

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

**CHAPTER 12**  
**HOUSE BILL 2706**

AN ACT

AMENDING SECTIONS 13-3112, 13-4041 AND 21-428, ARIZONA REVISED STATUTES;  
AMENDING TITLE 41, CHAPTER 12, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING  
SECTION 41-1722; RELATING TO CRIMINAL JUSTICE BUDGET RECONCILIATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-3112, Arizona Revised Statutes, is amended to  
3 read:

4 13-3112. Concealed weapons; qualification; application; permit  
5 to carry; civil penalty; report; applicability

6 A. The department of public safety shall issue a permit to carry a  
7 concealed weapon to a person who is qualified under this section. The person  
8 shall carry the permit at all times when the person is in actual possession  
9 of the concealed weapon and is required by section 4-229 or 4-244 to carry  
10 the permit. If the person is in actual possession of the concealed weapon  
11 and is required by section 4-229 or 4-244 to carry the permit, the person  
12 shall present the permit for inspection to any law enforcement officer on  
13 request.

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

23 C. A permittee who carries a concealed weapon, who is required by  
24 section 4-229 or 4-244 to carry a permit and who fails to present the permit  
25 for inspection on the request of a law enforcement officer commits a  
26 violation of this subsection and is subject to a civil penalty of not more  
27 than three hundred dollars. The department of public safety shall be  
28 notified of all violations of this subsection and shall immediately suspend  
29 the permit. A permittee shall not be convicted of a violation of this  
30 subsection if the permittee produces to the court a legible permit that is  
31 issued to the permittee and that was valid at the time the permittee failed  
32 to present the permit for inspection.

33 D. A law enforcement officer shall not confiscate or forfeit a weapon  
34 that is otherwise lawfully possessed by a permittee whose permit is suspended  
35 pursuant to subsection C of this section, except that a law enforcement  
36 officer may take temporary custody of a firearm during an investigatory stop  
37 of the permittee.

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

- 40 1. Is a resident of this state or a United States citizen.
- 41 2. Is twenty-one years of age or older.

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

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

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

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

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

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

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

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

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

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

40           H. The department of public safety shall complete all of the required  
41 qualification checks within sixty days after receipt of the application and  
42 shall issue a permit within fifteen working days after completing the  
43 qualification checks if the applicant meets all of the conditions specified  
44 in subsection E of this section. If a permit is denied, the department of  
45 public safety shall notify the applicant in writing within fifteen working  
46 days after the completion of all of the required qualification checks and

1 shall state the reasons why the application was denied. On receipt of the  
2 notification of the denial, the applicant has twenty days to submit any  
3 additional documentation to the department. On receipt of the additional  
4 documentation, the department shall reconsider its decision and inform the  
5 applicant within twenty days of the result of the reconsideration. If  
6 denied, the applicant shall be informed that the applicant may request a  
7 hearing pursuant to title 41, chapter 6, article 10. For the purposes of  
8 this subsection, "receipt of the application" means the first day that the  
9 department has physical control of the application and that is presumed to be  
10 on the date of delivery as evidenced by proof of delivery by the United  
11 States postal service or a written receipt, which shall be provided by the  
12 department on request of the applicant.

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

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

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

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

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

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

45 1. Completion of any firearms safety or training course or class that  
46 is available to the general public, that is offered by a law enforcement

1 agency, a junior college, a college or a private or public institution,  
2 academy, organization or firearms training school and that is approved by the  
3 department of public safety or that uses instructors who are certified by the  
4 national rifle association.

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

7 3. Completion of any national rifle association firearms safety or  
8 training course.

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

13 5. Evidence of current military service or proof of honorable  
14 discharge or general discharge under honorable conditions from the United  
15 States armed forces.

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

20 7. Completion of any governmental police agency firearms training  
21 course and qualification to carry a firearm in the course of normal police  
22 duties.

