

REFERENCE TITLE: state regulation of firearms

State of Arizona
House of Representatives
Fifty-first Legislature
First Regular Session
2013

HB 2288

Introduced by
Representative Smith

AN ACT

AMENDING SECTIONS 12-714 AND 13-3102, ARIZONA REVISED STATUTES; REPEALING SECTION 13-3102.01, ARIZONA REVISED STATUTES; AMENDING SECTION 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~~ FOR THE PURPOSES OF 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 answer the officer if the officer asks whether the person is
27 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

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

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

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

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

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

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

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

~~16.~~ 15. Trafficking in weapons or explosives for financial gain in order to assist, promote or further the interests of a criminal street gang, a criminal syndicate or a racketeering enterprise.

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

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

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

3. A firearm that is carried in:

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

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

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

(d) Luggage.

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

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

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

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

7 3. A warden, deputy warden, community correctional officer, detention
8 officer, special investigator or correctional officer of the state department
9 of corrections or the department of juvenile corrections; or

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

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

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

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

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

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

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

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

36 ~~F. Subsection A, paragraph 10 of this section shall not apply to~~
37 ~~shooting ranges or shooting events, hunting areas or similar locations or~~
38 ~~activities.~~

39 ~~G.~~ F. Subsection A, paragraph 3 of this section shall not apply to a
40 weapon described in section 13-3101, subsection A, paragraph 8, subdivision
41 (a), item (v), if such weapon is possessed for the purposes of preparing for,
42 conducting or participating in lawful exhibitions, demonstrations, contests
43 or athletic events involving the use of such weapon. Subsection A, paragraph
44 ~~12~~ 11 of this section shall not apply to a weapon if such weapon is possessed

1 for the purposes of preparing for, conducting or participating in hunter or
2 firearm safety courses.

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

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

10 2. Firearm for use on the school grounds in a program approved by a
11 school.

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

17 ~~I.~~ H. Subsection A, paragraphs 2, 3, 7 and ~~13~~ 12 of this section
18 shall not apply to commercial nuclear generating station armed nuclear
19 security guards during the performance of official duties or during any
20 security training exercises sponsored by the commercial nuclear generating
21 station or local, state or federal authorities.

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

28 ~~K.~~ I. If a law enforcement officer contacts a person who is in
29 possession of a firearm, the law enforcement officer may take temporary
30 custody of the firearm for the duration of that contact.

31 ~~L.~~ J. Misconduct involving weapons under subsection A, paragraph ~~15~~
32 14 of this section is a class 2 felony. Misconduct involving weapons under
33 subsection A, paragraph 9, ~~14~~ 13 or ~~16~~ 15 of this section is a class 3
34 felony. Misconduct involving weapons under subsection A, paragraph 3, 4, 8
35 or ~~13~~ 12 of this section is a class 4 felony. Misconduct involving weapons
36 under subsection A, paragraph ~~12~~ 11 of this section is a class 1 misdemeanor
37 unless the violation occurs in connection with conduct that violates section
38 13-2308, subsection A, paragraph 5, section 13-2312, subsection C, section
39 13-3409 or section 13-3411, in which case the offense is a class 6 felony.
40 Misconduct involving weapons under subsection A, paragraph 1, subdivision (a)
41 of this section or subsection A, paragraph 5, 6 or 7 of this section is a
42 class 6 felony. Misconduct involving weapons under subsection A, paragraph
43 1, subdivision (b) of this section or subsection A, paragraph 10 ~~or 11~~ of
44 this section is a class 1 misdemeanor. Misconduct involving weapons under
45 subsection A, paragraph 2 of this section is a class 3 misdemeanor.

1 ~~M.~~ K. For the purposes of this section:

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

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

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

13 ~~4.~~ 2. "School" means a public or nonpublic kindergarten program,
14 common school or high school.

15 ~~5.~~ 3. "School grounds" means in, or on the grounds of, a school.

