

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SENATE BILL 1505

AN ACT

AMENDING SECTIONS 13-3102, 17-602 AND 17-604, 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 13-3102, Arizona Revised Statutes, is amended to
3 read:

4 13-3102. Misconduct involving weapons; defenses;
5 classification; definitions

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

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

9 (a) In the furtherance of a serious offense as defined in section
10 13-706, a violent crime as defined in section 13-901.03 or any other felony
11 offense; or

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

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

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

23 4. Possessing a deadly weapon or prohibited weapon if such person is a
24 prohibited possessor; or

25 5. Selling or transferring a deadly weapon to a prohibited possessor;
26 or

27 6. Defacing a deadly weapon; or

28 7. Possessing a defaced deadly weapon knowing the deadly weapon was
29 defaced; or

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

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

35 10. Unless specifically authorized by law, entering any public
36 establishment or attending any public event and carrying a deadly weapon on
37 his person after a reasonable request by the operator of the establishment or
38 the sponsor of the event or the sponsor's agent to remove his weapon and
39 place it in the custody of the operator of the establishment or the sponsor
40 of the event for temporary and secure storage of the weapon pursuant to
41 section 13-3102.01; or

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

44 12. Possessing a deadly weapon on school grounds; or

1 13. Unless specifically authorized by law, entering a nuclear or
2 hydroelectric generating station carrying a deadly weapon on his person or
3 within the immediate control of any person; or

4 14. Supplying, selling or giving possession or control of a firearm to
5 another person if the person knows or has reason to know that the other
6 person would use the firearm in the commission of any felony; or

7 15. Using, possessing or exercising control over a deadly weapon in
8 furtherance of any act of terrorism as defined in section 13-2301 or
9 possessing or exercising control over a deadly weapon knowing or having
10 reason to know that it will be used to facilitate any act of terrorism as
11 defined in section 13-2301.

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

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

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

20 3. A firearm that is carried in:

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

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

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

26 (d) Luggage.

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

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

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

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

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

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

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

43 1. The possessing, transporting, selling or transferring of weapons by
44 a museum as a part of its collection or an educational institution for

1 educational purposes or by an authorized employee of such museum or
2 institution, if:

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

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

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

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

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

21 F. Subsection A, paragraph 10 of this section shall not apply to
22 shooting ranges or shooting events, hunting areas or similar locations or
23 activities.

24 G. Subsection A, paragraph 3 of this section shall not apply to a
25 weapon described in section 13-3101, subsection A, paragraph 8, subdivision
26 (a), item (v), if such weapon is possessed for the purposes of preparing for,
27 conducting or participating in lawful exhibitions, demonstrations, contests
28 or athletic events involving the use of such weapon. Subsection A, paragraph
29 ~~10~~ 12 of this section shall not apply to a weapon if such weapon is possessed
30 for the purposes of preparing for, conducting or participating in hunter or
31 firearm safety courses.

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

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

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

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

1 I. SUBSECTION A, PARAGRAPHS 2, 3, 7 AND 13 OF THIS SECTION SHALL NOT
2 APPLY TO COMMERCIAL NUCLEAR GENERATING STATION ARMED NUCLEAR SECURITY GUARDS
3 DURING THE PERFORMANCE OF OFFICIAL DUTIES OR DURING ANY SECURITY TRAINING
4 EXERCISES SPONSORED BY THE COMMERCIAL NUCLEAR GENERATING STATION OR LOCAL,
5 STATE OR FEDERAL AUTHORITIES.

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

12 ~~J.~~ K. If a law enforcement officer contacts a person who is in
13 possession of a firearm, the law enforcement officer may take temporary
14 custody of the firearm for the duration of that contact.

15 ~~K.~~ L. Misconduct involving weapons under subsection A, paragraph 15
16 of this section is a class 2 felony. Misconduct involving weapons under
17 subsection A, paragraph 9 or 14 of this section is a class 3 felony.
18 Misconduct involving weapons under subsection A, paragraph 3, 4, 8 or 13 of
19 this section is a class 4 felony. Misconduct involving weapons under
20 subsection A, paragraph 12 of this section is a class 1 misdemeanor unless
21 the violation occurs in connection with conduct that violates section
22 13-2308, subsection A, paragraph 5, section 13-2312, subsection C, section
23 13-3409 or section 13-3411, in which case the offense is a class 6 felony.
24 Misconduct involving weapons under subsection A, paragraph 1, subdivision (a)
25 of this section or subsection A, paragraph 5, 6 or 7 of this section is a
26 class 6 felony. Misconduct involving weapons under subsection A, paragraph
27 1, subdivision (b) of this section or subsection A, paragraph 10 or 11 of
28 this section is a class 1 misdemeanor. Misconduct involving weapons under
29 subsection A, paragraph 2 of this section is a class 3 misdemeanor.

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

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

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

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

42 4. "School" means a public or nonpublic kindergarten program, common
43 school or high school.

