

REFERENCE TITLE: state regulation of firearms

State of Arizona  
House of Representatives  
Fiftieth Legislature  
Second Regular Session  
2012

## HB 2729

Introduced by

Representatives Gowan, Crandell, Judd, Kavanagh, Pierce, Seel, Smith D,  
Stevens, Weiers J, Senators Allen, Antenori, Smith: Representatives  
Barton, Fann, Farnsworth, Fillmore, Harper, Mesnard, Montenegro, Olson,  
Proud, Urie, Senators Biggs, Gould, Griffin, Klein, Melvin, Murphy,  
Shooter

AN ACT

AMENDING SECTIONS 12-714 AND 13-3102, ARIZONA REVISED STATUTES; REPEALING  
SECTION 13-3102.01, ARIZONA REVISED STATUTES; AMENDING SECTION 13-3108,  
ARIZONA REVISED STATUTES; REPEALING SECTION 13-3118, ARIZONA REVISED  
STATUTES; AMENDING SECTIONS 13-4903, 13-4904 AND 15-515, ARIZONA REVISED  
STATUTES; RELATING TO FIREARMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 12-714, Arizona Revised Statutes, is amended to  
3 read:

4 12-714. Actions against firearm manufacturers; prohibition;  
5 findings; definitions

6 A. A political subdivision of this state shall not commence a  
7 qualified civil liability action in any Arizona court.

8 B. The legislature finds that:

9 1. The citizens of this state have the right, under the second  
10 amendment to the United States Constitution and article ~~2-~~ II, section 26 of  
11 the Arizona Constitution, to keep and bear arms.

12 2. Lawsuits have been commenced against the manufacturers,  
13 distributors, dealers and importers of nondefective firearms for the harm  
14 caused by the misuse of firearms by third parties, including criminals.

15 3. Businesses in the United States that are engaged in the lawful sale  
16 to the public of firearms or ammunition are not, and should not be liable for  
17 the harm caused by those who unlawfully misuse firearms or ammunition.

18 4. The possibility of imposing liability on an entire industry for  
19 harm that is the sole responsibility of others is an abuse of the legal  
20 system, threatens the diminution of a basic constitutional right and  
21 constitutes an unreasonable burden on the free enterprise system.

22 5. The liability actions commenced by political subdivisions are based  
23 on theories without foundation in the common law and American jurisprudence.  
24 Such an expansion of liability would constitute a deprivation of the rights,  
25 privileges and immunities guaranteed to citizens of this state under both the  
26 Constitution of Arizona and the United States Constitution.

27 C. ~~As used in~~ FOR THE PURPOSES OF this section:

28 1. "Manufacturer" means, with respect to a qualified product:

29 (a) A person who is engaged in a business to import, make, produce,  
30 create or assemble a qualified product and who designs or formulates, or has  
31 engaged another person to design or formulate, a qualified product.

32 (b) A seller of a qualified product, but only with respect to an  
33 aspect of the product that is made or affected when the seller makes,  
34 produces, creates or assembles and designs or formulates an aspect of the  
35 product made by another person.

36 (c) Any seller of a qualified product who represents to a user of a  
37 qualified product that the seller is a manufacturer of the qualified product.

38 2. "Qualified civil liability action" means a civil action brought by  
39 a political subdivision against a manufacturer or seller of a qualified  
40 product or a trade association, for damages resulting from the criminal or  
41 unlawful misuse of a qualified product by a third party. Qualified civil  
42 liability action does not include an action brought against a transferor  
43 convicted under 18 United States Code section 924(h) or section 13-3102,  
44 subsection A, paragraph ~~14-~~ 13 by a party directly harmed by the conduct of  
45 which the transferee is convicted.

1           3. "Qualified product" means a nondefective firearm as defined in 18  
2 United States Code section 921(a)(3) or nondefective ammunition as defined in  
3 18 United States Code section 921(a)(17), or a component part of a firearm or  
4 ammunition, that has been shipped or transported in interstate or foreign  
5 commerce.

