



Arizona State Senate Issue Brief

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ARIZONA'S CONCEALED CARRY WEAPONS LAWS

INTRODUCTION

The second amendment to the U.S. Constitution provides the right of the people to keep and bear arms. Similarly, the Arizona Constitution states that, “the right of the individual citizen to bear arms in defense of himself or the state shall not be impaired.”¹ States differ on the extent to which they regulate gun ownership and practices, such as issuing a permit to carry a concealed weapon (CCW). While federal law places certain restrictions on gun possession and operation, state laws may be enforced to the extent that they do not conflict with federal law.

One example of federal gun ownership regulation is the Brady Handgun Violence Prevention Act (Brady Act) of 1993. The Brady Act requires a background check on any individual purchasing a gun from a licensed dealer to ensure that the person may lawfully possess a firearm.² Federal law places restrictions on the purchase of firearms for reasons of age, criminal history and mental incompetence.³ Under the Brady Act, if the purchaser already holds a permit that requires a background check, such as a CCW permit, the person is exempt from the background check. Arizona passed its concealed carry law in 1994, the year following the Brady Act.

ARIZONA CCW PERMIT REQUIREMENTS

Previously, persons in Arizona were only able to carry weapons without a permit if the weapon was visible. Furthermore, if the weapon was contained in a holster or similar carrying case, the possessor did not need a CCW permit so long as the holster was completely or partially visible. Laws 2010, Chapter 59 allows those persons legally able to carry a weapon openly to also carry a concealed weapon without a CCW permit, subject to certain restrictions.⁴

¹ [Arizona Constitution: Article 2, Section 26](#)

² [Brady Act](#)

³ [18 U.S.C. Chapter 44 § 922 \(Gun Control Act\)](#)

⁴ [Laws 2010, Chapter 59, A.R.S. § 13-3102](#)

A person may still choose to obtain a CCW permit for various reasons, which may include reciprocity, carrying a concealed weapon in a bar or restaurant that does not prohibit doing so by a posting, or carrying a concealed weapon in certain non-secure public buildings. If a person chooses to apply for a CCW permit, Arizona law requires applicants to: 1) be Arizona residents or U.S. citizens; 2) be lawfully present in the United States; 3) be at least 21 years old; and 4) satisfactorily complete a firearms safety training program or otherwise demonstrate competency with a firearm and provide adequate documentation of completion. Adequate documentation includes any one of the following: 1) a valid current or expired CCW permit issued by the Arizona Department of Public Safety (DPS); 2) a document of completion from an authorized training program that is dated not more than five years earlier than the application date and has affixed to it the stamp, signature or seal of the instructor or organization that conducted the program; 3) a certificate, card or document showing the applicant has completed any course or class that meets statutory requirements relating to safety training and competency with firearms; 4) A U.S. Department of Defense Form 214 indicating honorable or general discharge under honorable conditions, a certificate of basic training completion, or any other document demonstrating the applicant's service in the U.S. Armed Forces; or 5) a concealed weapon, firearm, or handgun permit or license issued by another state or political subdivision for which training was required for issuance.⁵ A person who is at least 19 years old may be issued a CCW permit if the applicant provides evidence of current military service or proof of acceptable separation from the U.S. armed forces, U.S. armed forces reserve or a state national guard.

Arizona is a shall issue state, meaning that DPS may not deny a CCW permit application if the person meets all statutory requirements. Applicants must not be under indictment for, or

convicted of, any felony in any jurisdiction, mentally ill or adjudicated mentally incompetent.⁶ However, as of September 26, 2008, persons who have been convicted of a felony may obtain a CCW permit if either the conviction has been expunged, set aside, or vacated or the person's rights have been restored and the person is not a state or federal prohibited possessor.⁷

FIREARMS SAFETY TRAINING PROGRAMS AND COMPETENCY WITH FIREARMS

CCW permit applicants must provide documentation that they have received firearms safety training that demonstrates their competency with firearms. This includes any of the following: 1) any hunter education or safety course approved by Arizona Game and Fish or a similar agency of another state; 2) any National Rifle Association (NRA) firearms safety or training course; 3) any law enforcement firearms class or course offered for security guards, investigators, special deputies, or other divisions of law enforcement or security enforcement approved by DPS; 4) evidence of current military service or honorable discharge from the U.S. armed forces; 5) a valid concealed weapon, firearm or handgun permit or license issued by another state that mandates testing or training for initial issuance; 6) any governmental police agency firearms course and qualification to carry a firearm in the course of police duties; or 7) any other firearms training conducted by a firearms instructor approved by DPS or certified by the NRA.⁸

