

REFERENCE TITLE: large capacity magazine; prohibited weapon

State of Arizona
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SB 1229

Introduced by
Senators Lopez, Bradley, Cajero Bedford: Landrum Taylor

AN ACT

AMENDING SECTIONS 13-925, 13-3101, 13-3102, 13-3110 AND 13-3112, 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 13-925, Arizona Revised Statutes, is amended to
3 read:

4 13-925. Restoration of right to possess a firearm; mentally ill
5 persons; petition

6 A. A person may petition the court that entered an order, finding or
7 adjudication that resulted in the person being a prohibited possessor as
8 defined in section 13-3101, subsection A, paragraph ~~7~~ 8, subdivision (a) or
9 subject to 18 United States Code section 922(d)(4) or (g)(4) to restore the
10 person's right to possess a firearm.

11 B. The person or the person's guardian or attorney may file the
12 petition. The petition shall be served on the attorney for the state who
13 appeared in the underlying case.

14 C. On THE filing of the petition the court shall set a hearing. At
15 the hearing, the person shall present psychological or psychiatric evidence
16 in support of the petition. The state shall provide the court with the
17 person's criminal history records, if any. The court shall receive evidence
18 on and consider the following before granting or denying the petition:

19 1. The circumstances that resulted in the person being a prohibited
20 possessor as defined in section 13-3101, subsection A, paragraph ~~7~~ 8,
21 subdivision (a) or subject to 18 United States Code section 922(d)(4) or
22 (g)(4).

23 2. The person's record, including the person's mental health record
24 and criminal history record, if any.

25 3. The person's reputation based on character witness statements,
26 testimony or other character evidence.

27 4. Whether the person is a danger to self or others, ~~OR~~ OR is
28 persistently, acutely or gravely disabled or whether the circumstances that
29 led to the original order, adjudication or finding remain in effect.

30 5. Any change in the person's condition or circumstances that is
31 relevant to the relief sought.

32 6. Any other evidence deemed admissible by the court.

33 D. The petitioner shall prove by clear and convincing evidence both of
34 the following:

35 1. The petitioner is not likely to act in a manner that is dangerous
36 to public safety.

37 2. Granting the requested relief is not contrary to the public
38 interest.

39 E. At the conclusion of the hearing, the court shall issue findings of
40 fact and conclusions of law.

41 F. If the court grants the petition for relief, the original order,
42 finding or adjudication is deemed not to have occurred for the purposes of
43 applying section 13-3101, subsection A, paragraph ~~7~~ 8, subdivision (a),
44 Public Law 110-180, section 105(a) or 18 United States Code section 922(d)(4)
45 or (g)(4) to that person.

1 G. The granting of a petition under this section only restores the
2 person's right to possess a firearm and does not apply to and has no ~~affect~~
3 ~~EFFECT~~ on any other rights or benefits the person receives.

4 H. The court shall promptly notify the department of public safety of
5 an order granting a petition under this section. As soon thereafter as
6 practicable the department shall update, correct, modify or remove the
7 person's record in any database that the department maintains and makes
8 available to the national instant criminal background check system consistent
9 with the rules pertaining to the database. Within ten business days after
10 receiving the notification from the court, the department shall notify the
11 United States attorney general that the person no longer falls within the
12 provisions of section 13-3101, subsection A, paragraph ~~7- 8~~, subdivision (a)
13 or 18 United States Code section 922(d)(4) or (g)(4).

14 Sec. 2. Section 13-3101, Arizona Revised Statutes, is amended to read:
15 ~~13-3101. Definitions~~

16 A. In this chapter, unless the context otherwise requires:

17 1. "Deadly weapon" means anything that is designed for lethal use.
18 The term includes a firearm.

19 2. "Deface" means to remove, alter or destroy the manufacturer's
20 serial number.

21 3. "Explosive" means any dynamite, nitroglycerine, black powder, or
22 other similar explosive material, including plastic explosives. Explosive
23 does not include ammunition or ammunition components such as primers,
24 percussion caps, smokeless powder, black powder and black powder substitutes
25 used for hand loading purposes.

26 4. "Firearm" means any loaded or unloaded handgun, pistol, revolver,
27 rifle, shotgun or other weapon that will expel, is designed to expel or may
28 readily be converted to expel a projectile by the action of an explosive.
29 Firearm does not include a firearm in permanently inoperable condition.