16 Sec. 3. Repeal

17 Section ~~13-3102.01~~, Arizona Revised Statutes, is repealed.

18 Sec. 4. Section 13-3108, Arizona Revised Statutes, is amended to read:

19 ~~13-3108.~~ Firearms regulated by state; state preemption;
20 remedies; violation; classification; definitions

21 A. Except as provided in ~~subsection~~ SUBSECTIONS F AND G of this
22 section, ~~a~~ THIS STATE AND ANY AGENCY OR political subdivision of this state
23 shall not enact any ordinance, rule or tax relating to the transportation,
24 possession, carrying, sale, transfer, purchase, acquisition, gift, devise,
25 storage, licensing, registration, discharge or use of firearms or ammunition
26 or any firearm or ammunition components or related accessories in this state.

27 B. ~~A~~ EXCEPT AS PROVIDED IN SUBSECTIONS F AND G OF THIS SECTION, THIS
28 STATE AND ANY AGENCY OR political subdivision of this state shall not require
29 the licensing or registration of firearms or ammunition or any firearm or
30 ammunition components or related accessories or prohibit the ownership,
31 purchase, sale or transfer of firearms or ammunition or any firearm or
32 ammunition components, or related accessories.

33 C. ~~A~~ EXCEPT AS PROVIDED IN SUBSECTIONS F AND G OF THIS SECTION, THIS
34 STATE AND ANY AGENCY OR political subdivision of this state shall not require
35 or maintain a record in any form, whether permanent or temporary, including a
36 list, log or database, of any of the following:

37 1. Any identifying information of a person who leaves a weapon in
38 temporary storage ~~at~~ ON any public ~~establishment or public event~~ PROPERTY,
39 except that the operator of the ~~establishment~~ PROPERTY or the sponsor of ~~the~~
40 ANY event ON THE PROPERTY may require that a person provide a government
41 issued identification or a reasonable copy of a government issued
42 identification for the purpose of establishing ownership of the weapon. The
43 operator or sponsor shall store any provided identification with the weapon
44 and shall return the identification to the person when the weapon is
45 retrieved. The operator or sponsor shall not retain records or copies of any

1 identification provided pursuant to this paragraph after the weapon is
2 retrieved.

3 2. Except in the course of a law enforcement investigation, any
4 identifying information of a person who purchases, sells or transfers a
5 firearm, unless the transaction involves a federally licensed firearms
6 dealer.

7 3. The description, including the serial number, of a weapon that is
8 left in temporary storage ~~at~~ ON any public ~~establishment or public event~~
9 PROPERTY.

10 D. ~~A- THIS STATE AND ANY AGENCY OR~~ political subdivision of this state
11 shall not enact any rule or ordinance that relates to firearms and is more
12 prohibitive than or that has a penalty that is greater than any state law
13 penalty. A ~~political subdivision's~~ rule or ordinance that relates to
14 firearms and that is inconsistent with or more restrictive than state law,
15 whether enacted before or after ~~the effective date of the amendment to this~~
16 ~~section~~ JULY 29, 2010, is null and void AND OF NO FORCE OR EFFECT.

17 E. ~~A- EXCEPT AS PROVIDED IN SUBSECTIONS F AND G OF THIS SECTION, THIS~~
18 ~~STATE AND ANY AGENCY OR~~ political subdivision of this state shall not enact
19 any ordinance, rule or regulation limiting the lawful taking of wildlife
20 during an open season established by the Arizona game and fish commission
21 unless the ordinance, rule or regulation is consistent with title 17 and
22 rules and orders adopted by the Arizona game and fish commission. This
23 subsection does not prevent ~~a political subdivision from adopting THE~~
24 ADOPTION OF an ordinance or rule restricting the discharge of a firearm
25 within one-fourth mile of an occupied structure. For THE purposes of this
26 subsection, "take" has the same meaning prescribed in section 17-101.

