

REFERENCE TITLE: **concealed carry; permit requirements; offense**

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

HB 2345

Introduced by
Representative Campbell

AN ACT

**AMENDING SECTIONS 13-3102, 13-3105 AND 13-3112, ARIZONA REVISED STATUTES;
RELATING TO CONCEALED WEAPONS.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 13-3102, Arizona Revised Statutes, is amended to read:

13-3102. Misconduct involving weapons; defenses; classification; definitions

A. A person commits misconduct involving weapons by knowingly:

1. Carrying a deadly weapon ~~WITHOUT A PERMIT PURSUANT TO SECTION 13-3112~~ except a pocket knife concealed on his person ~~or within his immediate control in or on a means of transportation;~~

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

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

2. Carrying a deadly weapon ~~except a pocket knife~~ ~~WITHOUT A PERMIT PURSUANT TO SECTION 13-3112~~ concealed ~~on his person or concealed~~ within his immediate control ~~OF ANY PERSON~~ in or on a means of transportation ~~if the person is under twenty-one years of age; or~~

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

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

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

6. Defacing a deadly weapon; or

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

8. Using or possessing a deadly weapon during the commission of any 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. Unless specifically authorized by law, entering an election polling place on the day of any election carrying a deadly weapon; or

12. Possessing a deadly weapon on school grounds; or
 13. 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. 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. 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. 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~~ PARAGRAPHS 1 AND 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.
- C. Subsection A, paragraphs 1, 2, 3, 7, 10, 11, 12 and 13 of this section shall not apply to:
1. A peace officer or any person summoned by any peace officer to assist and while actually assisting in the performance of official duties; or
 2. A member of the military forces of the United States or of any state of the United States in the performance of official duties; or
 3. A warden, deputy warden, community correctional officer, detention officer, special investigator or correctional officer of the state department of corrections or the department of juvenile corrections; or

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

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

5 1. The possessing, transporting, selling or transferring of weapons by
6 a museum as a part of its collection or an educational institution for
7 educational purposes or by an authorized employee of such museum or
8 institution, if:

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

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

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

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

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

27 F. Subsection A, paragraph 10 of this section shall not apply to
28 shooting ranges or shooting events, hunting areas or similar locations or
29 activities.

30 G. Subsection A, paragraph 3 of this section shall not apply to a
31 weapon described in section 13-3101, subsection A, paragraph 8, subdivision
32 (a), item (v), if such weapon is possessed for the purposes of preparing for,
33 conducting or participating in lawful exhibitions, demonstrations, contests
34 or athletic events involving the use of such weapon. Subsection A, paragraph
35 12 of this section shall not apply to a weapon if such weapon is possessed
36 for the purposes of preparing for, conducting or participating in hunter or
37 firearm safety courses.

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

40 1. Firearm that is not loaded and that is carried within a means of
41 transportation under the control of an adult provided that if the adult
42 leaves the means of transportation the firearm shall not be visible from the
43 outside of the means of transportation and the means of transportation shall
44 be locked.

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

3. Firearm by a person who possesses a certificate of firearms proficiency pursuant to section 13-3112, subsection ~~7~~ X and who is authorized to carry a concealed firearm pursuant to the law enforcement officers safety act of 2004 (P.L. 108-277; 118 Stat. 865; 18 United States Code sections 926B and 926C).

I. Subsection A, paragraphs 1, 2, 3, 7 and 13 of this section shall not apply to commercial nuclear generating station armed nuclear security guards during the performance of official duties or during any security training exercises sponsored by the commercial nuclear generating station or local, state or federal authorities.

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

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

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

M. For the purposes of this section:

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

~~2.~~ 1. "Public establishment" means a structure, vehicle or craft that is owned, leased or operated by this state or a political subdivision of this state.

1 ~~3-~~ 2. "Public event" means a specifically named or sponsored event of
 2 limited duration that is either conducted by a public entity or conducted by
 3 a private entity with a permit or license granted by a public entity. Public
 4 event does not include an unsponsored gathering of people in a public place.

5 ~~4-~~ 3. "School" means a public or nonpublic kindergarten program,
 6 common school or high school.

7 ~~5-~~ 4. "School grounds" means in, or on the grounds of, a school.