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

26 O. The department of public safety shall maintain information  
27 comparing the number of permits requested, the number of permits issued and  
28 the number of permits denied. The department shall annually report this  
29 information to the governor and the legislature.

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

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

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

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

38 (a) Legally present in this state.

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

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

43 S. Notwithstanding the provisions of this section, a person with a  
44 concealed weapons permit from another state may not carry a concealed weapon  
45 in this state if the person is under twenty-one years of age or is under  
46 indictment for, or has been convicted of, a felony offense in any

1 jurisdiction, unless that conviction is expunged, set aside or vacated or the  
2 person's rights have been restored and the person is currently not a  
3 prohibited possessor under state or federal law.

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

17 U. THE INITIAL AND RENEWAL APPLICATION FEES COLLECTED PURSUANT TO THIS  
18 SECTION SHALL BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147, IN THE  
19 CONCEALED WEAPONS PERMIT FUND ESTABLISHED BY SECTION 41-1722.

20 Sec. 2. Section 13-4041, Arizona Revised Statutes, is amended to read:

21 13-4041. Fee of counsel assigned in criminal proceeding or  
22 insanity hearing on appeal or in postconviction  
23 relief proceedings; reimbursement

24 A. Except pursuant to subsection G of this section, if counsel is  
25 appointed by the court to represent the defendant in either a criminal  
26 proceeding or insanity hearing on appeal, the county in which the court from  
27 which the appeal is taken presides shall pay counsel, except that in those  
28 appeals where the defendant is represented by a public defender or other  
29 publicly funded office, compensation shall not be set or paid. Compensation  
30 for services rendered on appeal shall be in an amount as the supreme court in  
31 its discretion deems reasonable, considering the services performed.

32 B. After the supreme court has affirmed a defendant's conviction and  
33 sentence in a capital case, the supreme court or, if authorized by the  
34 supreme court, the presiding judge of the county from which the case  
35 originated shall appoint counsel to represent the capital defendant in the  
36 state postconviction relief proceeding.

37 C. The supreme court shall establish and maintain a list of persons  
38 who are qualified to represent capital defendants in postconviction  
39 proceedings. The supreme court may establish by rule more stringent  
40 standards of competency for the appointment of postconviction counsel in  
41 capital cases than are provided by this subsection. The supreme court may  
42 refuse to certify an attorney on the list who meets the qualifications  
43 established under this subsection or may remove an attorney from the list who  
44 meets the qualifications established under this subsection if the supreme  
45 court determines that the attorney is incapable or unable to adequately  
46 represent a capital defendant. The court shall appoint counsel from the

1 list. Counsel who are appointed from the list shall meet the following  
2 qualifications:

3 1. Be a member in good standing of the state bar of Arizona for at  
4 least five years immediately preceding the appointment.

5 2. Have practiced in the area of state criminal appeals or  
6 postconviction proceedings for at least three years immediately preceding the  
7 appointment.

8 3. Not previously have represented the capital defendant in the case  
9 either in the trial court or in the direct appeal, unless the defendant and  
10 counsel expressly request continued representation and waive all potential  
11 issues that are foreclosed by continued representation.

12 D. Before filing a petition, the capital defendant may personally  
13 appear before the trial court and waive counsel. If the trial court finds  
14 that the waiver is knowing and voluntary, appointed counsel may withdraw.  
15 The time limits in which to file a petition shall not be extended due solely  
16 to the change from appointed counsel to self-representation.

17 E. If at any time the trial court determines that the capital  
18 defendant is not indigent, appointed counsel shall no longer be compensated  
19 by public monies and may withdraw.

20 F. Unless counsel is employed by a publicly funded office, counsel  
21 appointed to represent a capital defendant in state postconviction relief  
22 proceedings shall be paid an hourly rate of not to exceed one hundred dollars  
23 per hour. Monies shall not be paid to court appointed counsel unless either:

24 1. A petition is timely filed.

25 2. If a petition is not filed, a notice is timely filed stating that  
26 counsel has reviewed the record and found no meritorious claim.

