

REFERENCE TITLE: justification; defensive display of firearm

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

SB 1243

Introduced by

Senators Pearce, Harper; Representatives Ash, Barnes, Burges, Gowan,
Kavanagh, Montenegro; Senators Allen S, Gould, Gray C, Nelson, Verschoor;
Representatives Crump, Goodale, McGuire, McLain, Quelland

AN ACT

AMENDING TITLE 13, CHAPTER 4, ARIZONA REVISED STATUTES, BY ADDING SECTION
13-421; RELATING TO JUSTIFICATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 13, chapter 4, Arizona Revised Statutes, is amended
3 by adding section 13-421, to read:

4 13-421. Justification; defensive display of a firearm;
5 definition

6 A. THE DEFENSIVE DISPLAY OF A FIREARM BY A PERSON AGAINST ANOTHER IS
7 JUSTIFIED WHEN AND TO THE EXTENT A REASONABLE PERSON WOULD BELIEVE THAT
8 PHYSICAL FORCE IS IMMEDIATELY NECESSARY TO PROTECT HIMSELF AGAINST THE USE OR
9 ATTEMPTED USE OF UNLAWFUL PHYSICAL FORCE OR DEADLY PHYSICAL FORCE.

10 B. THIS SECTION DOES NOT APPLY TO A PERSON WHO:

11 1. INTENTIONALLY PROVOKES ANOTHER PERSON TO USE OR ATTEMPT TO USE
12 UNLAWFUL PHYSICAL FORCE.

13 2. USES A FIREARM DURING THE COMMISSION OF A SERIOUS OFFENSE AS
14 DEFINED IN SECTION 13-706 OR VIOLENT CRIME AS DEFINED IN SECTION 13-901.03.

15 C. THIS SECTION DOES NOT REQUIRE THE DEFENSIVE DISPLAY OF A FIREARM
16 BEFORE THE USE OF PHYSICAL FORCE OR THE THREAT OF PHYSICAL FORCE BY A PERSON
17 WHO IS OTHERWISE JUSTIFIED IN THE USE OR THREATENED USE OF PHYSICAL FORCE.

18 D. FOR THE PURPOSES OF THIS SECTION, "DEFENSIVE DISPLAY OF A FIREARM"
19 INCLUDES:

20 1. VERBALLY INFORMING ANOTHER PERSON THAT THE PERSON POSSESSES OR HAS
21 AVAILABLE A FIREARM.

22 2. EXPOSING OR DISPLAYING A FIREARM IN A MANNER THAT A REASONABLE
23 PERSON WOULD UNDERSTAND WAS MEANT TO PROTECT THE PERSON AGAINST ANOTHER'S USE
24 OR ATTEMPTED USE OF UNLAWFUL PHYSICAL FORCE OR DEADLY PHYSICAL FORCE.

25 3. PLACING THE PERSON'S HAND ON A FIREARM WHILE THE FIREARM IS
26 CONTAINED IN A HOLSTER, POCKET, PURSE OR OTHER MEANS OF CONTAINMENT OR
27 TRANSPORT.