

REFERENCE TITLE: **hunting within city limits**

State of Arizona  
Senate  
Fiftieth Legislature  
First Regular Session  
2011

## **SB 1334**

Introduced by  
Senators Antenori, Nelson; Representatives Gowan, Stevens; Senators Allen,  
Biggs, Gould, Klein, Smith; Representative Montenegro

**AN ACT**

**AMENDING SECTIONS 13-3107 AND 13-3108, ARIZONA REVISED STATUTES; AMENDING  
TITLE 17, CHAPTER 3, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION  
17-321; RELATING TO HUNTING.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-3107, Arizona Revised Statutes, is amended to  
3 read:

4 13-3107. Unlawful discharge of firearms; exceptions;  
5 classification; definitions

6 A. A person who with criminal negligence discharges a firearm within  
7 or into the limits of any municipality is guilty of a class 6 felony.

8 B. Notwithstanding the fact that the offense involves the discharge of  
9 a deadly weapon, unless a dangerous offense is alleged and proven pursuant to  
10 section 13-704, subsection L, section 13-604 applies to this offense.

11 C. This section does not apply if the firearm is discharged:

12 1. As allowed pursuant to chapter 4 of this title.

13 2. On a properly supervised range.

14 ~~3. In an area recommended as a hunting area by the Arizona game and~~  
15 ~~fish department, approved and posted as required by the chief of police, but~~  
16 ~~any such area may be closed when deemed unsafe by the chief of police or the~~  
17 ~~director of the Arizona game and fish department.~~

18 3. IN A LAWFUL HUNTING EVENT DURING OPEN SEASON ESTABLISHED BY THE  
19 ARIZONA GAME AND FISH COMMISSION AND SUBJECT TO THE LIMITATIONS PRESCRIBED BY  
20 SECTION 17-321.

21 4. For the control of nuisance wildlife by permit from the Arizona  
22 game and fish department or the United States fish and wildlife service.

23 5. By special permit of the chief of police of the municipality.

24 6. As required by an animal control officer in the performance of  
25 duties as specified in section 9-499.04.

26 7. Using blanks.

27 8. More than one mile from any occupied structure as defined in  
28 section 13-3101.

29 9. In self-defense or defense of another person against an animal  
30 attack if a reasonable person would believe that deadly physical force  
31 against the animal is immediately necessary and reasonable under the  
32 circumstances to protect oneself or the other person.

33 D. For the purposes of this section:

34 1. "Municipality" means any city or town and includes any property  
35 that is fully enclosed within the city or town.

36 2. "Properly supervised range" means a range that is any of the  
37 following:

38 (a) Operated by a club affiliated with the national rifle association  
39 of America, the amateur trapshooting association, the national skeet  
40 association or any other nationally recognized shooting organization, or by  
41 any public or private school.

42 (b) Approved by any agency of the federal government, this state or a  
43 county or city within which the range is located.

1 (c) Operated with adult supervision for shooting air or carbon dioxide  
2 gas operated guns, or for shooting in underground ranges on private or public  
3 property.

4 Sec. 2. Section 13-3108, Arizona Revised Statutes, is amended to read:  
5 13-3108. Firearms regulated by state; state preemption;  
6 violation; classification; definition

7 A. Except as provided in subsection ~~E~~ F of this section, a political  
8 subdivision of this state shall not enact any ordinance, rule or tax relating  
9 to the transportation, possession, carrying, sale, transfer, purchase,  
10 acquisition, gift, devise, storage, licensing, registration, discharge or use  
11 of firearms or ammunition or any firearm or ammunition components or related  
12 accessories in this state.

13 B. A political subdivision of this state shall not require the  
14 licensing or registration of firearms or ammunition or any firearm or  
15 ammunition components or related accessories or prohibit the ownership,  
16 purchase, sale or transfer of firearms or ammunition or any firearm or  
17 ammunition components, or related accessories.

18 C. A political subdivision of this state shall not require or maintain  
19 a record in any form, whether permanent or temporary, including a list, log  
20 or database, of any of the following:

21 1. Any identifying information of a person who leaves a weapon in  
22 temporary storage at any public establishment or public event, except that  
23 the operator of the establishment or the sponsor of the event may require  
24 that a person provide a government issued identification or a reasonable copy  
25 of a government issued identification for the purpose of establishing  
26 ownership of the weapon. The operator or sponsor shall store any provided  
27 identification with the weapon and shall return the identification to the  
28 person when the weapon is retrieved. The operator or sponsor shall not  
29 retain records or copies of any identification provided pursuant to this  
30 paragraph after the weapon is retrieved.

31 2. Except in the course of a law enforcement investigation, any  
32 identifying information of a person who purchases, sells or transfers a  
33 firearm, unless the transaction involves a federally licensed firearms  
34 dealer.

35 3. The description, including the serial number, of a weapon that is  
36 left in temporary storage at any public establishment or public event.

37 D. A political subdivision of this state shall not enact any rule or  
38 ordinance that relates to firearms and is more prohibitive than or that has a  
39 penalty that is greater than any state law penalty. A political  
40 subdivision's rule or ordinance that relates to firearms and that is  
41 inconsistent with or more restrictive than state law, whether enacted before  
42 or after the effective date of the amendment to this section, is null and  
43 void.