8 Sec. 2. Section 13-3105, Arizona Revised Statutes, is amended to read:

9 13-3105. Forfeiture of weapons and explosives

10 A. On the conviction of any person for a violation of any felony in
 11 this state in which a deadly weapon, dangerous instrument or explosive was
 12 used, displayed or unlawfully possessed by the person, the court shall order
 13 the article forfeited and sold within one year after its forfeiture to any
 14 business that is authorized to receive and dispose of the article under
 15 federal and state law and that shall sell the article to the public according
 16 to federal and state law, unless the article is otherwise prohibited from
 17 being sold under federal and state law, in which case it shall be destroyed
 18 or otherwise properly disposed.

19 B. On the conviction of any person for a violation of section 13-2904,
 20 subsection A, paragraph 6 or section 13-3102, subsection A, paragraph 1, 2 or
 21 8, the court may order the forfeiture of the deadly weapon or dangerous
 22 instrument involved in the offense.

23 C. If at any time the court finds pursuant to rule 11 of the Arizona
 24 rules of criminal procedure that a person who is charged with a violation of
 25 this title is incompetent, the court shall order that any deadly weapon,
 26 dangerous instrument or explosive used, displayed or unlawfully possessed by
 27 the person during the commission of the alleged offense be forfeited and sold
 28 within one year after its forfeiture to any business that is authorized to
 29 receive and dispose of the article under federal and state law and that shall
 30 sell the article to the public according to federal and state law, unless the
 31 article is otherwise prohibited from being sold under federal and state law,
 32 in which case it shall be destroyed or otherwise properly disposed.

33 Sec. 3. Section 13-3112, Arizona Revised Statutes, is amended to read:

34 13-3112. Concealed weapons; qualification; application; permit
 35 to carry; violation; training program; program
 36 instructors; report; applicability

37 A. The department of public safety shall issue a permit to carry a
 38 concealed weapon to a person who is qualified under this section. The person
 39 shall carry the permit at all times when the person is in actual possession
 40 of the concealed weapon and ~~is required by section 4-229 or 4-244 to carry~~
 41 ~~the permit. If the person is in actual possession of the concealed weapon~~
 42 ~~and is required by section 4-229 or 4-244 to carry the permit, the person~~
 43 shall present the permit for inspection to any law enforcement officer on
 44 request.

1 B. A PERSON WHO FAILS TO CARRY THE PERMIT AT ALL TIMES THAT THE PERSON
 2 IS IN ACTUAL POSSESSION OF A CONCEALED WEAPON SHALL HAVE THE PERMIT
 3 SUSPENDED. THE DEPARTMENT OF PUBLIC SAFETY SHALL BE NOTIFIED OF ALL
 4 VIOLATIONS OF THIS SECTION AND SHALL IMMEDIATELY SUSPEND THE PERMIT. THE
 5 PERMITTEE SHALL PRESENT THE PERMIT TO THE LAW ENFORCEMENT AGENCY OR THE
 6 COURT. ON NOTIFICATION OF THE PRESENTATION OF THE PERMIT, THE DEPARTMENT
 7 SHALL RESTORE THE PERMIT.

8 ~~B.~~ C. The permit of a person who is arrested or indicted for an
 9 offense that would make the person unqualified under section 13-3101,
 10 subsection A, paragraph 7 or this section shall be immediately suspended and
 11 seized. The permit of a person who becomes unqualified on conviction of that
 12 offense shall be revoked. The permit shall be restored on presentation of
 13 documentation from the court if the permittee is found not guilty or the
 14 charges are dismissed. The permit shall be restored on presentation of
 15 documentation from the county attorney that the charges against the permittee
 16 were dropped or dismissed.

17 ~~C.~~ D. A permittee who carries a concealed weapon, ~~who is required by~~
 18 ~~section 4-229 or 4-244 to carry a permit~~ and who fails to present the permit
 19 for inspection on the request of a law enforcement officer ~~commits a~~
 20 ~~violation of this subsection and is subject to a civil penalty of not more~~
 21 ~~than three hundred dollars. The department of public safety shall be~~
 22 ~~notified of all violations of this subsection and shall immediately suspend~~
 23 ~~the permit~~ IS GUILTY OF A CLASS 2 MISDEMEANOR. A permittee shall not be
 24 convicted of a violation of this subsection if the permittee produces to the
 25 court a legible permit that is issued to the permittee and that was valid at
 26 the time the permittee failed to present the permit for inspection.