27 F. This section does not prohibit ~~a- THIS STATE OR ANY AGENCY OR~~
28 political subdivision of this state from enacting and enforcing any ordinance
29 or rule pursuant to SECTION 13-2911 OR ANY OTHER state law or relating to any
30 of the following:

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

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

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

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

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

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

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

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

25 5. Limiting or prohibiting the discharge of firearms in parks and
26 preserves except:

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

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

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

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

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

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

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

42 6. LIMITING OR PROHIBITING THE POSSESSION OF FIREARMS ON PUBLIC
43 PROPERTY IF ALL OF THE FOLLOWING APPLY:

44 (a) THE PUBLIC PROPERTY IS A SECURED FACILITY.

1 (b) SIGNS ARE CONSPICUOUSLY POSTED AT ALL PUBLIC ENTRANCES THAT
2 PROHIBIT THE POSSESSION OF FIREARMS.

3 (c) THE PUBLIC PROPERTY IS EQUIPPED WITH SECURE FIREARM LOCKERS THAT
4 ARE IN REASONABLE PROXIMITY TO THE MAIN PUBLIC ENTRANCE AND BOTH OF THE
5 FOLLOWING APPLY:

6 (i) THE LOCKERS ARE UNDER THE CONTROL OF THE OPERATOR OF THE PUBLIC
7 PROPERTY OR THE PROPERTY'S DESIGNATED AGENT.

8 (ii) THE LOCKERS ALLOW FOR THE IMMEDIATE RETRIEVAL OF THE FIREARM ON
9 EXIT FROM THE PUBLIC PROPERTY.

10 G. A POLITICAL SUBDIVISION OF THIS STATE MAY ENACT ANY RULE OR
11 ORDINANCE REQUIRING A BUSINESS THAT OBTAINS A SECONDHAND FIREARM BY PURCHASE,
12 TRADE OR CONSIGNMENT TO RETAIN THE FIREARM FOR A PERIOD NOT TO EXCEED TEN
13 CALENDAR DAYS AT ITS PLACE OF BUSINESS OR ANOTHER STORAGE LOCATION THAT IS
14 APPROVED BY THE APPLICABLE LAW ENFORCEMENT AGENCY.

15 H. A PERSON MAY FILE SUIT IN AN APPROPRIATE COURT FOR DECLARATIVE AND
16 INJUNCTIVE RELIEF AND FOR ACTUAL AND CONSEQUENTIAL DAMAGES IF ANY ORDINANCE,
17 REGULATION, MEASURE, DIRECTIVE, RULE, ENACTMENT, ORDER OR POLICY IS ENACTED
18 OR ENFORCED IN VIOLATION OF THIS SECTION. THE COURT SHALL AWARD THE
19 PREVAILING PARTY ATTORNEY FEES AND COSTS IN THE TRIAL AND APPELLATE COURTS.
20 IF THE COURT FINDS THAT AN ENTITY HAS KNOWINGLY VIOLATED THIS SECTION, THE
21 COURT SHALL ORDER THE ENTITY TO PAY A CIVIL PENALTY OF NOT MORE THAN FIVE
22 THOUSAND DOLLARS.

23 I. EXCEPT AS REQUIRED BY ARTICLE II, SECTION 24, CONSTITUTION OF
24 ARIZONA OR THE SIXTH AMENDMENT TO THE UNITED STATES CONSTITUTION, THIS STATE
25 OR ANY AGENCY OR POLITICAL SUBDIVISION OF THIS STATE MAY BE REIMBURSED FOR
26 ANY PUBLIC MONIES THAT WERE SPENT TO DEFEND ANY PERSON WHO IS FOUND TO HAVE
27 KNOWINGLY VIOLATED THIS SECTION.

28 J. THIS SECTION DOES NOT:

29 1. PROHIBIT THE LAWFUL TRANSPORTING OR LAWFUL STORAGE OF ANY FIREARM
30 PURSUANT TO SECTION 12-781.

31 2. PROHIBIT A PRIVATE ENTITY OR OPERATOR OF A MULTIPURPOSE FACILITY
32 FROM LIMITING OR PROHIBITING THE POSSESSION OF FIREARMS ON PROPERTY OWNED,
33 LEASED, USED, OPERATED, CONTRACTED FOR OR CONTROLLED BY A PRIVATE ENTITY WHEN
34 NOT USED BY A GOVERNMENTAL ENTITY FOR A GOVERNMENTAL PURPOSE.