6           4. "Seller" means, with respect to a qualified product, a person who  
7 either:

8           (a) In the course of a business conducted for that purpose sells,  
9 distributes, rents, leases, prepares, blends, packages, labels or otherwise  
10 is involved in placing a qualified product in the stream of commerce.

11           (b) Installs, repairs, refurbishes, reconditions or maintains an  
12 aspect of a qualified product that is alleged to have resulted in damages.

13           5. "Trade association" means any association or business organization,  
14 whether or not incorporated under federal or state law, two or more members  
15 of which are manufacturers or sellers of a qualified product.

16           Sec. 2. Section 13-3102, Arizona Revised Statutes, is amended to read:  
17 13-3102. Misconduct involving weapons; defenses;  
18 classification; definitions

19           A. A person commits misconduct involving weapons by knowingly:

20           1. Carrying a deadly weapon except a pocket knife concealed on his  
21 person or within his immediate control in or on a means of transportation:

22           (a) In the furtherance of a serious offense as defined in section  
23 13-706, a violent crime as defined in section 13-901.03 or any other felony  
24 offense; or

25           (b) When contacted by a law enforcement officer and failing to  
26 accurately answer the officer if the officer asks whether the person is  
27 carrying a concealed deadly weapon; or

28           2. Carrying a deadly weapon except a pocket knife concealed on his  
29 person or concealed within his immediate control in or on a means of  
30 transportation if the person is under twenty-one years of age; or

31           3. Manufacturing, possessing, transporting, selling or transferring a  
32 prohibited weapon, except that if the violation involves dry ice, a person  
33 commits misconduct involving weapons by knowingly possessing the dry ice with  
34 the intent to cause injury to or death of another person or to cause damage  
35 to the property of another person; or

36           4. Possessing a deadly weapon or prohibited weapon if such person is a  
37 prohibited possessor; or

38           5. Selling or transferring a deadly weapon to a prohibited possessor;  
39 or

40           6. Defacing a deadly weapon; or

41           7. Possessing a defaced deadly weapon knowing the deadly weapon was  
42 defaced; or

43           8. Using or possessing a deadly weapon during the commission of any  
44 felony offense included in chapter 34 of this title; or

1           9. Discharging a firearm at an occupied structure in order to assist,  
2 promote or further the interests of a criminal street gang, a criminal  
3 syndicate or a racketeering enterprise; or

4           ~~10. Unless specifically authorized by law, entering any public~~  
5 ~~establishment or attending any public event and carrying a deadly weapon on~~  
6 ~~his person after a reasonable request by the operator of the establishment or~~  
7 ~~the sponsor of the event or the sponsor's agent to remove his weapon and~~  
8 ~~place it in the custody of the operator of the establishment or the sponsor~~  
9 ~~of the event for temporary and secure storage of the weapon pursuant to~~  
10 ~~section 13-3102.01; or~~

11           ~~11.~~ 10. Unless specifically authorized by law, entering an election  
12 polling place on the day of any election carrying a deadly weapon; or

13           ~~12.~~ 11. Possessing a deadly weapon on school grounds; or

14           ~~13.~~ 12. Unless specifically authorized by law, entering a nuclear or  
15 hydroelectric generating station carrying a deadly weapon on his person or  
16 within the immediate control of any person; or

17           ~~14.~~ 13. Supplying, selling or giving possession or control of a  
18 firearm to another person if the person knows or has reason to know that the  
19 other person would use the firearm in the commission of any felony; or

20           ~~15.~~ 14. Using, possessing or exercising control over a deadly weapon  
21 in furtherance of any act of terrorism as defined in section 13-2301 or  
22 possessing or exercising control over a deadly weapon knowing or having  
23 reason to know that it will be used to facilitate any act of terrorism as  
24 defined in section 13-2301.

25           B. Subsection A, paragraph 2 of this section shall not apply to:

26           1. A person in his dwelling, on his business premises or on real  
27 property owned or leased by that person or that person's parent, grandparent  
28 or legal guardian.