30 5. "Improvised explosive device" means a device that incorporates
31 explosives or destructive, lethal, noxious, pyrotechnic or incendiary
32 chemicals and that is designed to destroy, disfigure, terrify or harass.

33 6. "LARGE CAPACITY AMMUNITION FEEDING DEVICE" MEANS A MAGAZINE, BELT,
34 DRUM, FEED STRIP OR SIMILAR DEVICE THAT HAS A CAPACITY OF OR THAT CAN BE
35 READILY RESTORED OR CONVERTED TO ACCEPT MORE THAN TEN ROUNDS OF AMMUNITION
36 BUT DOES NOT INCLUDE AN ATTACHED TUBULAR DEVICE THAT IS DESIGNED TO ACCEPT
37 AND THAT IS CAPABLE OF OPERATING ONLY WITH .22 CALIBER RIMFIRE AMMUNITION.

38 ~~6-~~ 7. "Occupied structure" means any building, object, vehicle,
39 watercraft, aircraft or place with sides and a floor that is separately
40 securable from any other structure attached to it, that is used for lodging,
41 business, transportation, recreation or storage and in which one or more
42 human beings either are or are likely to be present or so near as to be in
43 equivalent danger at the time the discharge of a firearm occurs. Occupied
44 structure includes any dwelling house, whether occupied, unoccupied or
45 vacant.

1 ~~7.~~ 8. "Prohibited possessor" means any person:

2 (a) Who has been found to constitute a danger to self or to others or
3 to be persistently or acutely disabled or gravely disabled pursuant to court
4 order under section 36-540, and whose right to possess a firearm has not been
5 restored pursuant to section 13-925.

6 (b) Who has been convicted within or without this state of a felony or
7 who has been adjudicated delinquent for a felony and whose civil right to
8 possess or carry a gun or firearm has not been restored.

9 (c) Who is at the time of possession serving a term of imprisonment in
10 any correctional or detention facility.

11 (d) Who is at the time of possession serving a term of probation
12 pursuant to a conviction for a domestic violence offense as defined in
13 section 13-3601 or a felony offense, parole, community supervision, work
14 furlough, home arrest or release on any other basis or who is serving a term
15 of probation or parole pursuant to the interstate compact under title 31,
16 chapter 3, article 4.1.

17 (e) Who is an undocumented alien or a nonimmigrant alien traveling
18 with or without documentation in this state for business or pleasure or who
19 is studying in this state and who maintains a foreign residence abroad. This
20 subdivision does not apply to:

21 (i) Nonimmigrant aliens who possess a valid hunting license or permit
22 that is lawfully issued by a state in the United States.

23 (ii) Nonimmigrant aliens who enter the United States to participate in
24 a competitive target shooting event or to display firearms at a sports or
25 hunting trade show that is sponsored by a national, state or local firearms
26 trade organization devoted to the competitive use or other sporting use of
27 firearms.

28 (iii) Certain diplomats.

29 (iv) Officials of foreign governments or distinguished foreign
30 visitors who are designated by the United States department of state.

31 (v) Persons who have received a waiver from the United States attorney
32 general.

33 ~~8.~~ 9. "Prohibited weapon":

34 (a) Includes the following:

35 (i) An item that is a bomb, grenade, rocket having a propellant charge
36 of more than four ounces or mine and that is explosive, incendiary or poison
37 gas.

38 (ii) A device that is designed, made or adapted to muffle the report
39 of a firearm.

40 (iii) A firearm that is capable of shooting more than one shot
41 automatically, without manual reloading, by a single function of the trigger.

42 (iv) A rifle with a barrel length of less than sixteen inches, or
43 shotgun with a barrel length of less than eighteen inches, or any firearm
44 that is made from a rifle or shotgun and that, as modified, has an overall
45 length of less than twenty-six inches.

1 (v) An instrument, including a nunchaku, that consists of two or more
2 sticks, clubs, bars or rods to be used as handles, connected by a rope, cord,
3 wire or chain, in the design of a weapon used in connection with the practice
4 of a system of self-defense.

5 (vi) A breakable container that contains a flammable liquid with a
6 flash point of one hundred fifty degrees Fahrenheit or less and that has a
7 wick or similar device capable of being ignited.

8 (vii) A chemical or combination of chemicals, compounds or materials,
9 including dry ice, that is possessed or manufactured for the purpose of
10 generating a gas to cause a mechanical failure, rupture or bursting or an
11 explosion or detonation of the chemical or combination of chemicals,
12 compounds or materials.