27 ~~D.~~ E. A law enforcement officer shall not confiscate or forfeit a
 28 weapon that is otherwise lawfully possessed by a permittee whose permit is
 29 suspended pursuant to subsection ~~C.~~ B of this section, except that a law
 30 enforcement officer may take temporary custody of a firearm during an
 31 investigatory stop of the permittee.

32 ~~E.~~ F. The department of public safety shall issue a permit to an
 33 applicant who meets all of the following conditions:

- 34 1. Is a resident of this state or a United States citizen.
- 35 2. Is twenty-one years of age or older.
- 36 3. Is not under indictment for and has not been convicted in any
 37 jurisdiction of a felony unless that conviction has been expunged, set aside
 38 or vacated or the applicant's rights have been restored and the applicant is
 39 currently not a prohibited possessor under state or federal law.
- 40 4. Does not suffer from mental illness and has not been adjudicated
 41 mentally incompetent or committed to a mental institution.
- 42 5. Is not unlawfully present in the United States.
- 43 ~~6. Has ever demonstrated competence with a firearm as prescribed by~~
 44 ~~subsection N of this section and provides adequate documentation that the~~
 45 ~~person has satisfactorily completed a training program or demonstrated~~

1 ~~competence with a firearm in any state or political subdivision in the United~~
2 ~~States. For the purposes of this paragraph, "adequate documentation" means:~~

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

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

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

16 ~~(d) An original or a copy of a concealed weapon, firearm or handgun~~
17 ~~permit or a license as prescribed by subsection N, paragraph 6 of this~~
18 ~~section.~~

19 6. SATISFACTORILY COMPLETES A FIREARMS SAFETY TRAINING PROGRAM
20 APPROVED BY THE DEPARTMENT OF PUBLIC SAFETY PURSUANT TO SUBSECTION O OF THIS
21 SECTION. THIS PARAGRAPH DOES NOT APPLY TO:

22 (a) A PERSON WHO IS AN ACTIVE DUTY ARIZONA PEACE OFFICER STANDARDS AND
23 TRAINING BOARD CERTIFIED OR FEDERALLY CREDENTIALLED PEACE OFFICER OR WHO IS
24 HONORABLY RETIRED AS A FEDERAL, STATE OR LOCAL PEACE OFFICER WITH A MINIMUM
25 OF TEN YEARS OF SERVICE.

26 (b) A PERSON WHO IS AN ACTIVE DUTY COUNTY DETENTION OFFICER AND WHO
27 HAS BEEN WEAPONS CERTIFIED BY THE OFFICER'S EMPLOYING AGENCY.

28 (c) A PERSON WHO IS ISSUED A CERTIFICATE OF FIREARMS PROFICIENCY
29 PURSUANT TO SUBSECTION X OF THIS SECTION.

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

40 ~~G.~~ H. On receipt of a concealed weapon permit application, the
41 department of public safety shall conduct a check of the applicant's criminal
42 history record pursuant to section 41-1750. The department of public safety
43 may exchange fingerprint card information with the federal bureau of
44 investigation for federal criminal history record checks.

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

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

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

38 ~~K.~~ L. A permit issued pursuant to this section is renewable every
39 five years. Before a permit may be renewed, a criminal history records check
40 shall be conducted pursuant to section 41-1750 within sixty days after
41 receipt of the application for renewal. For the purposes of permit renewal,
42 the permit holder is not required to submit additional fingerprints.

43 ~~L.~~ M. Applications for renewal shall be accompanied by a fee
44 determined by the director of the department of public safety.