29           2. A member of the sheriff's volunteer posse or reserve organization  
30 who has received and passed firearms training that is approved by the Arizona  
31 peace officer standards and training board and who is authorized by the  
32 sheriff to carry a concealed weapon pursuant to section 11-441.

33           3. A firearm that is carried in:

34           (a) A manner where any portion of the firearm or holster in which the  
35 firearm is carried is visible.

36           (b) A holster that is wholly or partially visible.

37           (c) A scabbard or case designed for carrying weapons that is wholly or  
38 partially visible.

39           (d) Luggage.

40           (e) A case, holster, scabbard, pack or luggage that is carried within  
41 a means of transportation or within a storage compartment, map pocket, trunk  
42 or glove compartment of a means of transportation.

43           C. Subsection A, paragraphs 2, 3, 7, 10, 11, ~~AND 12 and 13~~ of this  
44 section shall not apply to:

1           1. A peace officer or any person summoned by any peace officer to  
2 assist and while actually assisting in the performance of official duties; or

3           2. A member of the military forces of the United States or of any  
4 state of the United States in the performance of official duties; or

5           3. A warden, deputy warden, community correctional officer, detention  
6 officer, special investigator or correctional officer of the state department  
7 of corrections or the department of juvenile corrections; or

8           4. A person specifically licensed, authorized or permitted pursuant to  
9 a statute of this state or of the United States.

10          D. Subsection A, paragraphs 3 and 7 of this section shall not apply  
11 to:

12           1. The possessing, transporting, selling or transferring of weapons by  
13 a museum as a part of its collection or an educational institution for  
14 educational purposes or by an authorized employee of such museum or  
15 institution, if:

16           (a) Such museum or institution is operated by the United States or  
17 this state or a political subdivision of this state, or by an organization  
18 described in 26 United States Code section 170(c) as a recipient of a  
19 charitable contribution; and

20           (b) Reasonable precautions are taken with respect to theft or misuse  
21 of such material.

22           2. The regular and lawful transporting as merchandise; or

23           3. Acquisition by a person by operation of law such as by gift, devise  
24 or descent or in a fiduciary capacity as a recipient of the property or  
25 former property of an insolvent, incapacitated or deceased person.

26          E. Subsection A, paragraph 3 of this section shall not apply to the  
27 merchandise of an authorized manufacturer of or dealer in prohibited weapons,  
28 when such material is intended to be manufactured, possessed, transported,  
29 sold or transferred solely for or to a dealer, a regularly constituted or  
30 appointed state, county or municipal police department or police officer, a  
31 detention facility, the military service of this or another state or the  
32 United States, a museum or educational institution or a person specifically  
33 licensed or permitted pursuant to federal or state law.

34          ~~F. Subsection A, paragraph 10 of this section shall not apply to~~  
35 ~~shooting ranges or shooting events, hunting areas or similar locations or~~  
36 ~~activities.~~

37          ~~G.~~ F. Subsection A, paragraph 3 of this section shall not apply to a  
38 weapon described in section 13-3101, subsection A, paragraph 8, subdivision  
39 (a), item (v), if such weapon is possessed for the purposes of preparing for,  
40 conducting or participating in lawful exhibitions, demonstrations, contests  
41 or athletic events involving the use of such weapon. Subsection A, paragraph  
42 ~~12~~ 11 of this section shall not apply to a weapon if such weapon is possessed  
43 for the purposes of preparing for, conducting or participating in hunter or  
44 firearm safety courses.

1 ~~H.~~ G. Subsection A, paragraph ~~12~~ 11 of this section shall not apply  
2 to the possession of a:

3 1. Firearm that is not loaded and that is carried within a means of  
4 transportation under the control of an adult provided that if the adult  
5 leaves the means of transportation the firearm shall not be visible from the  
6 outside of the means of transportation and the means of transportation shall  
7 be locked.