13 (viii) An improvised explosive device.

14 (ix) Any combination of parts or materials that is designed and
15 intended for use in making or converting a device into an item set forth in
16 item (i), (vi) or (viii) of this subdivision.

17 (x) A LARGE CAPACITY AMMUNITION FEEDING DEVICE.

18 (b) Does not include:

19 (i) Any fireworks that are imported, distributed or used in compliance
20 with state laws or local ordinances.

21 (ii) Any propellant, propellant actuated devices or propellant
22 actuated industrial tools that are manufactured, imported or distributed for
23 their intended purposes.

24 (iii) A device that is commercially manufactured primarily for the
25 purpose of illumination.

26 ~~9-~~ 10. "Trafficking" means to sell, transfer, distribute, dispense or
27 otherwise dispose of a weapon or explosive to another person, or to buy,
28 receive, possess or obtain control of a weapon or explosive, with the intent
29 to sell, transfer, distribute, dispense or otherwise dispose of the weapon or
30 explosive to another person.

31 B. The items set forth in subsection A, paragraph ~~8-~~ 9, subdivision
32 (a), items (i), (ii), (iii) and (iv) of this section do not include any
33 firearms or devices that are registered in the national firearms registry and
34 transfer records of the United States treasury department or any firearm that
35 has been classified as a curio or relic by the United States treasury
36 department.

37 Sec. 3. Section 13-3102, Arizona Revised Statutes, is amended to read:

38 ~~13-3102.~~ Misconduct involving weapons; defenses;
39 classification; definitions

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

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

43 (a) In the furtherance of a serious offense as defined in section
44 13-706, a violent crime as defined in section 13-901.03 or any other felony
45 offense; or

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

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

7 3. Manufacturing, possessing, transporting, selling or transferring a
8 prohibited weapon, except that if the violation involves dry ice, a person
9 commits misconduct involving weapons by knowingly possessing the dry ice with
10 the intent to cause injury to or death of another person or to cause damage
11 to the property of another person; or

12 4. Possessing a deadly weapon or prohibited weapon if such person is a
13 prohibited possessor; or

14 5. Selling or transferring a deadly weapon to a prohibited possessor;
15 or

16 6. Defacing a deadly weapon; or

17 7. Possessing a defaced deadly weapon knowing the deadly weapon was
18 defaced; or

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

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

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

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

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

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

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

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

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

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

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

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

12 3. A firearm that is carried in:

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

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

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

18 (d) Luggage.

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

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

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

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

28 3. A warden, deputy warden, community correctional officer, detention
29 officer, special investigator or correctional officer of the state department
30 of corrections or the department of juvenile corrections; or

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

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

35 1. The possessing, transporting, selling or transferring of weapons by
36 a museum as a part of its collection or an educational institution for
37 educational purposes or by an authorized employee of such museum or
38 institution, if:

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

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

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

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

4 E. Subsection A, paragraph 3 of this section shall not apply to:

5 1. The merchandise of an authorized manufacturer of or dealer in
6 prohibited weapons, when such material is intended to be manufactured,
7 possessed, transported, sold or transferred solely for or to a dealer, a
8 regularly constituted or appointed state, county or municipal police
9 department or police officer, a detention facility, the military service of
10 this or another state or the United States, a museum or educational
11 institution or a person specifically licensed or permitted pursuant to
12 federal or state law.

13 2. THE POSSESSION OF A LARGE CAPACITY AMMUNITION FEEDING DEVICE THAT
14 WAS LAWFULLY POSSESSED BY A PERSON BEFORE THE EFFECTIVE DATE OF THIS
15 AMENDMENT TO THIS SECTION.

16 F. Subsection A, paragraph 10 of this section shall not apply to
17 shooting ranges or shooting events, hunting areas or similar locations or
18 activities.

19 G. Subsection A, paragraph 3 of this section shall not apply to a
20 weapon described in section 13-3101, subsection A, paragraph ~~8~~ 9,
21 subdivision (a), item (v), if such weapon is possessed for the purposes of
22 preparing for, conducting or participating in lawful exhibitions,
23 demonstrations, contests or athletic events involving the use of such weapon.
24 Subsection A, paragraph 12 of this section shall not apply to a weapon if
25 such weapon is possessed for the purposes of preparing for, conducting or
26 participating in hunter or firearm safety courses.

