

REFERENCE TITLE: **unlawful discharge; firearm; intoxication**

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

HB 2631

Introduced by
Representatives Wheeler, Orr, Otondo, Steele, Senator Hobbs:
Representatives Alston, Contreras, Dalessandro, Escamilla, Gonzales,
McCune Davis, Saldate, Sherwood

AN ACT

**AMENDING SECTIONS 13-905, 13-906 AND 13-3107, 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 13-905, Arizona Revised Statutes, is amended to
3 read:

4 13-905. Restoration of civil rights; persons completing
5 probation

6 A. A person who has been convicted of two or more felonies and whose
7 period of probation has been completed may have any civil rights ~~which~~ THAT
8 were lost or suspended by the felony conviction restored by the judge who
9 discharges him at the end of the term of probation.

10 B. On proper application, a person who has been discharged from
11 probation either before or after adoption of this chapter may have any civil
12 rights ~~which~~ THAT were lost or suspended by the felony conviction restored by
13 the superior court judge by whom the person was sentenced or the judge's
14 successors in office from the county in which the person was originally
15 convicted. The clerk of the superior court shall have the responsibility for
16 processing the application on request of the person involved or the person's
17 attorney. The superior court shall serve a copy of the application on the
18 county attorney.

19 C. If the person was convicted of a dangerous offense under section
20 13-704, the person may not file for the restoration of the right to possess
21 or carry a gun or firearm. If the person was convicted of a serious offense
22 as defined in section 13-706 the person may not file for the restoration of
23 the right to possess or carry a gun or firearm for ten years from the date of
24 ~~his~~ THE PERSON'S discharge from probation. IF THE PERSON WAS CONVICTED OF A
25 VIOLATION OF SECTION 13-3107 THE PERSON MAY NOT FILE FOR THE RESTORATION OF
26 THE RIGHT TO POSSESS OR CARRY A GUN OR FIREARM FOR FIVE YEARS FROM THE DATE
27 OF THE PERSON'S DISCHARGE FROM PROBATION. If the person was convicted of any
28 other felony offense, the person may not file for the restoration of the
29 right to possess or carry a gun or firearm for two years from the date of the
30 person's discharge from probation.

31 Sec. 2. Section 13-906, Arizona Revised Statutes, is amended to read:

32 13-906. Applications by persons discharged from prison

33 A. On proper application, a person who has been convicted of two or
34 more felonies and who has received an absolute discharge from imprisonment
35 may have any civil rights ~~which~~ THAT were lost or suspended by his conviction
36 restored by the superior court judge by whom the person was sentenced or the
37 judge's successors in office from the county in which the person was
38 originally sentenced.

39 B. A person who is subject to subsection A of this section may file,
40 no sooner than two years from the date of his absolute discharge, an
41 application for restoration of civil rights that shall be accompanied by a
42 certificate of absolute discharge from the director of the state department
43 of corrections. The clerk of the superior court that sentenced the applicant
44 shall have the responsibility for processing applications for restoration of
45 civil rights ~~upon~~ ON request of the person involved, the person's attorney or

1 a representative of the state department of corrections. The superior court
2 shall serve a copy of the application on the county attorney.

3 C. If the person was convicted of a dangerous offense under section
4 13-704, the person may not file for the restoration of the right to possess
5 or carry a gun or firearm. If the person was convicted of a serious offense
6 as defined in section 13-706, the person may not file for the restoration of
7 the right to possess or carry a gun or firearm for ten years from the date of
8 ~~his~~ THE PERSON'S absolute discharge from imprisonment. IF THE PERSON WAS
9 CONVICTED OF A VIOLATION OF SECTION 13-3107 THE PERSON MAY NOT FILE FOR THE
10 RESTORATION OF THE RIGHT TO POSSESS OR CARRY A GUN OR FIREARM FOR FIVE YEARS
11 FROM THE DATE OF THE PERSON'S ABSOLUTE DISCHARGE FROM IMPRISONMENT. If the
12 person was convicted of any other felony offense, the person may not file for
13 the restoration of the right to possess or carry a gun or firearm for two
14 years from the date of the person's absolute discharge from imprisonment.

15 Sec. 3. Section 13-3107, Arizona Revised Statutes, is amended to read:
16 13-3107. Unlawful discharge of firearms; blood alcohol testing;
17 exceptions; classification; definitions

18 A. A person who with criminal negligence discharges a firearm within
19 or into the limits of any municipality is guilty of a class 6 felony.

20 B. A PERSON WHO WITH CRIMINAL NEGLIGENCE DISCHARGES A FIREARM IN THIS
21 STATE WHILE THE PERSON HAS AN ALCOHOL CONCENTRATION OF 0.08 OR MORE IS GUILTY
22 OF A CLASS 6 FELONY. A LAW ENFORCEMENT OFFICER WHO HAS REASONABLE SUSPICION
23 TO BELIEVE THAT A PERSON HAS COMMITTED A VIOLATION OF THIS SUBSECTION SHALL
24 REQUIRE THE PERSON TO SUBMIT TO A BLOOD, BREATH OR URINE TEST TO DETERMINE
25 THE PERSON'S BLOOD ALCOHOL CONCENTRATION. THE TEST SHALL BE GIVEN IN THE
26 SAME MANNER AS PRESCRIBED IN SECTIONS 28-1322, 28-1323, 28-1324, 28-1325 AND
27 28-1388.

28 ~~B-~~ C. Notwithstanding the fact that the offense involves the
29 discharge of a deadly weapon, unless a dangerous offense is alleged and
30 proven pursuant to section 13-704, subsection L, section 13-604 applies to
31 this offense.

32 ~~C-~~ D. SUBSECTION A OF this section does not apply if the firearm is
33 discharged:

34 1. As allowed pursuant to chapter 4 of this title.

35 2. On a properly supervised range.

36 3. To lawfully take wildlife during an open season established by the
37 Arizona game and fish commission and subject to the limitations prescribed by
38 title 17 and Arizona game and fish commission rules and orders. This
39 paragraph does not prevent a city, town or county from adopting an ordinance
40 or rule restricting the discharge of a firearm within one-fourth mile of an
41 occupied structure. For THE purposes of this paragraph, "take" has the same
42 meaning prescribed in section 17-101.

43 4. For the control of nuisance wildlife by permit from the Arizona
44 game and fish department or the United States fish and wildlife service.

45 5. By special permit of the chief of police of the municipality.

- 1 6. As required by an animal control officer in the performance of
2 duties as specified in section 9-499.04.
- 3 7. Using blanks.
- 4 8. More than one mile from any occupied structure as defined in
5 section 13-3101.
- 6 9. In self-defense or defense of another person against an animal
7 attack if a reasonable person would believe that deadly physical force
8 against the animal is immediately necessary and reasonable under the
9 circumstances to protect oneself or the other person.
- 10 ~~D.~~ E. For the purposes of this section:
- 11 1. "Municipality" means any city or town and includes any property
12 that is fully enclosed within the city or town.
- 13 2. "Properly supervised range" means a range that is any of the
14 following:
- 15 (a) Operated by a club affiliated with the national rifle association
16 of America, the amateur trapshooting association, the national skeet
17 association or any other nationally recognized shooting organization, or by
18 any public or private school.
- 19 (b) Approved by any agency of the federal government, this state or a
20 county or city within which the range is located.
- 21 (c) Operated with adult supervision for shooting air or carbon dioxide
22 gas operated guns, or for shooting in underground ranges on private or public
23 property.