8 2. Firearm for use on the school grounds in a program approved by a  
9 school.

10 3. Firearm by a person who possesses a certificate of firearms  
11 proficiency pursuant to section 13-3112, subsection T and who is authorized  
12 to carry a concealed firearm pursuant to the law enforcement officers safety  
13 act of 2004 (P.L. 108-277; 118 Stat. 865; 18 United States Code sections 926B  
14 and 926C).

15 ~~I.~~ H. Subsection A, paragraphs 2, 3, 7 and ~~13~~ 12 of this section  
16 shall not apply to commercial nuclear generating station armed nuclear  
17 security guards during the performance of official duties or during any  
18 security training exercises sponsored by the commercial nuclear generating  
19 station or local, state or federal authorities.

20 ~~J. The operator of the establishment or the sponsor of the event or  
21 the employee of the operator or sponsor or the agent of the sponsor,  
22 including a public entity or public employee, is not liable for acts or  
23 omissions pursuant to subsection A, paragraph 10 of this section unless the  
24 operator, sponsor, employee or agent intended to cause injury or was grossly  
25 negligent.~~

26 ~~K.~~ I. If a law enforcement officer contacts a person who is in  
27 possession of a firearm, the law enforcement officer may take temporary  
28 custody of the firearm for the duration of that contact.

29 ~~L.~~ J. Misconduct involving weapons under subsection A, paragraph ~~15~~  
30 14 of this section is a class 2 felony. Misconduct involving weapons under  
31 subsection A, paragraph 9 or ~~14~~ 13 of this section is a class 3 felony.  
32 Misconduct involving weapons under subsection A, paragraph 3, 4, 8 or ~~13~~ 12  
33 of this section is a class 4 felony. Misconduct involving weapons under  
34 subsection A, paragraph ~~12~~ 11 of this section is a class 1 misdemeanor unless  
35 the violation occurs in connection with conduct that violates section  
36 13-2308, subsection A, paragraph 5, section 13-2312, subsection C, section  
37 13-3409 or section 13-3411, in which case the offense is a class 6 felony.  
38 Misconduct involving weapons under subsection A, paragraph 1, subdivision (a)  
39 of this section or subsection A, paragraph 5, 6 or 7 of this section is a  
40 class 6 felony. Misconduct involving weapons under subsection A, paragraph  
41 1, subdivision (b) of this section or subsection A, paragraph 10 ~~or 11~~ of  
42 this section is a class 1 misdemeanor. Misconduct involving weapons under  
43 subsection A, paragraph 2 of this section is a class 3 misdemeanor.

1           ~~M.~~ K. For the purposes of this section:

2           1. "Contacted by a law enforcement officer" means a lawful traffic or

3 criminal investigation, arrest or detention or an investigatory stop by a law

4 enforcement officer that is based on reasonable suspicion that an offense has

5 been or is about to be committed.

6           ~~2. "Public establishment" means a structure, vehicle or craft that is~~

7 ~~owned, leased or operated by this state or a political subdivision of this~~

8 ~~state.~~

9           ~~3. "Public event" means a specifically named or sponsored event of~~

10 ~~limited duration that is either conducted by a public entity or conducted by~~

11 ~~a private entity with a permit or license granted by a public entity. Public~~

12 ~~event does not include an unsponsored gathering of people in a public place.~~

13           ~~4.~~ 2. "School" means a public or nonpublic kindergarten program,

14 common school or high school.

15           ~~5.~~ 3. "School grounds" means in, or on the grounds of, a school.

16           Sec. 3. Repeal

17 Section 13-3102.01, Arizona Revised Statutes, is repealed.

18           Sec. 4. Section 13-3108, Arizona Revised Statutes, is amended to read:

19 13-3108. Firearms regulated by state; state preemption;

20 remedies; violation; classification; definitions

21           A. Except as provided in ~~subsection~~ SUBSECTIONS F AND G of this

22 section, ~~a~~ THIS STATE AND ANY AGENCY OR political subdivision of this state

23 shall not enact any ordinance, rule or tax relating to the transportation,

24 possession, carrying, sale, transfer, purchase, acquisition, gift, devise,

25 storage, licensing, registration, discharge or use of firearms or ammunition

26 or any firearm or ammunition components or related accessories in this state.

