



ARIZONA STATE SENATE
Fifty-Second Legislature, First Regular Session

FACT SHEET FOR S.B. 1291

firearms; state preemption; penalties

Purpose

Establishes procedures and penalties for political subdivisions that violate state firearm preemption laws.

Background

Statute establishes various measures preempting the regulation of firearms by political subdivisions. Statute provides, with exceptions, that a political subdivision is prohibited from enacting any ordinance, rule or tax relating to the transportation, possession, carrying, sale, transfer, purchase, acquisition, gift, devise, storage, licensing, registration, discharge or use of firearms, ammunition or components or related accessories. A political subdivision is further prohibited from requiring the licensing or registration of, or prohibiting the ownership of, firearms, ammunition or components or related accessories.

A political subdivision is prohibited from requiring or maintaining a record, including a list, log or database, of specified information relating to firearms. A political subdivision is prohibited from enacting any rule or ordinance that relates to firearms and that is more prohibitive, or that has a penalty greater, than any state law or penalty. The state, any agency or political subdivision and any law enforcement agency may not, with exceptions, facilitate the destruction of firearms or purchase or otherwise acquire a firearm for the purpose of destroying the firearm (A.R.S. § 13-3108).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Requires a court to declare invalid any act, ordinance, regulation, tax or rule enacted by a political subdivision in violation of state firearm preemption laws.
2. Requires a court to issue a permanent injunction against the political subdivision from continuing the invalid act or enforcing the invalid ordinance, regulation, tax or rule.
3. Provides that it is not a defense that the political subdivision was acting in good faith or on the advice of counsel.

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4. Requires the court to assess a civil penalty of up to \$5,000, if the violation is knowing and wilful, against the elected or appointed government official or administrative agency head under whose jurisdiction the violation occurred.
5. Prohibits a political subdivision from using public monies to defend or reimburse a person who is found to have knowingly and wilfully committed a violation.
6. Subjects a person who knowingly and wilfully violates a provision of the state firearm preemption laws to termination from employment.
7. Allows a person or organization whose membership is adversely affected by an ordinance, regulation, tax, measure, directive, rule, enactment, order or policy, that violates state firearm preemption laws, to file a civil action for declaratory relief and actual damages against the political subdivision.
8. Requires the court to award the prevailing plaintiff in a civil action concerning a political subdivision's violation:
 - a) reasonable attorney fees and costs; and
 - b) actual damages incurred of up to \$100,000.
9. Makes conforming changes.
10. Becomes effective on the general effective date.

Prepared by Senate Research

February 2, 2015

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