35 3. LIMIT OR PROHIBIT THE POSSESSION OF FIREARMS ON PUBLIC PROPERTY IF
36 THE PUBLIC PROPERTY IS A VEHICLE THAT IS BEING USED BY A PERSON WHO IS ACTING
37 IN THE CAPACITY OF AN EMERGENCY MEDICAL CARE TECHNICIAN AND THAT IS
38 TRANSPORTING OR MOVING A PERSON IN THIS STATE PURSUANT TO TITLE 36, CHAPTER
39 21.1.

40 ~~G.~~ K. A violation of any ordinance established pursuant to subsection
41 F, paragraph 5 of this section is a class 2 misdemeanor unless the political
42 subdivision designates a lesser classification by ordinance. A VIOLATION OF
43 ANY ORDINANCE ENACTED PURSUANT TO SUBSECTION F, PARAGRAPH 6 OF THIS SECTION
44 IS A CLASS 1 MISDEMEANOR.

1 ~~H.~~ L. For the purposes of this section: ~~;~~

2 1. "CONTROLLED ACCESS" MEANS ACCESS TO THE PROPERTY IS CONTROLLED OR

3 RESTRICTED TO THE GENERAL PUBLIC BY THE PRESENCE OF EITHER OF THE FOLLOWING:

4 (a) A STATE OR FEDERAL CERTIFIED LAW ENFORCEMENT OFFICER.

5 (b) AN ARMED SECURITY OFFICER AND METAL DETECTION, X-RAY, SCREENING OR

6 OTHER WEAPON DETECTION EQUIPMENT.

7 2. "GOVERNMENTAL PURPOSE" MEANS USED OR INTENDED TO BE USED TO PERFORM

8 GOVERNMENT FUNCTIONS ON BEHALF OF THIS STATE OR ANY AGENCY OR POLITICAL

9 SUBDIVISION OF THIS STATE. GOVERNMENTAL PURPOSE DOES NOT INCLUDE THE

10 OPERATION OF A MULTIPURPOSE FACILITY.

11 3. "MULTIPURPOSE FACILITY" MEANS ANY FACILITY THAT IS SUITABLE TO BE

12 USED TO ACCOMMODATE PROFESSIONAL SPORTING FRANCHISES, MAJOR COLLEGE FOOTBALL

13 BOWL SPONSORS, OTHER SPORTING ACTIVITIES AND ENTERTAINMENT, CULTURAL, CIVIC,

14 MEETING, TRADE SHOW OR CONVENTION EVENTS OR ACTIVITIES AND MAY INCLUDE A

15 STADIUM AND ON-SITE INFRASTRUCTURE AND RELATED COMMERCIAL USES WITHIN THE

16 FACILITY.

17 4. "Political subdivision" includes MUNICIPALITIES, COUNTIES, SPECIAL

18 TAXING DISTRICTS, CONSERVATION DISTRICTS, AUTHORITIES, THE GOVERNING BODY OF

19 A POLITICAL SUBDIVISION AND ITS MEMBERS AND OFFICERS IN THEIR OFFICIAL

20 CAPACITY AND a political subdivision acting in any capacity, including under

21 police power, in a proprietary capacity or otherwise.

22 5. "PUBLIC PROPERTY":

23 (a) MEANS:

