

REFERENCE TITLE: **concealed carry permit; qualifications**

State of Arizona  
House of Representatives  
Fifty-first Legislature  
Second Regular Session  
2014

## **HB 2103**

Introduced by  
Representatives Townsend, Borrelli, Kwasman, Livingston, Mitchell,  
Petersen, Seel, Smith, Thorpe; Barton, Cardenas, Lovas, Shope

**AN ACT**

**AMENDING SECTION 13-3112, 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 13-3112, Arizona Revised Statutes, is amended to  
3 read:

4 13-3112. Concealed weapons; qualification; application; permit  
5 to carry; civil penalty; report; applicability

6 A. The department of public safety shall issue a permit to carry a  
7 concealed weapon to a person who is qualified under this section. The person  
8 shall carry the permit at all times when the person is in actual possession  
9 of the concealed weapon and is required by section 4-229 or 4-244 to carry  
10 the permit. If the person is in actual possession of the concealed weapon  
11 and is required by section 4-229 or 4-244 to carry the permit, the person  
12 shall present the permit for inspection to any law enforcement officer on  
13 request.

14 B. The permit of a person who is arrested or indicted for an offense  
15 that would make the person unqualified under section 13-3101, subsection A,  
16 paragraph 7 or this section shall be immediately suspended and seized. The  
17 permit of a person who becomes unqualified on conviction of that offense  
18 shall be revoked. The permit shall be restored on presentation of  
19 documentation from the court if the permittee is found not guilty or the  
20 charges are dismissed. The permit shall be restored on presentation of  
21 documentation from the county attorney that the charges against the permittee  
22 were dropped or dismissed.

23 C. A permittee who carries a concealed weapon, who is required by  
24 section 4-229 or 4-244 to carry a permit and who fails to present the permit  
25 for inspection on the request of a law enforcement officer commits a  
26 violation of this subsection and is subject to a civil penalty of not more  
27 than three hundred dollars. The department of public safety shall be  
28 notified of all violations of this subsection and shall immediately suspend  
29 the permit. A permittee shall not be convicted of a violation of this  
30 subsection if the permittee produces to the court a legible permit that is  
31 issued to the permittee and that was valid at the time the permittee failed  
32 to present the permit for inspection.

33 D. A law enforcement officer shall not confiscate or forfeit a weapon  
34 that is otherwise lawfully possessed by a permittee whose permit is suspended  
35 pursuant to subsection C of this section, except that a law enforcement  
36 officer may take temporary custody of a firearm during an investigatory stop  
37 of the permittee.

38 E. The department of public safety shall issue a permit to an  
39 applicant who meets all of the following conditions:

40 1. Is a resident of this state or a United States citizen.

41 2. Is twenty-one years of age or older **OR IS AT LEAST NINETEEN YEARS**  
42 **OF AGE AND PROVIDES EVIDENCE OF CURRENT MILITARY SERVICE OR PROOF OF**  
43 **HONORABLE DISCHARGE OR GENERAL DISCHARGE UNDER HONORABLE CONDITIONS FROM THE**  
44 **UNITED STATES ARMED FORCES, UNITED STATES ARMED FORCES RESERVE OR A STATE**  
45 **NATIONAL GUARD.**

1           3. Is not under indictment for and has not been convicted in any  
2 jurisdiction of a felony unless that conviction has been expunged, set aside  
3 or vacated or the applicant's rights have been restored and the applicant is  
4 currently not a prohibited possessor under state or federal law.

5           4. Does not suffer from mental illness and has not been adjudicated  
6 mentally incompetent or committed to a mental institution.

7           5. Is not unlawfully present in the United States.

8           6. Has ever demonstrated competence with a firearm as prescribed by  
9 subsection N of this section and provides adequate documentation that the  
10 person has satisfactorily completed a training program or demonstrated  
11 competence with a firearm in any state or political subdivision in the United  
12 States. For the purposes of this paragraph, "adequate documentation" means:

13           (a) A current or expired permit issued by the department of public  
14 safety pursuant to this section.