27           B. ~~A~~ EXCEPT AS PROVIDED IN SUBSECTIONS F AND G OF THIS SECTION, THIS

28 STATE AND ANY AGENCY OR political subdivision of this state shall not require

29 the licensing or registration of firearms or ammunition or any firearm or

30 ammunition components or related accessories or prohibit the ownership,

31 purchase, sale or transfer of firearms or ammunition or any firearm or

32 ammunition components, or related accessories.

33           C. ~~A~~ EXCEPT AS PROVIDED IN SUBSECTIONS F AND G OF THIS SECTION, THIS

34 STATE AND ANY AGENCY OR political subdivision of this state shall not require

35 or maintain a record in any form, whether permanent or temporary, including a

36 list, log or database, of any of the following:

37           1. Any identifying information of a person who leaves a weapon in

38 temporary storage ~~at~~ ON any public ~~establishment or public event~~ PROPERTY,

39 except that the operator of the ~~establishment~~ PROPERTY or the sponsor of ~~the~~

40 ANY event ON THE PROPERTY may require that a person provide a government

41 issued identification or a reasonable copy of a government issued

42 identification for the purpose of establishing ownership of the weapon. The

43 operator or sponsor shall store any provided identification with the weapon

44 and shall return the identification to the person when the weapon is

45 retrieved. The operator or sponsor shall not retain records or copies of any

1 identification provided pursuant to this paragraph after the weapon is  
2 retrieved.

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

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

10 D. ~~A- THIS STATE AND ANY AGENCY OR~~ political subdivision of this state  
11 shall not enact any rule or ordinance that relates to firearms and is more  
12 prohibitive than or that has a penalty that is greater than any state law  
13 penalty. A ~~political subdivision's~~ rule or ordinance that relates to  
14 firearms and that is inconsistent with or more restrictive than state law,  
15 whether enacted before or after ~~the effective date of the amendment to this~~  
16 ~~section~~ JULY 29, 2010, is null and void AND OF NO FORCE OR EFFECT.

17 E. ~~A- EXCEPT AS PROVIDED IN SUBSECTIONS F AND G OF THIS SECTION, THIS~~  
18 ~~STATE AND ANY AGENCY OR~~ political subdivision of this state shall not enact  
19 any ordinance, rule or regulation limiting the lawful taking of wildlife  
20 during an open season established by the Arizona game and fish commission  
21 unless the ordinance, rule or regulation is consistent with title 17 and  
22 rules and orders adopted by the Arizona game and fish commission. This  
23 subsection does not prevent ~~a political subdivision from adopting~~ THE  
24 ADOPTION OF an ordinance or rule restricting the discharge of a firearm  
25 within one-fourth mile of an occupied structure. For THE purposes of this  
26 subsection, "take" has the same meaning prescribed in section 17-101.

27 F. This section does not prohibit ~~a- THIS STATE OR ANY AGENCY OR~~  
28 political subdivision of this state from enacting and enforcing any ordinance  
29 or rule pursuant to SECTION 13-2911 OR ANY OTHER state law or relating to any  
30 of the following:

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

35 2. Prohibiting a minor who is unaccompanied by a parent, grandparent  
36 or guardian or a certified hunter safety instructor or certified firearms  
37 safety instructor acting with the consent of the minor's parent, grandparent  
38 or guardian from knowingly possessing or carrying on the minor's person,  
39 within the minor's immediate control or in or on a means of transportation a  
40 firearm in any place that is open to the public or on any street or highway  
41 or on any private property except private property that is owned or leased by  
42 the minor or the minor's parent, grandparent or guardian. Any ordinance or  
43 rule that is adopted pursuant to this paragraph shall not apply to a minor  
44 who is fourteen, fifteen, sixteen or seventeen years of age and who is  
45 engaged in any of the following:

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

4 (b) Lawful transportation of an unloaded firearm for the purpose of  
5 lawful hunting.

