8 2. The permit or license holder is all of the following:

9 (a) Legally present in this state.

10 (b) Not legally prohibited from possessing a firearm in this state.

11 U. For the purpose of establishing mutual permit or license
12 recognition with other states, the department of public safety shall enter
13 into a written agreement if another state requires a written agreement.

14 V. Notwithstanding the provisions of this section, a person with a
15 concealed weapons permit from another state may not carry a concealed weapon
16 in this state if the person is under twenty-one years of age or is under
17 indictment for, or has been convicted of, a felony offense in any
18 jurisdiction, unless that conviction is expunged, set aside or vacated or the
19 person's rights have been restored and the person is currently not a
20 prohibited possessor under state or federal law.

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