

State of Arizona  
House of Representatives  
Fifty-second Legislature  
First Regular Session  
2015

# HOUSE BILL 2300

AN ACT

AMENDING SECTIONS 13-3112 AND 38-1113, ARIZONA REVISED STATUTES; RELATING TO FIREARMS.

(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 or is at least nineteen years  
42 of age and provides evidence of current military service or proof of  
43 honorable discharge or general discharge under honorable conditions from the  
44 United States armed forces, **THE** United States armed forces reserve or a state  
45 national guard.

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

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

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

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

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

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

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

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

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

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

44           H. The department of public safety shall complete all of the required  
45 qualification checks within sixty days after receipt of the application and

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

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

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

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

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

43 M. The department of public safety shall suspend or revoke a permit  
44 issued under this section if the permit holder becomes ineligible pursuant to  
45 subsection E of this section. The department of public safety shall notify

1 the permit holder in writing within fifteen working days after the revocation  
2 or suspension and shall state the reasons for the revocation or suspension.

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

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

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

13 3. Completion of any national rifle association firearms safety or  
14 training course.

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

19 5. Evidence of current military service or proof of honorable  
20 discharge or general discharge under honorable conditions from the United  
21 States armed forces.

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

26 7. Completion of any governmental police agency firearms training  
27 course and qualification to carry a firearm in the course of normal police  
28 duties.

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

32 O. The department of public safety shall maintain information  
33 comparing the number of permits requested, the number of permits issued and  
34 the number of permits denied. The department shall annually report this  
35 information to the governor and the legislature.

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

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

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

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

44 (a) Legally present in this state.

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

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

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

11 T. The department of public safety may issue certificates of firearms  
12 proficiency according to the Arizona peace officer standards and training  
13 board firearms qualification for the purposes of implementing the law  
14 enforcement officers safety act of 2004 (P.L. 108-277; 118 Stat. 865; 18  
15 United States Code sections 926B and 926C). A law enforcement OR  
16 PROSECUTORIAL agency shall issue to a QUALIFIED RETIRED law enforcement  
17 officer who has honorably retired a photographic identification that states  
18 that the officer has honorably retired from the agency. A PERSON WHO WAS A  
19 MUNICIPAL, COUNTY OR STATE PROSECUTOR IS DEEMED TO MEET THE QUALIFICATIONS OF  
20 18 UNITED STATES CODE SECTION 926C(c)(2). The chief law enforcement officer  
21 shall determine whether an officer has honorably retired and the  
22 determination is not subject to review. A law enforcement OR PROSECUTORIAL  
23 agency has no obligation to revoke, alter or modify the honorable discharge  
24 photographic identification based on conduct that the agency becomes aware of  
25 or that occurs after the officer has separated from the agency. FOR THE  
26 PURPOSES OF THIS SUBSECTION, "QUALIFIED RETIRED LAW ENFORCEMENT OFFICER" HAS  
27 THE SAME MEANING PRESCRIBED IN 18 UNITED STATES CODE SECTION 926C.

28 U. The initial and renewal application fees collected pursuant to this  
29 section shall be deposited, pursuant to sections 35-146 and 35-147, in the  
30 concealed weapons permit fund established by section 41-1722.

31 Sec. 2. Section 38-1113, Arizona Revised Statutes, is amended to read:  
32 38-1113. Carrying of firearms by peace officers; exceptions;  
33 definitions

34 A. Notwithstanding any other law and except as provided pursuant to  
35 subsection C of this section, a peace officer shall not be prohibited from  
36 carrying a firearm if the peace officer is in compliance with the firearm  
37 requirements prescribed by the Arizona peace officer standards and training  
38 board.

39 B. Notwithstanding any other law and except as provided pursuant to  
40 subsection C, paragraphs 1, 2, 4, 5, 6, 7 and 8 of this section, a retired  
41 peace officer shall not be prohibited from carrying a firearm.

42 C. A peace officer or retired peace officer may be prohibited from  
43 carrying a firearm as follows:

44 1. In a jail, correctional facility or juvenile detention facility.

1           2. Except for peace officers acting in their official capacity and  
2 carrying official peace officer identification, by order of:  
3           (a) The presiding judge or justice when attending any court that is  
4 established pursuant to the constitution of this state or title 12, except if  
5 the peace officer or retired peace officer is providing court security or  
6 responding to an emergency.  
7           (b) A justice court when attending the justice court, except if the  
8 peace officer or retired peace officer is providing court security or  
9 responding to an emergency.  
10          (c) A municipal court when attending the municipal court, except if  
11 the peace officer or retired peace officer is providing court security or  
12 responding to an emergency.  
13          3. When the peace officer is relieved of duty and is under a criminal  
14 or administrative investigation.  
15          4. When in a secured police facility.  
16          5. When consuming alcohol at a licensed liquor establishment, except  
17 if a peace officer's employing agency authorizes the consumption of alcohol  
18 in the performance of the peace officer's duties.  
19          6. In a location prohibited by federal law.  
20          7. Pursuant to court order.  
21          8. Pursuant to any state or federal law that makes the officer a  
22 prohibited possessor.  
23          9. When in the judgment of the department head, or the department  
24 head's designee, the peace officer exhibits any impairment, including any  
25 physical or mental impairment that would cause concern for the well-being and  
26 safety of the officer, the officer's law enforcement agency, law enforcement  
27 agency employees or the community.  
28          D. A law enforcement agency that employs a peace officer may establish  
29 rules that are consistent with this section. The law enforcement agency may  
30 determine the number, type, model, caliber and brand of firearm and the  
31 ammunition that is carried by its peace officers on or off duty.  
32          E. A presiding judge may establish rules or policies that are  
33 consistent with this section for the protection of the court.  
34          F. This section does not create any civil liability for acting or  
35 failing to act.  
36          G. For the purposes of this section:  
37            1. "Firearm" has the same meaning prescribed in section 13-105.  
38            2. "Peace officer" has the same meaning prescribed in section 1-215  
39 AND INCLUDES MUNICIPAL, COUNTY AND STATE PROSECUTORS WHO ANNUALLY PASS A  
40 PISTOL QUALIFYING EXAMINATION APPROVED BY THE ARIZONA PEACE OFFICER STANDARDS  
41 AND TRAINING BOARD FOR OBTAINING AND MAINTAINING PEACE OFFICER CERTIFICATION  
42 REQUIREMENTS AND THAT IS CONDUCTED BY AN ARIZONA PEACE OFFICER STANDARDS AND  
43 TRAINING BOARD RECOGNIZED INSTRUCTOR OR A NATIONAL RIFLE ASSOCIATION  
44 CERTIFIED FIREARMS INSTRUCTOR.

1           3. "Relieved of duty" means when a peace officer is no longer required  
2 to perform, either temporarily or permanently, the duties for which the  
3 officer was employed.

4           4. "Retired peace officer" means a person who has honorably served as  
5 a law enforcement officer in the United States for at least ten consecutive  
6 years and who possesses a photographic identification or a letter from a law  
7 enforcement agency that states the person has served for at least ten  
8 consecutive years as a law enforcement officer in the United States.

9           5. "Secured police facility" means a building or structure that is  
10 used primarily by a public agency and that is not accessible to the general  
11 public except by controlled access.