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

9 (d) Any activity that is related to the production of crops,  
10 livestock, poultry, livestock products, poultry products or ratites or  
11 storage of agricultural commodities.

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

22 4. Regulating employees or independent contractors of the political  
23 subdivision who are acting within the course and scope of their employment or  
24 contract. THIS PARAGRAPH DOES NOT PROHIBIT THE LAWFUL TRANSPORTING OR LAWFUL  
25 STORAGE OF ANY FIREARM PURSUANT TO SECTION 12-781.

26 5. Limiting or prohibiting the discharge of firearms in parks and  
27 preserves except:

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

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

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

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

35 (e) By special permit of the chief law enforcement officer of the  
36 political subdivision.

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

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

43 6. LIMITING OR PROHIBITING THE POSSESSION OF FIREARMS ON PUBLIC  
44 PROPERTY IF ALL OF THE FOLLOWING APPLY:

45 (a) THE PUBLIC PROPERTY IS A SECURED FACILITY.

1 (b) SIGNS ARE CONSPICUOUSLY POSTED AT ALL PUBLIC ENTRANCES THAT  
2 PROHIBIT THE POSSESSION OF FIREARMS.

3 (c) THE PUBLIC PROPERTY IS EQUIPPED WITH SECURE FIREARM LOCKERS THAT  
4 ARE IN REASONABLE PROXIMITY TO THE MAIN PUBLIC ENTRANCE AND BOTH OF THE  
5 FOLLOWING APPLY:

6 (i) THE LOCKERS ARE UNDER THE CONTROL OF THE OPERATOR OF THE PUBLIC  
7 PROPERTY OR THE PROPERTY'S DESIGNATED AGENT.

8 (ii) THE LOCKERS ALLOW FOR THE IMMEDIATE RETRIEVAL OF THE FIREARM ON  
9 EXIT FROM THE PUBLIC PROPERTY.

10 G. A POLITICAL SUBDIVISION OF THIS STATE MAY ENACT ANY RULE OR  
11 ORDINANCE REQUIRING A BUSINESS THAT OBTAINS A SECONDHAND FIREARM BY PURCHASE,  
12 TRADE OR CONSIGNMENT TO RETAIN THE FIREARM FOR A PERIOD NOT TO EXCEED TEN  
13 CALENDAR DAYS AT ITS PLACE OF BUSINESS OR ANOTHER STORAGE LOCATION THAT IS  
14 APPROVED BY THE APPLICABLE LAW ENFORCEMENT AGENCY.

15 H. A PERSON MAY FILE SUIT IN AN APPROPRIATE COURT FOR DECLARATIVE AND  
16 INJUNCTIVE RELIEF AND FOR ACTUAL AND CONSEQUENTIAL DAMAGES IF ANY ORDINANCE,  
17 REGULATION, MEASURE, DIRECTIVE, RULE, ENACTMENT, ORDER OR POLICY IS ENACTED  
18 OR ENFORCED IN VIOLATION OF THIS SECTION. THE COURT SHALL AWARD THE  
19 PREVAILING PARTY ATTORNEY FEES AND COSTS IN THE TRIAL AND APPELLATE COURTS.  
20 IF THE COURT FINDS THAT AN ENTITY HAS KNOWINGLY VIOLATED THIS SECTION, THE  
21 COURT SHALL ORDER THE ENTITY TO PAY A CIVIL PENALTY OF NOT MORE THAN FIVE  
22 THOUSAND DOLLARS.