27 G. The trial court shall compensate appointed counsel from county  
28 funds. The court or the court's designee shall review and approve all  
29 reasonable fees and costs. If the attorney believes that the court has set  
30 an unreasonably low hourly rate or if the court finds that the hours the  
31 attorney spent are unreasonable, the attorney may file a special action with  
32 the Arizona supreme court. If counsel is appointed in successive  
33 postconviction relief proceedings, compensation shall be paid pursuant to  
34 section 13-4013, subsection A.

35 H. The county shall request reimbursement for fees it incurs pursuant  
36 to subsections F, G and I of this section arising out of the appointment of  
37 counsel to represent an indigent capital defendant in a state postconviction  
38 relief proceeding. The state shall pay ~~fifty per cent~~ A PORTION of the fees  
39 incurred by the county out of monies appropriated to the supreme court for  
40 these purposes. THE TOTAL AMOUNT THAT MAY BE SPENT IN ANY FISCAL YEAR BY  
41 THIS STATE FOR INDIGENT CAPITAL DEFENSE IN A STATE POSTCONVICTION RELIEF  
42 PROCEEDING MAY NOT EXCEED THE AMOUNT APPROPRIATED IN THE GENERAL  
43 APPROPRIATIONS ACT FOR THIS PURPOSE, TOGETHER WITH ADDITIONAL AMOUNTS  
44 APPROPRIATED BY ANY SPECIAL LEGISLATIVE APPROPRIATION FOR INDIGENT CAPITAL  
45 DEFENSE. The supreme court shall approve county requests for reimbursement  
46 after certification that the amount requested is owed.

1 I. The trial court may authorize additional monies to pay for  
2 investigative and expert services that are reasonably necessary to adequately  
3 litigate those claims that are not precluded by section 13-4232.

4 Sec. 3. Section 21-428, Arizona Revised Statutes, is amended to read:  
5 21-428. Costs and expenses; state grand jury

6 A. In addition to the fees and amounts stated in section 21-221,  
7 persons serving on a state grand jury shall be provided by the county in  
8 which the assignment judge is serving with reasonable per diem expenses as  
9 established by the supreme court.

10 B. The costs and expenses incurred by a county arising out of or in  
11 connection with impaneling a state grand jury and for the performing of its  
12 functions and duties or arising out of the prosecution and trial of state  
13 grand jury indictments shall be paid for by the state out of monies  
14 appropriated to the supreme court for these purposes. THE TOTAL AMOUNT THAT  
15 MAY BE SPENT IN ANY FISCAL YEAR BY THIS STATE FOR STATE GRAND JURY COSTS AND  
16 EXPENSES MAY NOT EXCEED THE AMOUNT APPROPRIATED IN THE GENERAL APPROPRIATIONS  
17 ACT FOR THIS PURPOSE, TOGETHER WITH ADDITIONAL AMOUNTS APPROPRIATED BY ANY  
18 SPECIAL LEGISLATIVE APPROPRIATION FOR STATE GRAND JURY COSTS AND EXPENSES.  
19 The supreme court shall approve county requests for reimbursement after  
20 certification by the assignment judge that the amount requested is owed.

21 C. All costs and expenses incurred by the attorney general arising out  
22 of the investigation, prosecution and trial of matters cognizable by a state  
23 grand jury are payable from monies appropriated to the attorney general for  
24 these purposes.

25 Sec. 4. Title 41, chapter 12, article 2, Arizona Revised Statutes, is  
26 amended by adding section 41-1722, to read:

27 41-1722. Concealed weapons permit fund

28 A. THE CONCEALED WEAPONS PERMIT FUND IS ESTABLISHED CONSISTING OF FEES  
29 COLLECTED PURSUANT TO SECTION 13-3112.

30 B. THE DEPARTMENT SHALL ADMINISTER THE FUND. MONIES DEPOSITED IN THE  
31 FUND ARE SUBJECT TO LEGISLATIVE APPROPRIATION AND MUST ONLY BE USED BY THE  
32 DEPARTMENT TO ADMINISTER THE CONCEALED WEAPONS PERMIT PROCESS ESTABLISHED BY  
33 SECTION 13-3112 AND ALL MATTERS RELATED TO THAT SECTION.