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

29 1. Firearm that is not loaded and that is carried within a means of
30 transportation under the control of an adult provided that if the adult
31 leaves the means of transportation the firearm shall not be visible from the
32 outside of the means of transportation and the means of transportation shall
33 be locked.

34 2. Firearm for use on the school grounds in a program approved by a
35 school.

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

41 I. Subsection A, paragraphs 2, 3, 7 and 13 of this section shall not
42 apply to commercial nuclear generating station armed nuclear security guards
43 during the performance of official duties or during any security training
44 exercises sponsored by the commercial nuclear generating station or local,
45 state or federal authorities.

1 J. The operator of the establishment or the sponsor of the event or
2 the employee of the operator or sponsor or the agent of the sponsor,
3 including a public entity or public employee, is not liable for acts or
4 omissions pursuant to subsection A, paragraph 10 of this section unless the
5 operator, sponsor, employee or agent intended to cause injury or was grossly
6 negligent.

7 K. If a law enforcement officer contacts a person who is in possession
8 of a firearm, the law enforcement officer may take temporary custody of the
9 firearm for the duration of that contact.

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

25 M. For the purposes of this section:

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

30 2. "Public establishment" means a structure, vehicle or craft that is
31 owned, leased or operated by this state or a political subdivision of this
32 state.

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

37 4. "School" means a public or nonpublic kindergarten program, common
38 school or high school.

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

40 Sec. 4. Section 13-3110, Arizona Revised Statutes, is amended to read:

41 13-3110. Misconduct involving simulated explosive devices;
42 classification; definition

43 A. A person commits misconduct involving simulated explosive devices
44 by intentionally giving or sending to another person or placing in a private

1 or public place a simulated explosive device with the intent to terrify,
2 intimidate, threaten or harass.

3 B. The placing or sending of a simulated explosive device without
4 written notice attached to the device in a conspicuous place that the device
5 has been rendered inert and is possessed for the purpose of curio or relic
6 collection, display or other similar purpose is prima facie evidence of
7 intent to terrify, intimidate, threaten or harass.

8 C. Misconduct involving simulated explosive devices is a class 5
9 felony.

10 D. For the purposes of this section, "simulated explosive device"
11 means a simulation of a prohibited weapon described in section 13-3101,
12 subsection A, paragraph ~~8~~ 9, subdivision (a), item (i), (vi) or (viii) that
13 a reasonable person would believe is such a prohibited weapon.

14 Sec. 5. Section 13-3112, Arizona Revised Statutes, is amended to read:
15 13-3112. Concealed weapons; qualification; application; permit
16 to carry; civil penalty; report; applicability

17 A. The department of public safety shall issue a permit to carry a
18 concealed weapon to a person who is qualified under this section. The person
19 shall carry the permit at all times when the person is in actual possession
20 of the concealed weapon and is required by section 4-229 or 4-244 to carry
21 the permit. If the person is in actual possession of the concealed weapon
22 and is required by section 4-229 or 4-244 to carry the permit, the person
23 shall present the permit for inspection to any law enforcement officer on
24 request.

25 B. The permit of a person who is arrested or indicted for an offense
26 that would make the person unqualified under section 13-3101, subsection A,
27 paragraph ~~7~~ 8 or this section shall be immediately suspended and seized.
28 The permit of a person who becomes unqualified on conviction of that offense
29 shall be revoked. The permit shall be restored on presentation of
30 documentation from the court if the permittee is found not guilty or the
31 charges are dismissed. The permit shall be restored on presentation of
32 documentation from the county attorney that the charges against the permittee
33 were dropped or dismissed.

34 C. A permittee who carries a concealed weapon, who is required by
35 section 4-229 or 4-244 to carry a permit and who fails to present the permit
36 for inspection on the request of a law enforcement officer commits a
37 violation of this subsection and is subject to a civil penalty of not more
38 than three hundred dollars. The department of public safety shall be
39 notified of all violations of this subsection and shall immediately suspend
40 the permit. A permittee shall not be convicted of a violation of this
41 subsection if the permittee produces to the court a legible permit that is
42 issued to the permittee and that was valid at the time the permittee failed
43 to present the permit for inspection.

44 D. A law enforcement officer shall not confiscate or forfeit a weapon
45 that is otherwise lawfully possessed by a permittee whose permit is suspended

1 pursuant to subsection C of this section, except that a law enforcement
2 officer may take temporary custody of a firearm during an investigatory stop
3 of the permittee.