23 I. EXCEPT AS REQUIRED BY ARTICLE II, SECTION 24, CONSTITUTION OF  
24 ARIZONA OR THE SIXTH AMENDMENT TO THE UNITED STATES CONSTITUTION, THIS STATE  
25 OR ANY AGENCY OR POLITICAL SUBDIVISION OF THIS STATE MAY BE REIMBURSED FOR  
26 ANY PUBLIC MONIES THAT WERE SPENT TO DEFEND ANY PERSON WHO IS FOUND TO HAVE  
27 KNOWINGLY VIOLATED THIS SECTION.

28 ~~G.~~ J. A violation of any ordinance established pursuant to subsection  
29 F, paragraph 5 of this section is a class 2 misdemeanor unless the political  
30 subdivision designates a lesser classification by ordinance. A VIOLATION OF  
31 ANY ORDINANCE ENACTED PURSUANT TO SUBSECTION F, PARAGRAPH 6 OF THIS SECTION  
32 IS A CLASS 1 MISDEMEANOR.

33 ~~H.~~ K. For the purposes of this section: ~~—~~

34 1. "CONTROLLED ACCESS" MEANS ACCESS IS CONTROLLED OR RESTRICTED TO THE  
35 GENERAL PUBLIC BY THE PRESENCE OF BOTH OF THE FOLLOWING:

36 (a) A STATE OR FEDERAL CERTIFIED LAW ENFORCEMENT OFFICER OR AN ARMED  
37 SECURITY OFFICER.

38 (b) METAL DETECTION, X-RAY, SCREENING OR OTHER WEAPON DETECTION  
39 EQUIPMENT.

40 2. "Political subdivision" includes MUNICIPALITIES, COUNTIES, SPECIAL  
41 TAXING DISTRICTS, CONSERVATION DISTRICTS, AUTHORITIES, THE GOVERNING BODY OF  
42 A POLITICAL SUBDIVISION AND ITS MEMBERS AND OFFICERS IN THEIR OFFICIAL  
43 CAPACITY AND a political subdivision acting in any capacity, including under  
44 police power, in a proprietary capacity or otherwise.

1           3. "PUBLIC PROPERTY":  
2           (a) MEANS:  
3           (i) A STRUCTURE, VEHICLE OR CRAFT THAT IS OWNED, LEASED, USED,  
4 OPERATED, CONTRACTED FOR OR CONTROLLED BY THIS STATE OR ANY AGENCY OR  
5 POLITICAL SUBDIVISION OF THIS STATE WHEN THAT PROPERTY IS USED BY A  
6 GOVERNMENTAL ENTITY FOR A PUBLIC PURPOSE.  
7           (ii) REAL PROPERTY THAT IS UNDER THE DOMINION AND CONTROL OF THIS  
8 STATE OR ANY AGENCY OR POLITICAL SUBDIVISION OF THIS STATE AND THAT IS  
9 ACCESSIBLE TO THE GENERAL PUBLIC.  
10          (b) DOES NOT INCLUDE A STRUCTURE THAT IS OWNED BY A POLITICAL  
11 SUBDIVISION AND THAT IS LEASED, PROVIDED AS PART OF A JOINT VENTURE OR LEASED  
12 PURCHASED TO A PRIVATE ENTITY FOR A PRIVATE COMMERCIAL, RESIDENTIAL RENTAL OR  
13 PRIVATE INDUSTRIAL PURPOSE.  
14          4. "SECURED FACILITY" MEANS PUBLIC PROPERTY THAT IS OPERATED OR  
15 CONTROLLED BY THIS STATE OR ANY AGENCY OR POLITICAL SUBDIVISION OF THIS STATE  
16 AND THAT IS NOT ACCESSIBLE TO THE GENERAL PUBLIC EXCEPT BY CONTROLLED ACCESS.  
17          Sec. 5. Repeal  
18 Section 13-3118, Arizona Revised Statutes, is repealed.  
19          Sec. 6. Section 13-4903, Arizona Revised Statutes, is amended to read:  
20 13-4903. Use of force; armed nuclear security guards  
21          A. An armed nuclear security guard is justified in using physical  
22 force against another person at a commercial nuclear generating station or  
23 structure or fenced yard of a commercial nuclear generating station if the  
24 armed nuclear security guard reasonably believes that such force is necessary  
25 to prevent or terminate the commission or attempted commission of criminal  
26 damage under section 13-1602, subsection A, paragraph 3 and subsection B,  
27 paragraph 1 or 2, misconduct involving weapons under section 13-3102,  
28 subsection A, paragraph ~~13~~ 12 or criminal trespass on a commercial nuclear  
29 generating station under section 13-4902.  
30          B. Notwithstanding sections 13-403, 13-404, 13-405, 13-406, 13-408,  
31 13-409, 13-410 and 13-411, an armed nuclear security guard is justified in  
32 using physical force up to and including deadly physical force against  
33 another person at a commercial nuclear generating station or structure or  
34 fenced yard of a commercial nuclear generating station if the armed nuclear  
35 security guard reasonably believes that such force is necessary to:  
36          1. Prevent the commission of manslaughter under section 13-1103,  
37 second or first degree murder under section 13-1104 or 13-1105, aggravated  
38 assault under section 13-1204, subsection A, paragraph 1 or 2, kidnapping  
39 under section 13-1304, burglary in the second or first degree under section  
40 13-1507 or 13-1508, arson of a structure or property under section 13-1703,  
41 arson of an occupied structure under section 13-1704, armed robbery under  
42 section 13-1904 or an act of terrorism under section 13-2308.01.  
43          2. Defend oneself or a third person from the use or imminent use of  
44 deadly physical force.