24 (i) A STRUCTURE, VEHICLE OR CRAFT THAT IS OWNED, LEASED, USED,

25 OPERATED, CONTRACTED FOR OR CONTROLLED BY THIS STATE OR ANY AGENCY OR

26 POLITICAL SUBDIVISION OF THIS STATE WHEN THAT PROPERTY IS USED BY A

27 GOVERNMENTAL ENTITY FOR A GOVERNMENTAL PURPOSE.

28 (ii) REAL PROPERTY THAT IS UNDER THE DOMINION AND CONTROL OF THIS

29 STATE OR ANY AGENCY OR POLITICAL SUBDIVISION OF THIS STATE AND THAT IS

30 ACCESSIBLE TO THE GENERAL PUBLIC.

31 (b) DOES NOT INCLUDE A STRUCTURE THAT IS OWNED BY THIS STATE OR ANY

32 AGENCY OR POLITICAL SUBDIVISION OF THIS STATE AND THAT IS LEASED, PROVIDED AS

33 PART OF A JOINT VENTURE OR LEASED PURCHASED TO A PRIVATE ENTITY FOR A PRIVATE

34 COMMERCIAL, RESIDENTIAL RENTAL OR PRIVATE INDUSTRIAL PURPOSE.

35 6. "SECURED FACILITY" MEANS PUBLIC PROPERTY THAT IS OPERATED OR

36 CONTROLLED BY THIS STATE OR ANY AGENCY OR POLITICAL SUBDIVISION OF THIS STATE

37 AND THAT IS NOT ACCESSIBLE TO THE GENERAL PUBLIC EXCEPT BY CONTROLLED ACCESS.

38 Sec. 5. Repeal

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

40 Sec. 6. Section 13-4903, Arizona Revised Statutes, is amended to read:

41 13-4903. Use of force; armed nuclear security guards

42 A. An armed nuclear security guard is justified in using physical

43 force against another person at a commercial nuclear generating station or

44 structure or fenced yard of a commercial nuclear generating station if the

45 armed nuclear security guard reasonably believes that such force is necessary

1 to prevent or terminate the commission or attempted commission of criminal
2 damage under section 13-1602, subsection A, paragraph 3 and subsection B,
3 paragraph 1 or 2, misconduct involving weapons under section 13-3102,
4 subsection A, paragraph ~~13~~ 12 or criminal trespass on a commercial nuclear
5 generating station under section 13-4902.

6 B. Notwithstanding sections 13-403, 13-404, 13-405, 13-406, 13-408,
7 13-409, 13-410 and 13-411, an armed nuclear security guard is justified in
8 using physical force up to and including deadly physical force against
9 another person at a commercial nuclear generating station or structure or
10 fenced yard of a commercial nuclear generating station if the armed nuclear
11 security guard reasonably believes that such force is necessary to:

12 1. Prevent the commission of manslaughter under section 13-1103,
13 second or first degree murder under section 13-1104 or 13-1105, aggravated
14 assault under section 13-1204, subsection A, paragraph 1 or 2, kidnapping
15 under section 13-1304, burglary in the second or first degree under section
16 13-1507 or 13-1508, arson of a structure or property under section 13-1703,
17 arson of an occupied structure under section 13-1704, armed robbery under
18 section 13-1904 or an act of terrorism under section 13-2308.01.

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

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

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

28 Sec. 7. Section 13-4904, Arizona Revised Statutes, is amended to read:
29 13-4904. Detention authority; armed nuclear security guards

30 A. An armed nuclear security guard, with reasonable belief, may detain
31 in or on a commercial nuclear generating station or a structure or fenced
32 yard of a commercial nuclear generating station in a reasonable manner and
33 for a reasonable time any person who is suspected of committing or attempting
34 to commit manslaughter under section 13-1103, second or first degree murder
35 under section 13-1104 or 13-1105, aggravated assault under section 13-1204,
36 subsection A, paragraph 1 or 2, kidnapping under section 13-1304, burglary in
37 the second or first degree under section 13-1507 or 13-1508, criminal damage
38 under section 13-1602, subsection A, paragraph 3 and subsection B, paragraph
39 1 or 2, arson of a structure or property under section 13-1703, arson of an
40 occupied structure under section 13-1704, armed robbery under section
41 13-1904, an act of terrorism under section 13-2308.01, misconduct involving
42 weapons under section 13-3102, subsection A, paragraph ~~13~~ 12 or criminal
43 trespass on a commercial nuclear generating station under section 13-4902 for
44 the purpose of summoning a law enforcement officer.

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

4 Sec. 8. Section 15-515, Arizona Revised Statutes, is amended to read:

5 15-515. Duty to report violations occurring on school premises

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