4 E. The department of public safety shall issue a permit to an
5 applicant who meets all of the following conditions:

6 1. Is a resident of this state or a United States citizen.

7 2. Is twenty-one years of age or older.

8 3. Is not under indictment for and has not been convicted in any
9 jurisdiction of a felony unless that conviction has been expunged, set aside
10 or vacated or the applicant's rights have been restored and the applicant is
11 currently not a prohibited possessor under state or federal law.

12 4. Does not suffer from mental illness and has not been adjudicated
13 mentally incompetent or committed to a mental institution.

14 5. Is not unlawfully present in the United States.

15 6. Has ever demonstrated competence with a firearm as prescribed by
16 subsection N of this section and provides adequate documentation that the
17 person has satisfactorily completed a training program or demonstrated
18 competence with a firearm in any state or political subdivision in the United
19 States. For the purposes of this paragraph, "adequate documentation" means:

20 (a) A current or expired permit issued by the department of public
21 safety pursuant to this section.

22 (b) An original or copy of a certificate, card or document that shows
23 the applicant has ever completed any course or class prescribed by subsection
24 N of this section or an affidavit from the instructor, school, club or
25 organization that conducted or taught the course or class attesting to the
26 applicant's completion of the course or class.

27 (c) An original or a copy of a United States department of defense
28 form 214 (DD-214) indicating an honorable discharge or general discharge
29 under honorable conditions, a certificate of completion of basic training or
30 any other document demonstrating proof of the applicant's current or former
31 service in the United States armed forces as prescribed by subsection N,
32 paragraph 5 of this section.

33 (d) An original or a copy of a concealed weapon, firearm or handgun
34 permit or a license as prescribed by subsection N, paragraph 6 of this
35 section.

36 F. The application shall be completed on a form prescribed by the
37 department of public safety. The form shall not require the applicant to
38 disclose the type of firearm for which a permit is sought. The applicant
39 shall attest under penalty of perjury that all of the statements made by the
40 applicant are true, that the applicant has been furnished a copy of this
41 chapter and chapter 4 of this title and that the applicant is knowledgeable
42 about the provisions contained in those chapters. The applicant shall submit
43 the application to the department with any documentation prescribed by
44 subsection E of this section, two sets of fingerprints and a reasonable fee
45 determined by the director of the department.

1 G. On receipt of a concealed weapon permit application, the department
2 of public safety shall conduct a check of the applicant's criminal history
3 record pursuant to section 41-1750. The department of public safety may
4 exchange fingerprint card information with the federal bureau of
5 investigation for federal criminal history record checks.

6 H. The department of public safety shall complete all of the required
7 qualification checks within sixty days after receipt of the application and
8 shall issue a permit within fifteen working days after completing the
9 qualification checks if the applicant meets all of the conditions specified
10 in subsection E of this section. If a permit is denied, the department of
11 public safety shall notify the applicant in writing within fifteen working
12 days after the completion of all of the required qualification checks and
13 shall state the reasons why the application was denied. On receipt of the
14 notification of the denial, the applicant has twenty days to submit any
15 additional documentation to the department. On receipt of the additional
16 documentation, the department shall reconsider its decision and inform the
17 applicant within twenty days of the result of the reconsideration. If
18 denied, the applicant shall be informed that the applicant may request a
19 hearing pursuant to title 41, chapter 6, article 10. For the purposes of
20 this subsection, "receipt of the application" means the first day that the
21 department has physical control of the application and that is presumed to be
22 on the date of delivery as evidenced by proof of delivery by the United
23 States postal service or a written receipt, which shall be provided by the
24 department on request of the applicant.

25 I. On issuance, a permit is valid for five years, except a permit that
26 is held by a member of the United States armed forces, including a member of
27 the Arizona national guard or a member of the reserves of any military
28 establishment of the United States, who is on federal active duty and who is
29 deployed overseas shall be extended until ninety days after the end of the
30 member's overseas deployment.

31 J. The department of public safety shall maintain a computerized
32 permit record system that is accessible to criminal justice agencies for the
33 purpose of confirming the permit status of any person who is contacted by a
34 law enforcement officer and who claims to hold a valid permit issued by this
35 state. This information and any other records that are maintained regarding
36 applicants, permit holders or instructors shall not be available to any other
37 person or entity except on an order from a state or federal court. A
38 criminal justice agency shall not use the computerized permit record system
39 to conduct inquiries on whether a person is a concealed weapons permit holder
40 unless the criminal justice agency has reasonable suspicion to believe the
41 person is carrying a concealed weapon and the person is subject to a lawful
42 criminal investigation, arrest, detention or an investigatory stop.