INITIAL APPLICATIONS

To apply for a CCW permit, a person must submit to DPS: 1) a completed application; 2) a certificate of completion from an authorized firearms safety training course or documentation demonstrating the applicant's competency with a firearm; 3) two sets fingerprints and; 4) an

⁵ [A.R.S. § 13-3112](#)

⁶ [A.R.S. § 13-3112\(E\)](#)
⁷ [Laws 2008, Chapter 269, A.R.S. § 13-3112](#)

⁸ [A.R.S. § 13-3112\(N\)](#)

application fee. In addition, applicants must sign a statement attesting to the truth of the statements made and that they have been provided with, and are knowledgeable about, statutes relating to justification defenses and weapons and explosives. Arizona law requires the Director of DPS to determine the fee that must accompany an initial and renewal application for a CCW permit.⁹

Arizona law requires DPS to check the criminal history of every applicant against the Central State Repository for criminal records in the State of Arizona within 60 days of receiving an application. DPS may exchange fingerprint information with the Federal Bureau of Investigation (FBI) for federal criminal history checks. If the applicant qualifies for a CCW permit, Arizona law requires DPS to issue the permit within 15 working days of completing the background checks. Similarly, DPS must notify an applicant of a denied permit application within 15 days after background check completion and state the reasons for denial. Statute outlines the procedures for appealing a denied CCW permit application.¹⁰

RENEWALS

An Arizona-issued CCW permit, with certain exceptions for the armed forces, is valid for five years upon issuance and may be renewed upon expiration. Permits issued prior to August 12, 2005, expire after four years, but once renewed are valid for five years. In the past, a person who applied for renewal of his or her CCW permit was required to take a refresher training course, covering the same topics as the initial training course. Laws 2006, Chapter 121 eliminated this requirement, allowing a person to renew his or her CCW permit without attending the refresher course.¹¹

DPS' Concealed Weapons Permit Unit mails renewal packets to permit holders approximately

60 to 90 days before the permit is set to expire. Prior to January 1, 2008, a person applying for the first renewal of his or her CCW permit was required to resubmit two sets of fingerprints to DPS along with the application and a renewal fee. Fingerprints are no longer required for any CCW permit renewals.¹²

Upon receiving an application for renewal, DPS must perform another criminal history check on the applicant within 60 days. If the applicant is no longer eligible for a CCW permit, DPS must suspend or revoke the permit and notify the applicant in writing. If a renewal application is received 60 days or more after the date of expiration of the CCW permit, DPS must deny the application and the applicant must complete an initial CCW application to obtain a permit.¹³

PENALTIES, RESTRICTIONS AND EXCEPTIONS

A law enforcement officer may take temporary custody of a firearm during a lawful contact with a possessor. Furthermore, a person who carries a concealed weapon and who is required by any other law to have a CCW permit must present the permit to a law enforcement officer upon request. Failure to do so may result in a civil penalty not to exceed \$300.¹⁴

Arizona and federal law prohibit firearms in certain situations, regardless of whether a person possesses a CCW permit. Firearms are prohibited in the following locations, with some exceptions for peace officers: 1) polling places on election day; 2) nuclear power plants or hydroelectric generating stations; 3) military installations; 4) Indian reservations; 5) federal buildings; 6) airports, except that firearms may be transported subject to federal rules; 7) correctional facilities; 8) national parks, unless they are permitted under state law,¹⁵ and 9) game preserves.¹⁶ Furthermore, individuals

⁹ [A.R.S. § 13-3112\(F\)](#)

¹⁰ [A.R.S. § 13-3112\(H\)](#)

¹¹ [Laws 2006, Chapter 121, A.R.S. § 13-3112](#)

¹² [A.R.S. § 13-3112\(K\)](#)

¹³ [A.R.S. § 13-3112\(M\)](#)

¹⁴ [A.R.S. § 13-3112\(A\)\(C\)](#)

¹⁵ [Sec. 512 of P.L. 111-24](#)

¹⁶ [A.R.S. § 13-3102](#)

may be prohibited from possessing firearms on the premises of a business that serves alcohol. This prohibition must be indicated by a sign that meets requirements prescribed in [A.R.S. § 4-229](#). If such an establishment allows firearms on its premises, individuals in possession of a firearm must have a CCW permit and are prohibited from consuming alcohol.

