

REFERENCE TITLE: firearms; records; prohibited acts

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

HB 2326

Introduced by
Representative Farnsworth

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

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

6 A. Except as provided in subsection F of this section, a political
7 subdivision of this state shall not enact any ordinance, rule or tax relating
8 to the transportation, possession, carrying, sale, transfer, purchase,
9 acquisition, gift, devise, storage, licensing, registration, discharge or use
10 of firearms or ammunition or any firearm or ammunition components or related
11 accessories in this state.

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

17 C. A political subdivision of this state shall not require or maintain
18 a record in any form, whether permanent or temporary, including a list, log
19 or database, of any of the following:

20 1. Any identifying information of a person who leaves a weapon in
21 temporary storage at any public establishment or public event, except that
22 the operator of the establishment or the sponsor of the event may require
23 that a person provide a government issued identification or a reasonable copy
24 of a government issued identification for the purpose of establishing
25 ownership of the weapon. The operator or sponsor shall store any provided
26 identification with the weapon and shall return the identification to the
27 person when the weapon is retrieved. The operator or sponsor shall not
28 retain records or copies of any identification provided pursuant to this
29 paragraph after the weapon is retrieved.

30 2. Except in the course of a law enforcement investigation, any
31 identifying information of a person who POSSESSES, purchases, sells or
32 transfers a firearm, ~~unless the transaction involves a federally licensed~~
33 ~~firearms dealer~~.

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

36 D. A political subdivision of this state shall not enact any rule or
37 ordinance that relates to firearms and is more prohibitive than or that has a
38 penalty that is greater than any state law penalty. A political
39 subdivision's rule or ordinance that relates to firearms and that is
40 inconsistent with or more restrictive than state law, whether enacted before
41 or after ~~the effective date of the amendment to this section~~ JULY 29, 2010,
42 is null and void.

43 E. A political subdivision of this state shall not enact any
44 ordinance, rule or regulation limiting the lawful taking of wildlife during
45 an open season established by the Arizona game and fish commission unless the

1 ordinance, rule or regulation is consistent with title 17 and rules and
2 orders adopted by the Arizona game and fish commission. This subsection does
3 not prevent a political subdivision from adopting an ordinance or rule
4 restricting the discharge of a firearm within one-fourth mile of an occupied
5 structure. For THE purposes of this subsection, "take" has the same meaning
6 prescribed in section 17-101.

7 F. This section does not prohibit a political subdivision of this
8 state from enacting and enforcing any ordinance or rule pursuant to state law
9 or relating to any of the following:

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

14 2. Prohibiting a minor who is unaccompanied by a parent, grandparent
15 or guardian or a certified hunter safety instructor or certified firearms
16 safety instructor acting with the consent of the minor's parent, grandparent
17 or guardian from knowingly possessing or carrying on the minor's person,
18 within the minor's immediate control or in or on a means of transportation a
19 firearm in any place that is open to the public or on any street or highway
20 or on any private property except private property that is owned or leased by
21 the minor or the minor's parent, grandparent or guardian. Any ordinance or
22 rule that is adopted pursuant to this paragraph shall not apply to a minor
23 who is fourteen, fifteen, sixteen or seventeen years of age and who is
24 engaged in any of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 G. A violation of any ordinance established pursuant to subsection F,
22 paragraph 5 of this section is a class 2 misdemeanor unless the political
23 subdivision designates a lesser classification by ordinance.

24 H. For the purposes of this section, "political subdivision" includes
25 a political subdivision acting in any capacity, including under police power,
26 in a proprietary capacity or otherwise.