43 K. A permit issued pursuant to this section is renewable every five
44 years. Before a permit may be renewed, a criminal history records check
45 shall be conducted pursuant to section 41-1750 within sixty days after

1 receipt of the application for renewal. For the purposes of permit renewal,
2 the permit holder is not required to submit additional fingerprints.

3 L. Applications for renewal shall be accompanied by a fee determined
4 by the director of the department of public safety.

5 M. The department of public safety shall suspend or revoke a permit
6 issued under this section if the permit holder becomes ineligible pursuant to
7 subsection E of this section. The department of public safety shall notify
8 the permit holder in writing within fifteen working days after the revocation
9 or suspension and shall state the reasons for the revocation or suspension.

10 N. An applicant shall demonstrate competence with a firearm through
11 any of the following:

12 1. Completion of any firearms safety or training course or class that
13 is available to the general public, that is offered by a law enforcement
14 agency, a junior college, a college or a private or public institution,
15 academy, organization or firearms training school and that is approved by the
16 department of public safety or that uses instructors who are certified by the
17 national rifle association.

18 2. Completion of any hunter education or hunter safety course approved
19 by the Arizona game and fish department or a similar agency of another state.

20 3. Completion of any national rifle association firearms safety or
21 training course.

22 4. Completion of any law enforcement firearms safety or training
23 course or class that is offered for security guards, investigators, special
24 deputies or other divisions or subdivisions of law enforcement or security
25 enforcement and that is approved by the department of public safety.

26 5. Evidence of current military service or proof of honorable
27 discharge or general discharge under honorable conditions from the United
28 States armed forces.

29 6. A valid current or expired concealed weapon, firearm or handgun
30 permit or license that is issued by another state or a political subdivision
31 of another state and that has a training or testing requirement for initial
32 issuance.

33 7. Completion of any governmental police agency firearms training
34 course and qualification to carry a firearm in the course of normal police
35 duties.

36 8. Completion of any other firearms safety or training course or class
37 that is conducted by a department of public safety approved or national rifle
38 association certified firearms instructor.

39 0. The department of public safety shall maintain information
40 comparing the number of permits requested, the number of permits issued and
41 the number of permits denied. The department shall annually report this
42 information to the governor and the legislature.

43 P. The director of the department of public safety shall adopt rules
44 for the purpose of implementing and administering this section including fees
45 relating to permits that are issued pursuant to this section.

1 Q. This state and any political subdivision of this state shall
2 recognize a concealed weapon, firearm or handgun permit or license that is
3 issued by another state or a political subdivision of another state if both:

4 1. The permit or license is recognized as valid in the issuing state.

5 2. The permit or license holder is all of the following:

6 (a) Legally present in this state.

7 (b) Not legally prohibited from possessing a firearm in this state.

8 R. For the purpose of establishing mutual permit or license
9 recognition with other states, the department of public safety shall enter
10 into a written agreement if another state requires a written agreement.

11 S. Notwithstanding the provisions of this section, a person with a
12 concealed weapons permit from another state may not carry a concealed weapon
13 in this state if the person is under twenty-one years of age or is under
14 indictment for, or has been convicted of, a felony offense in any
15 jurisdiction, unless that conviction is expunged, set aside or vacated or the
16 person's rights have been restored and the person is currently not a
17 prohibited possessor under state or federal law.

18 T. The department of public safety may issue certificates of firearms
19 proficiency according to the Arizona peace officer standards and training
20 board firearms qualification for the purposes of implementing the law
21 enforcement officers safety act of 2004 (P.L. 108-277; 118 Stat. 865; 18
22 United States Code sections 926B and 926C). A law enforcement agency shall
23 issue to a law enforcement officer who has honorably retired a photographic
24 identification that states that the officer has honorably retired from the
25 agency. The chief law enforcement officer shall determine whether an officer
26 has honorably retired and the determination is not subject to review. A law
27 enforcement agency has no obligation to revoke, alter or modify the honorable
28 discharge photographic identification based on conduct that the agency
29 becomes aware of or that occurs after the officer has separated from the
30 agency.