Firearms are prohibited in public buildings and events if the owner or sponsor requests that a person carrying a weapon place the weapon in storage.¹⁷ Additionally, the owner of a private establishment may request a person carrying a firearm to remove the gun from the premises; a person who refuses to comply may be charged with criminal trespassing.¹⁸ Furthermore, firearms are not allowed on school grounds, with the following exceptions: 1) a firearm carried by an adult in a vehicle, provided that the firearm is not loaded and, if the adult leaves the vehicle, it must be locked and the firearm may not be visible from the outside; 2) a firearm that is used in a program approved by the school; or 3) a firearm carried by a person possessing a certificate of firearms proficiency and who is authorized under the Law Enforcement Officers Safety Act to carry a concealed firearm.¹⁹

LAW ENFORCEMENT OFFICERS

In Arizona, peace officers who are certified active duty by the Arizona Peace Officer Standards and Training Board, federally credentialed peace officers, honorably retired federal, state or local peace officers with a minimum of 10 years of service, or active duty county detention officers who have been weapons certified are exempt from the initial firearms safety training requirement to obtain a CCW permit.

The Law Enforcement Officers Safety Act, passed by Congress in 2004, allows qualified law enforcement officers to carry concealed

nationwide; however, law enforcement officers must also carry a photo ID issued by the agency for which they work or from which they retired that indicates: 1) the individual has, within the past year, been tested and meets state qualifications to carry a firearm; or 2) a certification issued by the state in which they reside indicating the individual has, within the past year, been tested and meets state qualifications to carry a firearm.²⁰

In 2005, Arizona took steps to implement the Law Enforcement Officers Safety Act by allowing DPS to issue firearm proficiency certificates. Laws 2006, Chapter 70 **exempted** qualified law enforcement officers who obtain this proficiency certificate from the initial training course required to obtain a CCW permit.²¹

RECIPROCITY

A person holding a CCW permit from another state must meet specified statutory requirements in order to use the permit in Arizona. The permit holder must be legally present in Arizona, but is not required to be an Arizona resident, and the person must not be legally prohibited from possessing a firearm under Arizona law. In addition, the CCW permit must be recognized as valid in the issuing state.²²

In order for a person with an Arizona-issued CCW permit to carry concealed in another state, the person must be in compliance with that particular state's laws. Some states require a written reciprocal agreement in order to recognize CCW permits issued by other states. Arizona recognizes all other states' valid permits and has written reciprocal agreements with the states of Alaska, Arkansas, Idaho, Ohio, Pennsylvania, South Dakota, Texas and West Virginia. The following 28 states recognize Arizona-issued CCW permits without a written reciprocal agreement: Alabama, Colorado, Delaware,

¹⁷ [A.R.S. § 13-3102](#)

¹⁸ [A.R.S. § 13-1502](#)

¹⁹ [A.R.S. § 13-3102](#)

²⁰ U.S.C. 18 § 926C

²¹ [Laws 2006, Chapter 70, A.R.S. § 13-3112](#)

²² A.R.S. § 13-3112(Q)

Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, South Carolina, Tennessee, Utah, Virginia, Wisconsin and Wyoming. The remaining 14 states do not recognize Arizona CCW permits. It is recommended that persons who wish to carry a concealed weapon in another state using an Arizona CCW permit contact that state directly, as changes may occur.²³

ADDITIONAL RESOURCES

- Weapons and Explosives statutes: Arizona Revised Statutes, Title 13, Chapter 31
- Arizona Department of Public Safety, Concealed Weapons Permit Unit: <http://www.azdps.gov/ccw/>
- Arizona Administrative Rules R13-9-101 through R13-9-603
- Law Enforcement Officers Safety Act of 2004, Public Law 108-277 (HR218)
- FBI National Instant Criminal Check System: <http://www.fbi.gov/hq/cjisd/nics.htm>
- Laws 2010, Chapter 59 (S.B. 1108) <http://www.azleg.gov/>

²³ [DPS – Reciprocal and Recognition Agreements](#)