

REFERENCE TITLE: peace officers; firearms; court

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

HB 2516

Introduced by
Representative Pierce J

AN ACT

AMENDING SECTION 38-1102, ARIZONA REVISED STATUTES; RELATING TO LAW
ENFORCEMENT OFFICERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 38-1102, Arizona Revised Statutes, is amended to
3 read:

4 38-1102. Carrying of firearms by peace officers; exceptions;
5 definitions

6 A. Notwithstanding any other law and except as provided pursuant to
7 subsection C of this section, a peace officer shall not be prohibited from
8 carrying a firearm if the peace officer is in compliance with the firearm
9 requirements prescribed by the Arizona peace officer standards and training
10 board.

11 B. Notwithstanding any other law and except as provided pursuant to
12 subsection C, paragraphs 1, 2, 4, 5, 6, 7 and 8, a retired peace officer
13 shall not be prohibited from carrying a firearm.

14 C. A peace officer or retired peace officer may be prohibited from
15 carrying a firearm as follows:

16 1. In a jail, correctional facility or juvenile detention facility.

17 2. EXCEPT FOR PEACE OFFICERS ACTING IN THEIR OFFICIAL CAPACITY, by
18 order of:

19 (a) The presiding judge or justice when attending any court that is
20 established pursuant to the constitution of this state or title 12, except if
21 the peace officer or retired peace officer is providing court security or
22 responding to an emergency.

23 (b) A justice court when attending the justice court, except if the
24 peace officer or retired peace officer is providing court security or
25 responding to an emergency.

26 (c) A municipal court when attending the municipal court, except if
27 the peace officer or retired peace officer is providing court security or
28 responding to an emergency.

29 3. When the peace officer is relieved of duty and is under a criminal
30 or administrative investigation.

31 4. When in a secured police facility.

32 5. When consuming alcohol at a licensed liquor establishment operated
33 by this state, a county, a city or town or any other political subdivision of
34 this state, except if a peace officer's employing agency authorizes the
35 consumption of alcohol in the performance of the peace officer's duties.

36 6. In a location prohibited by federal law.

37 7. Pursuant to court order.

38 8. Pursuant to any state or federal law that makes the officer a
39 prohibited possessor.

40 9. When in the judgment of the department head, or the department
41 head's designee, the peace officer exhibits any impairment, including any
42 physical or mental impairment that would cause concern for the well-being and
43 safety of the officer, the officer's law enforcement agency, law enforcement
44 agency employees or the community.

1 D. A law enforcement agency that employs a peace officer may establish
2 rules that are consistent with this section. The law enforcement agency may
3 determine the number, type, model, caliber and brand of firearm and the
4 ammunition that is carried by its peace officers on or off duty.

5 E. This section does not create any civil liability for acting or
6 failing to act.

7 F. For the purposes of this section:

8 1. "Firearm" has the same meaning prescribed in section 13-105.

9 2. "Peace officer" has the same meaning prescribed in section 1-215.

10 3. "Relieved of duty" means when a peace officer is no longer required
11 to perform, either temporarily or permanently, the duties for which the
12 officer was employed.

13 4. "Retired peace officer" means a person who has honorably served as
14 a law enforcement officer in the United States for at least ten consecutive
15 years and who possesses a photographic identification or a letter from a law
16 enforcement agency that states the person has served for at least ten
17 consecutive years as a law enforcement officer in the United States.

18 5. "Secured police facility" means a building or structure that is
19 used primarily by a public agency and that is not accessible to the general
20 public except by controlled access.