15           (b) An original or copy of a certificate, card or document that shows  
16 the applicant has ever completed any course or class prescribed by subsection  
17 N of this section or an affidavit from the instructor, school, club or  
18 organization that conducted or taught the course or class attesting to the  
19 applicant's completion of the course or class.

20           (c) An original or a copy of a United States department of defense  
21 form 214 (DD-214) indicating an honorable discharge or general discharge  
22 under honorable conditions, a certificate of completion of basic training or  
23 any other document demonstrating proof of the applicant's current or former  
24 service in the United States armed forces as prescribed by subsection N,  
25 paragraph 5 of this section.

26           (d) An original or a copy of a concealed weapon, firearm or handgun  
27 permit or a license as prescribed by subsection N, paragraph 6 of this  
28 section.

29           F. The application shall be completed on a form prescribed by the  
30 department of public safety. The form shall not require the applicant to  
31 disclose the type of firearm for which a permit is sought. The applicant  
32 shall attest under penalty of perjury that all of the statements made by the  
33 applicant are true, that the applicant has been furnished a copy of this  
34 chapter and chapter 4 of this title and that the applicant is knowledgeable  
35 about the provisions contained in those chapters. The applicant shall submit  
36 the application to the department with any documentation prescribed by  
37 subsection E of this section, two sets of fingerprints and a reasonable fee  
38 determined by the director of the department.

39           G. On receipt of a concealed weapon permit application, the department  
40 of public safety shall conduct a check of the applicant's criminal history  
41 record pursuant to section 41-1750. The department of public safety may  
42 exchange fingerprint card information with the federal bureau of  
43 investigation for federal criminal history record checks.

44           H. The department of public safety shall complete all of the required  
45 qualification checks within sixty days after receipt of the application and

1 shall issue a permit within fifteen working days after completing the  
 2 qualification checks if the applicant meets all of the conditions specified  
 3 in subsection E of this section. If a permit is denied, the department of  
 4 public safety shall notify the applicant in writing within fifteen working  
 5 days after the completion of all of the required qualification checks and  
 6 shall state the reasons why the application was denied. On receipt of the  
 7 notification of the denial, the applicant has twenty days to submit any  
 8 additional documentation to the department. On receipt of the additional  
 9 documentation, the department shall reconsider its decision and inform the  
 10 applicant within twenty days of the result of the reconsideration. If  
 11 denied, the applicant shall be informed that the applicant may request a  
 12 hearing pursuant to title 41, chapter 6, article 10. For the purposes of  
 13 this subsection, "receipt of the application" means the first day that the  
 14 department has physical control of the application and that is presumed to be  
 15 on the date of delivery as evidenced by proof of delivery by the United  
 16 States postal service or a written receipt, which shall be provided by the  
 17 department on request of the applicant.

18 I. On issuance, a permit is valid for five years, except a permit that  
 19 is held by a member of the United States armed forces, including a member of  
 20 the Arizona national guard or a member of the reserves of any military  
 21 establishment of the United States, who is on federal active duty and who is  
 22 deployed overseas shall be extended until ninety days after the end of the  
 23 member's overseas deployment.

24 J. The department of public safety shall maintain a computerized  
 25 permit record system that is accessible to criminal justice agencies for the  
 26 purpose of confirming the permit status of any person who is contacted by a  
 27 law enforcement officer and who claims to hold a valid permit issued by this  
 28 state. This information and any other records that are maintained regarding  
 29 applicants, permit holders or instructors shall not be available to any other  
 30 person or entity except on an order from a state or federal court. A  
 31 criminal justice agency shall not use the computerized permit record system  
 32 to conduct inquiries on whether a person is a concealed weapons permit holder  
 33 unless the criminal justice agency has reasonable suspicion to believe the  
 34 person is carrying a concealed weapon and the person is subject to a lawful  
 35 criminal investigation, arrest, detention or an investigatory stop.

36 K. A permit issued pursuant to this section is renewable every five  
 37 years. Before a permit may be renewed, a criminal history records check  
 38 shall be conducted pursuant to section 41-1750 within sixty days after  
 39 receipt of the application for renewal. For the purposes of permit renewal,  
 40 the permit holder is not required to submit additional fingerprints.