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

1 Sec. 2. Section 17-602, Arizona Revised Statutes, is amended to read:

2 17-602. State outdoor shooting range noise standards:
3 preemption; measurement; definitions

4 A. The legislature finds that outdoor shooting range noise standards
5 are a matter of statewide concern. City, town, county and any other state
6 noise standards are preempted as applied to outdoor shooting ranges.

7 B. Each outdoor shooting range in this state shall measure the noise
8 emitted from the range pursuant to subsection E at least once. In addition,
9 the range shall measure the noise it emits if the range expands the area
10 designed and operated for the use of firearms or explosives by more than
11 twenty per cent in size than at the time of its initial noise measurement or
12 if the range introduces the use of a type of firearm or explosive device that
13 will increase noise production. The range shall pay for the measurement and
14 shall keep the results of the measurement at the range at all times. Any
15 person may review the noise measurement during the range's business hours.
16 Ranges that are located at least one mile from areas that are zoned for
17 residences, schools, hotels, motels, hospitals or churches are exempt from
18 this subsection.

19 C. Any person, at the person's expense, may measure the noise emitted
20 from an outdoor shooting range pursuant to subsection E.

21 D. The noise emitted from an outdoor shooting range shall not exceed
22 an Leq(h) of sixty-four DBA.

23 E. In measuring the noise emitted from an outdoor shooting range:

24 1. If a range performs the measurement of noise pursuant to subsection
25 B, sound pressure measurements shall be taken twenty feet from the nearest
26 occupied residence, school, hotel, motel, hospital or church, or from the
27 nearest proposed location of a residence, school, hotel, motel, hospital or
28 church if the property is zoned for such a structure but is currently
29 unimproved. If a person performs the measurement of noise pursuant to
30 subsection C, sound pressure measurements shall be taken twenty feet from the
31 person's residence, school, hotel, motel, hospital or church, or twenty feet
32 from the proposed location of the person's residence, school, hotel, motel,
33 hospital or church if the property is zoned for such a structure but is
34 currently unimproved.

35 2. Sound pressure measurements shall be made in a location directly
36 between the range and the nearest existing or proposed residence, school,
37 hotel, motel, hospital or church. If there are natural or artificial
38 obstructions that prevent an accurate noise measurement, the measurement may
39 be taken within an additional twenty feet radius from the initial measurement
40 location.

41 3. Sound pressure measurements shall be made on the A-weighted fast
42 response mode scale. Measurements shall be taken during the noisiest hour of
43 peak use during the operation of the range. Measurements shall be taken
44 according to American national standards institute's standard methods ANSI
45 S1.2-1962 (R1976) American national standard method for physical measurement

1 of sound and ANSI S1.2-1971 (R1976) American national standard method for
2 measuring sound pressure levels. Measurements shall be taken using a type 1
3 sound meter meeting the requirements of ANSI S1.4L-1971. Any part of the
4 measurements conducted on a range shall comply with the range safety rules.

5 F. Outdoor shooting ranges in operation on July 1, 2002 shall comply
6 with the provisions of this section before July 1, 2003. Ranges not in
7 operation on July 1, 2002 shall comply with the provisions of this section
8 when they begin operation.

9 G. SUBSECTION B DOES NOT APPLY TO AN OUTDOOR SHOOTING RANGE THAT IS
10 BUILT FOR MILITARY OR ARMED NUCLEAR SECURITY GUARD TRAINING AND THAT IS NOT
11 OPEN TO THE GENERAL PUBLIC.

12 ~~G.~~ H. For the purposes of this section:

13 1. "A-weighted" means a frequency weighting network used to account
14 for changes in sensitivity as a function of frequency.

15 2. "DBA" means A-weighted decibels, taking into account human response
16 to sound energy in different frequency bands.

17 3. "Decibel" means the unit of measure for sound pressure denoting the
18 ratio between two quantities that are proportional to power. The number of
19 decibels is ten times the base ten logarithm of this ratio.

20 4. "Leq(h)" means the equivalent energy level that is the steady state
21 level that contains the same amount of sound energy as a time varying sound
22 level for a sixty minute time period.

23 Sec. 3. Section 17-604, Arizona Revised Statutes, is amended to read:

24 17-604. Nighttime outdoor shooting range operations

25 A. Outdoor shooting ranges that are located in areas that are zoned
26 for residential use or any other use that includes a school, hotel, motel,
27 hospital or church shall not operate from 10:00 p.m. through 7:00 a.m.

28 B. This section does not apply to any outdoor shooting range while it
29 is providing law enforcement, ~~or~~ military OR ARMED NUCLEAR SECURITY GUARD
30 training. These ranges must provide adequate public notice including posting
31 in four public locations within one mile of the exterior boundaries of the
32 range each calendar quarter of the schedule of when the range will operate
33 from 10:00 p.m. through 7:00 a.m. and the purpose for those nighttime
34 operations. Nighttime operations under this subsection must comply with the
35 nighttime noise standards prescribed by section 17-602.