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

7 ~~N. An applicant shall demonstrate competence with a firearm through~~
 8 ~~any of the following:~~

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

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

17 ~~3. Completion of any national rifle association firearms safety or~~
 18 ~~training course.~~

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

23 ~~5. Evidence of current military service or proof of honorable~~
 24 ~~discharge or general discharge under honorable conditions from the United~~
 25 ~~States armed forces.~~

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

30 ~~7. Completion of any governmental police agency firearms training~~
 31 ~~course and qualification to carry a firearm in the course of normal police~~
 32 ~~duties.~~

33 ~~8. Completion of any other firearms safety or training course or class~~
 34 ~~that is conducted by a department of public safety approved or national rifle~~
 35 ~~association certified firearms instructor.~~

36 O. AN ORGANIZATION SHALL APPLY TO THE DEPARTMENT OF PUBLIC SAFETY FOR
 37 APPROVAL OF ITS FIREARMS SAFETY TRAINING PROGRAM. THE DEPARTMENT SHALL
 38 APPROVE A PROGRAM THAT MEETS THE FOLLOWING REQUIREMENTS:

39 1. IS AT LEAST EIGHT HOURS IN LENGTH.

40 2. IS CONDUCTED ON A PASS OR FAIL BASIS.

41 3. ADDRESSES ALL OF THE FOLLOWING TOPICS IN A FORMAT APPROVED BY THE
 42 DIRECTOR OF THE DEPARTMENT:

43 (a) LEGAL ISSUES RELATING TO THE USE OF DEADLY FORCE.

44 (b) WEAPON CARE AND MAINTENANCE.

45 (c) MENTAL CONDITIONING FOR THE USE OF DEADLY FORCE.

(d) SAFE HANDLING AND STORAGE OF WEAPONS.

(e) MARKSMANSHIP.

(f) JUDGMENTAL SHOOTING.

4. IS CONDUCTED BY INSTRUCTORS WHO SUBMIT TO A BACKGROUND INVESTIGATION, INCLUDING A CHECK FOR WARRANTS AND A CRIMINAL HISTORY RECORDS CHECK.

P. IF APPROVED PURSUANT TO SUBSECTION O OF THIS SECTION, THE ORGANIZATION SHALL SUBMIT TO THE DEPARTMENT OF PUBLIC SAFETY TWO SETS OF FINGERPRINTS FROM EACH INSTRUCTOR AND A FEE TO BE DETERMINED BY THE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY. ON RECEIPT OF THE FINGERPRINTS AND FEE, THE DEPARTMENT OF PUBLIC SAFETY SHALL CONDUCT A CHECK OF EACH INSTRUCTOR'S CRIMINAL HISTORY RECORD PURSUANT TO SECTION 41-1750. THE DEPARTMENT OF PUBLIC SAFETY MAY EXCHANGE THIS FINGERPRINT CARD INFORMATION WITH THE FEDERAL BUREAU OF INVESTIGATION FOR FEDERAL CRIMINAL HISTORY RECORDS CHECKS.

Q. THE PROPRIETARY INTEREST OF ALL APPROVED INSTRUCTORS AND PROGRAMS SHALL BE SAFEGUARDED, AND THE CONTENTS OF ANY TRAINING PROGRAM SHALL NOT BE DISCLOSED TO ANY PERSON OR ENTITY OTHER THAN A BONA FIDE CRIMINAL JUSTICE AGENCY, EXCEPT ON AN ORDER FROM A STATE OR FEDERAL COURT.

R. IF THE DEPARTMENT OF PUBLIC SAFETY REJECTS A PROGRAM, THE REJECTED ORGANIZATION MAY REQUEST A HEARING PURSUANT TO TITLE 41, CHAPTER 6, ARTICLE 10.

~~Q.~~ S. The department of public safety shall maintain information comparing the number of permits requested, the number of permits issued and the number of permits denied. The department shall annually report this information to the governor and the legislature.

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

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

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

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

(a) Legally present in this state.

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

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

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

1 ~~F.~~ X. The department of public safety may issue certificates of
2 firearms proficiency according to the Arizona peace officer standards and
3 training board firearms qualification for the purposes of implementing the
4 law enforcement officers safety act of 2004 (P.L. 108-277; 118 Stat. 865; 18
5 United States Code sections 926B and 926C). A law enforcement agency shall
6 issue to a law enforcement officer who has honorably retired a photographic
7 identification that states that the officer has honorably retired from the
8 agency. The chief law enforcement officer shall determine whether an officer
9 has honorably retired and the determination is not subject to review. A law
10 enforcement agency has no obligation to revoke, alter or modify the honorable
11 discharge photographic identification based on conduct that the agency
12 becomes aware of or that occurs after the officer has separated from the
13 agency.