41 L. Applications for renewal shall be accompanied by a fee determined  
 42 by the director of the department of public safety.

43 M. The department of public safety shall suspend or revoke a permit  
 44 issued under this section if the permit holder becomes ineligible pursuant to  
 45 subsection E of this section. The department of public safety shall notify

1 the permit holder in writing within fifteen working days after the revocation  
2 or suspension and shall state the reasons for the revocation or suspension.

3 N. An applicant shall demonstrate competence with a firearm through  
4 any of the following:

5 1. Completion of any firearms safety or training course or class that  
6 is available to the general public, that is offered by a law enforcement  
7 agency, a junior college, a college or a private or public institution,  
8 academy, organization or firearms training school and that is approved by the  
9 department of public safety or that uses instructors who are certified by the  
10 national rifle association.

11 2. Completion of any hunter education or hunter safety course approved  
12 by the Arizona game and fish department or a similar agency of another state.

13 3. Completion of any national rifle association firearms safety or  
14 training course.

15 4. Completion of any law enforcement firearms safety or training  
16 course or class that is offered for security guards, investigators, special  
17 deputies or other divisions or subdivisions of law enforcement or security  
18 enforcement and that is approved by the department of public safety.

19 5. Evidence of current military service or proof of honorable  
20 discharge or general discharge under honorable conditions from the United  
21 States armed forces.

22 6. A valid current or expired concealed weapon, firearm or handgun  
23 permit or license that is issued by another state or a political subdivision  
24 of another state and that has a training or testing requirement for initial  
25 issuance.

26 7. Completion of any governmental police agency firearms training  
27 course and qualification to carry a firearm in the course of normal police  
28 duties.

29 8. Completion of any other firearms safety or training course or class  
30 that is conducted by a department of public safety approved or national rifle  
31 association certified firearms instructor.

32 O. The department of public safety shall maintain information  
33 comparing the number of permits requested, the number of permits issued and  
34 the number of permits denied. The department shall annually report this  
35 information to the governor and the legislature.

36 P. The director of the department of public safety shall adopt rules  
37 for the purpose of implementing and administering this section including fees  
38 relating to permits that are issued pursuant to this section.

39 Q. This state and any political subdivision of this state shall  
40 recognize a concealed weapon, firearm or handgun permit or license that is  
41 issued by another state or a political subdivision of another state if both:

42 1. The permit or license is recognized as valid in the issuing state.

43 2. The permit or license holder is all of the following:

44 (a) Legally present in this state.

45 (b) Not legally prohibited from possessing a firearm in this state.

1 R. For the purpose of establishing mutual permit or license  
2 recognition with other states, the department of public safety shall enter  
3 into a written agreement if another state requires a written agreement.

4 S. Notwithstanding the provisions of this section, a person with a  
5 concealed weapons permit from another state may not carry a concealed weapon  
6 in this state if the person is under twenty-one years of age or is under  
7 indictment for, or has been convicted of, a felony offense in any  
8 jurisdiction, unless that conviction is expunged, set aside or vacated or the  
9 person's rights have been restored and the person is currently not a  
10 prohibited possessor under state or federal law.

11 T. The department of public safety may issue certificates of firearms  
12 proficiency according to the Arizona peace officer standards and training  
13 board firearms qualification for the purposes of implementing the law  
14 enforcement officers safety act of 2004 (P.L. 108-277; 118 Stat. 865; 18  
15 United States Code sections 926B and 926C). A law enforcement agency shall  
16 issue to a law enforcement officer who has honorably retired a photographic  
17 identification that states that the officer has honorably retired from the  
18 agency. The chief law enforcement officer shall determine whether an officer  
19 has honorably retired and the determination is not subject to review. A law  
20 enforcement agency has no obligation to revoke, alter or modify the honorable  
21 discharge photographic identification based on conduct that the agency  
22 becomes aware of or that occurs after the officer has separated from the  
23 agency.