

State of Arizona
Senate
Fifty-first Legislature
Second Regular Session
2014

CHAPTER 189
SENATE BILL 1266

AN ACT

AMENDING SECTION 13-3102, 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 13-3102, Arizona Revised Statutes, is amended to
3 read:

4 13-3102. Misconduct involving weapons; defenses;
5 classification; definitions

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

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

9 (a) In the furtherance of a serious offense as defined in section
10 13-706, a violent crime as defined in section 13-901.03 or any other felony
11 offense; or

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

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

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

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

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

27 6. Defacing a deadly weapon; or

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

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

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

35 10. Unless specifically authorized by law, entering any public
36 establishment or attending any public event and carrying a deadly weapon on
37 his person after a reasonable request by the operator of the establishment or
38 the sponsor of the event or the sponsor's agent to remove his weapon and
39 place it in the custody of the operator of the establishment or the sponsor
40 of the event for temporary and secure storage of the weapon pursuant to
41 section 13-3102.01; or

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

- 1 12. Possessing a deadly weapon on school grounds; or
2 13. Unless specifically authorized by law, entering a nuclear or
3 hydroelectric generating station carrying a deadly weapon on his person or
4 within the immediate control of any person; or
5 14. Supplying, selling or giving possession or control of a firearm to
6 another person if the person knows or has reason to know that the other
7 person would use the firearm in the commission of any felony; or
8 15. Using, possessing or exercising control over a deadly weapon in
9 furtherance of any act of terrorism as defined in section 13-2301 or
10 possessing or exercising control over a deadly weapon knowing or having
11 reason to know that it will be used to facilitate any act of terrorism as
12 defined in section 13-2301; ~~OR —~~
13 16. Trafficking in weapons or explosives for financial gain in order to
14 assist, promote or further the interests of a criminal street gang, a
15 criminal syndicate or a racketeering enterprise.
16 B. Subsection A, paragraph 2 of this section shall not apply to:
17 1. A person in his dwelling, on his business premises or on real
18 property owned or leased by that person or that person's parent, grandparent
19 or legal guardian.
20 2. A member of the sheriff's volunteer posse or reserve organization
21 who has received and passed firearms training that is approved by the Arizona
22 peace officer standards and training board and who is authorized by the
23 sheriff to carry a concealed weapon pursuant to section 11-441.
24 3. A firearm that is carried in:
25 (a) A manner where any portion of the firearm or holster in which the
26 firearm is carried is visible.
27 (b) A holster that is wholly or partially visible.
28 (c) A scabbard or case designed for carrying weapons that is wholly or
29 partially visible.
30 (d) Luggage.
31 (e) A case, holster, scabbard, pack or luggage that is carried within
32 a means of transportation or within a storage compartment, map pocket, trunk
33 or glove compartment of a means of transportation.
34 C. Subsection A, paragraphs 2, 3, 7, 10, 11, 12 and 13 of this section
35 shall not apply to:
36 1. A peace officer or any person summoned by any peace officer to
37 assist and while actually assisting in the performance of official duties; or
38 2. A member of the military forces of the United States or of any
39 state of the United States in the performance of official duties; or
40 3. A warden, deputy warden, community correctional officer, detention
41 officer, special investigator or correctional officer of the state department
42 of corrections or the department of juvenile corrections; or
43 4. A person specifically licensed, authorized or permitted pursuant to
44 a statute of this state or of the United States.

1 D. SUBSECTION A, PARAGRAPH 10 OF THIS SECTION DOES NOT APPLY TO AN
2 ELECTED OR APPOINTED JUDICIAL OFFICER IN THE COURT FACILITY WHERE THE
3 JUDICIAL OFFICER WORKS IF THE JUDICIAL OFFICER HAS DEMONSTRATED COMPETENCE
4 WITH A FIREARM AS PRESCRIBED IN SECTION 13-3112, SUBSECTION N, EXCEPT THAT
5 THE JUDICIAL OFFICER SHALL COMPLY WITH ANY RULE OR POLICY ADOPTED BY THE
6 PRESIDING JUDGE OF THE SUPERIOR COURT WHILE IN THE COURT FACILITY. FOR THE
7 PURPOSES OF THIS SUBSECTION, APPOINTED JUDICIAL OFFICER DOES NOT INCLUDE A
8 HEARING OFFICER OR A JUDICIAL OFFICER PRO-TEMPORE THAT IS NOT A FULL-TIME
9 OFFICER.

10 ~~D.~~ E. Subsection A, paragraphs 3 and 7 of this section shall not
11 apply to:

12 1. The possessing, transporting, selling or transferring of weapons by
13 a museum as a part of its collection or an educational institution for
14 educational purposes or by an authorized employee of such museum or
15 institution, if:

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

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

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

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

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

34 ~~F.~~ G. Subsection A, paragraph 10 of this section shall not apply to
35 shooting ranges or shooting events, hunting areas or similar locations or
36 activities.

37 ~~G.~~ H. Subsection A, paragraph 3 of this section shall not apply to a
38 weapon described in section 13-3101, subsection A, paragraph 8, subdivision
39 (a), item (v), if such weapon is possessed for the purposes of preparing for,
40 conducting or participating in lawful exhibitions, demonstrations, contests
41 or athletic events involving the use of such weapon. Subsection A, paragraph
42 12 of this section shall not apply to a weapon if such weapon is possessed
43 for the purposes of preparing for, conducting or participating in hunter or
44 firearm safety courses.

1 ~~H.~~ I. Subsection A, paragraph 12 of this section shall not apply to
2 the possession of a:

3 1. Firearm that is not loaded and that is carried within a means of
4 transportation under the control of an adult provided that if the adult
5 leaves the means of transportation the firearm shall not be visible from the
6 outside of the means of transportation and the means of transportation shall
7 be locked.

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

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

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

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

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

29 ~~L.~~ M. Misconduct involving weapons under subsection A, paragraph 15
30 of this section is a class 2 felony. Misconduct involving weapons under
31 subsection A, paragraph 9, 14 or 16 of this section is a class 3 felony.
32 Misconduct involving weapons under subsection A, paragraph 3, 4, 8 or 13 of
33 this section is a class 4 felony. Misconduct involving weapons under
34 subsection A, paragraph 12 of this section is a class 1 misdemeanor unless
35 the violation occurs in connection with conduct that violates section
36 13-2308, subsection A, paragraph 5, section 13-2312, subsection C, section
37 13-3409 or section 13-3411, in which case the offense is a class 6 felony.
38 Misconduct involving weapons under subsection A, paragraph 1, subdivision (a)
39 of this section or subsection A, paragraph 5, 6 or 7 of this section is a
40 class 6 felony. Misconduct involving weapons under subsection A, paragraph
41 1, subdivision (b) of this section or subsection A, paragraph 10 or 11 of
42 this section is a class 1 misdemeanor. Misconduct involving weapons under
43 subsection A, paragraph 2 of this section is a class 3 misdemeanor.

1 ~~M.~~ N. For the purposes of this section:

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

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

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

13 4. "School" means a public or nonpublic kindergarten program, common
14 school or high school.

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

APPROVED BY THE GOVERNOR APRIL 23, 2014.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 24, 2014.