34 C. MONIES IN THE FUND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190  
35 RELATING TO LAPSING OF APPROPRIATIONS.

36 Sec. 5. State department of corrections; budget structure

37 Notwithstanding any other law, the state department of corrections  
38 shall report actual fiscal year 2013-2014, estimated fiscal year 2014-2015  
39 and requested fiscal year 2015-2016 expenditures in the same structure and  
40 detail as the prior fiscal year when the department submits the fiscal year  
41 2015-2016 budget request pursuant to section 35-113, Arizona Revised  
42 Statutes. The information submitted for each line item must contain as much  
43 detail as submitted in previous years for prior line items.

44 Sec. 6. State department of corrections; use of funds;  
45 permission



1 Notwithstanding any other law, the state department of corrections is  
2 permitted to use monies from either of the following funds for department  
3 operating expenses in fiscal year 2014-2015:

4 1. The transition program fund established by section 31-284, Arizona  
5 Revised Statutes.

6 2. The state department of corrections interagency service agreement  
7 fund.

8 Sec. 7. Department of public safety; highway funds; limitation

9 Notwithstanding section 28-6537, Arizona Revised Statutes, the  
10 statutory caps and transfers of Arizona highway user revenue fund monies  
11 available to fund department of public safety highway patrol costs are  
12 suspended for fiscal year 2014-2015.

13 Sec. 8. GIITEM border security and law enforcement subaccount;  
14 expenditure plan; annual review

15 Notwithstanding section 41-1724, subsection G, Arizona Revised  
16 Statutes, before the department of public safety spends any monies  
17 appropriated in the general appropriations act for fiscal year 2014-2015 from  
18 the gang and immigration intelligence team enforcement mission border  
19 security and law enforcement subaccount established by section 41-1724,  
20 Arizona Revised Statutes, the department shall submit the subaccount's entire  
21 expenditure plan to the joint legislative budget committee for review.

22 Sec. 9. Nonsupplanting; suspension

23 Notwithstanding any other law, in fiscal year 2014-2015 the provisions  
24 relating to supplanting of state monies contained in section 12-102.02,  
25 subsection E, section 12-102.03, subsection D, section 12-135, subsection D,  
26 section 12-135.01, subsection D, section 12-267, subsection D, section  
27 12-268, subsection D and section 12-299.01, subsection C, Arizona Revised  
28 Statutes, are suspended. The Arizona supreme court shall submit a report to  
29 the joint legislative budget committee identifying any decrease in county  
30 funding related to these suspended provisions, including the reasons for the  
31 decrease.

32 Sec. 10. Incarceration contracts; authorization; fiscal year  
33 2015-2016

34 In fiscal year 2015-2016, as prescribed by Laws 2012, chapter 302,  
35 section 27, the state department of corrections may award a contract for the  
36 remaining male medium security prison beds under the request for proposals  
37 that was issued under the authority of section 41-1609, Arizona Revised  
38 Statutes, only if specific legislative authorization for the award is  
39 provided.

40 Sec. 11. Attorney general; department of public safety; state  
41 aid to indigent defense fund; fiscal year 2014-2015

42 Notwithstanding section 11-588, Arizona Revised Statutes, in fiscal  
43 year 2014-2015:

44 1. The attorney general may use monies in the state aid to indigent  
45 defense fund established by section 11-588, Arizona Revised Statutes, for  
46 activities related to capital postconviction prosecution.

1           2. The department of public safety may use monies in the state aid to  
2 indigent defense fund established by section 11-588, Arizona Revised  
3 Statutes, for operating expenses.

APPROVED BY THE GOVERNOR APRIL 11, 2014.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 11, 2014.