1 C. Notwithstanding any other provision of this chapter, an armed  
2 nuclear security guard is justified in threatening to use physical or deadly  
3 physical force if and to the extent a reasonable armed nuclear security guard  
4 believes it necessary to protect oneself or others against another person's  
5 potential use of physical force or deadly physical force.

6 D. An armed nuclear security guard is not subject to civil liability  
7 for engaging in conduct that is otherwise justified pursuant to this chapter.

8 Sec. 7. Section 13-4904, Arizona Revised Statutes, is amended to read:  
9 13-4904. Detention authority; armed nuclear security guards

10 A. An armed nuclear security guard, with reasonable belief, may detain  
11 in or on a commercial nuclear generating station or a structure or fenced  
12 yard of a commercial nuclear generating station in a reasonable manner and  
13 for a reasonable time any person who is suspected of committing or attempting  
14 to commit manslaughter under section 13-1103, second or first degree murder  
15 under section 13-1104 or 13-1105, aggravated assault under section 13-1204,  
16 subsection A, paragraph 1 or 2, kidnapping under section 13-1304, burglary in  
17 the second or first degree under section 13-1507 or 13-1508, criminal damage  
18 under section 13-1602, subsection A, paragraph 3 and subsection B, paragraph  
19 1 or 2, arson of a structure or property under section 13-1703, arson of an  
20 occupied structure under section 13-1704, armed robbery under section  
21 13-1904, an act of terrorism under section 13-2308.01, misconduct involving  
22 weapons under section 13-3102, subsection A, paragraph ~~13~~ 12 or criminal  
23 trespass on a commercial nuclear generating station under section 13-4902 for  
24 the purpose of summoning a law enforcement officer.

25 B. Reasonable belief of an armed nuclear security guard is a defense  
26 to a civil or criminal action against an armed nuclear security guard for  
27 false arrest, false or unlawful imprisonment or wrongful detention.

28 Sec. 8. Section 15-515, Arizona Revised Statutes, is amended to read:  
29 15-515. Duty to report violations occurring on school premises

30 All school personnel who observe a violation of section 13-3102,  
31 subsection A, paragraph ~~12~~ 11 or section 13-3111 on school premises shall  
32 immediately report the violation to the school administrator. The  
33 administrator shall immediately report the violation to a peace officer. The  
34 peace officer shall report this violation to the department of public safety  
35 for inclusion in the statewide and federal uniform crime reports prescribed  
36 in section 41-1750, subsection A, paragraph 2.