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)
SB 1334

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

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

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

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

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

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

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

2. On a properly supervised range.

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

4. In a lawful hunting event during open season established by the Arizona game and fish commission and subject to the limitations prescribed by section 17-321.

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

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


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

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

D. For the purposes of this section:

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

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

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

   (b) Approved by any agency of the federal government, this state or a county or city within which the range is located.
(c) Operated with adult supervision for shooting air or carbon dioxide gas operated guns, or for shooting in underground ranges on private or public property.

Sec. 2. Section 13-3108, Arizona Revised Statutes, is amended to read:

13-3108. Firearms regulated by state; state preemption; violation; classification; definition

A. Except as provided in subsection E of this section, a political subdivision of this state shall not enact 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 or ammunition or any firearm or ammunition components or related accessories in this state.

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

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

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

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

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

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

E. A POLITICAL SUBDIVISION OF THIS STATE SHALL NOT ENACT ANY ORDINANCE, RULE OR REGULATION LIMITING THE AREA OF A LAWFUL HUNTING EVENT
DURING OPEN SEASON ESTABLISHED BY THE ARIZONA GAME AND FISH COMMISSION UNLESS THE ORDINANCE, RULE OR REGULATION IS CONSISTENT WITH SECTION 17-321 AND RULES ADOPTED PURSUANT TO SECTION 17-321.

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

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

2. Prohibiting a minor who is unaccompanied by a parent, grandparent or guardian or a certified hunter safety instructor or certified firearms safety instructor acting with the consent of the minor's parent, grandparent or guardian from knowingly possessing or carrying on the minor's person, within the minor's immediate control or in or on a means of transportation a firearm in any place that is open to the public or on any street or highway or on any private property except private property that is owned or leased by the minor or the minor's parent, grandparent or guardian. Any ordinance or rule that is adopted pursuant to this paragraph shall not apply to a minor who is fourteen, fifteen, sixteen or seventeen years of age and who is engaged in any of the following:
   (a) Lawful hunting or shooting events or marksmanship practice at established ranges or other areas where the discharge of a firearm is not prohibited.
   (b) Lawful transportation of an unloaded firearm for the purpose of lawful hunting.
   (c) Lawful transportation of an unloaded firearm for the purpose of attending shooting events or marksmanship practice at established ranges or other areas where the discharge of a firearm is not prohibited.
   (d) Any activity that is related to the production of crops, livestock, poultry, livestock products, poultry products or ratites or storage of agricultural commodities.

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

4. Regulating employees or independent contractors of the political subdivision who are acting within the course and scope of their employment or contract.
5. Limiting or prohibiting the discharge of firearms in parks and preserves except:
   (a) As allowed pursuant to chapter 4 of this title.
   (b) On a properly supervised range as defined in section 13-3107.
   (c) In an area approved as a hunting area by the Arizona game and fish department. Any such area may be closed when deemed unsafe by the director of the Arizona game and fish department.
   (d) To control nuisance wildlife by permit from the Arizona game and fish department or the United States fish and wildlife service.
   (e) By special permit of the chief law enforcement officer of the political subdivision.
   (f) As required by an animal control officer in performing duties specified in section 9-499.04 and title 11, chapter 7, article 6.
   (g) In self-defense or defense of another person against an animal attack if a reasonable person would believe that deadly physical force against the animal is immediately necessary and reasonable under the circumstances to protect oneself or the other person.

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

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

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

17-321. Hunting within municipalities

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