44 E. A POLITICAL SUBDIVISION OF THIS STATE SHALL NOT ENACT ANY  
45 ORDINANCE, RULE OR REGULATION LIMITING THE AREA OF A LAWFUL HUNTING EVENT

1 DURING OPEN SEASON ESTABLISHED BY THE ARIZONA GAME AND FISH COMMISSION UNLESS  
2 THE ORDINANCE, RULE OR REGULATION IS CONSISTENT WITH SECTION 17-321 AND RULES  
3 ADOPTED PURSUANT TO SECTION 17-321.

4 ~~E.~~ F. This section does not prohibit a political subdivision of this  
5 state from enacting and enforcing any ordinance or rule pursuant to state law  
6 or relating to any of the following:

7 1. Imposing any privilege or use tax on the retail sale, lease or  
8 rental of, or the gross proceeds or gross income from the sale, lease or  
9 rental of, firearms or ammunition or any firearm or ammunition components at  
10 a rate that applies generally to other items of tangible personal property.

11 2. Prohibiting a minor who is unaccompanied by a parent, grandparent  
12 or guardian or a certified hunter safety instructor or certified firearms  
13 safety instructor acting with the consent of the minor's parent, grandparent  
14 or guardian from knowingly possessing or carrying on the minor's person,  
15 within the minor's immediate control or in or on a means of transportation a  
16 firearm in any place that is open to the public or on any street or highway  
17 or on any private property except private property that is owned or leased by  
18 the minor or the minor's parent, grandparent or guardian. Any ordinance or  
19 rule that is adopted pursuant to this paragraph shall not apply to a minor  
20 who is fourteen, fifteen, sixteen or seventeen years of age and who is  
21 engaged in any of the following:

22 (a) Lawful hunting or shooting events or marksmanship practice at  
23 established ranges or other areas where the discharge of a firearm is not  
24 prohibited.

25 (b) Lawful transportation of an unloaded firearm for the purpose of  
26 lawful hunting.

27 (c) Lawful transportation of an unloaded firearm for the purpose of  
28 attending shooting events or marksmanship practice at established ranges or  
29 other areas where the discharge of a firearm is not prohibited.

30 (d) Any activity that is related to the production of crops,  
31 livestock, poultry, livestock products, poultry products or ratites or  
32 storage of agricultural commodities.

33 3. The regulation of land and structures, including a business  
34 relating to firearms or ammunition or their components or a shooting range in  
35 the same manner as other commercial businesses. Notwithstanding any other  
36 law, this paragraph does not authorize a political subdivision to regulate  
37 the sale or transfer of firearms on property it owns, leases, operates or  
38 controls in a manner that is different than or inconsistent with state  
39 law. For the purposes of this paragraph, a use permit or other contract that  
40 provides for the use of property owned, leased, operated or controlled by a  
41 political subdivision shall not be considered a sale, conveyance or  
42 disposition of property.

43 4. Regulating employees or independent contractors of the political  
44 subdivision who are acting within the course and scope of their employment or  
45 contract.

1           5. Limiting or prohibiting the discharge of firearms in parks and  
2 preserves except:

3           (a) As allowed pursuant to chapter 4 of this title.

4           (b) On a properly supervised range as defined in section 13-3107.

5           (c) In an area approved as a hunting area by the Arizona game and fish  
6 department. Any such area may be closed when deemed unsafe by the director  
7 of the Arizona game and fish department.

8           (d) To control nuisance wildlife by permit from the Arizona game and  
9 fish department or the United States fish and wildlife service.

10          (e) By special permit of the chief law enforcement officer of the  
11 political subdivision.

12          (f) As required by an animal control officer in performing duties  
13 specified in section 9-499.04 and title 11, chapter 7, article 6.

14          (g) In self-defense or defense of another person against an animal  
15 attack if a reasonable person would believe that deadly physical force  
16 against the animal is immediately necessary and reasonable under the  
17 circumstances to protect oneself or the other person.

18          ~~F.~~ **G.** A violation of any ordinance established pursuant to subsection  
19 ~~E- F~~, paragraph 5 of this section is a class 2 misdemeanor unless the  
20 political subdivision designates a lesser classification by ordinance.

21          ~~G.~~ **H.** For the purposes of this section, "political subdivision"  
22 includes a political subdivision acting in any capacity, including under  
23 police power, in a proprietary capacity or otherwise.

24          Sec. 3. Title 17, chapter 3, article 1, Arizona Revised Statutes, is  
25 amended by adding section 17-321, to read:

26          17-321. Hunting within municipalities

27          A CITY, CHARTER CITY OR TOWN SHALL NOT PROHIBIT OR OTHERWISE RESTRICT  
28 HUNTING ACTIVITIES DURING AN ESTABLISHED OPEN SEASON USING SHOTGUN, RIMFIRE  
29 RIFLE OR ARCHERY EQUIPMENT ON FEDERAL OR STATE TRUST LAND OR PRIVATE PROPERTY  
30 LOCATED WITHIN THE MUNICIPALITY'S EXTERIOR BOUNDARIES, EXCEPT THAT ALL SUCH  
31 ACTIVITIES ARE SUBJECT TO THE ENFORCEMENT OF SECTION 17-309 AND OTHER LAWS  
32 AND ADMINISTRATIVE RULES ADOPTED BY THE COMMISSION REGULATING THE TIME, PLACE  
33 AND MANNER OF HUNTING ACTIVITIES.