



# HOUSE OF REPRESENTATIVES

HB 2030

liquor premises; firearms; retired officers

Prime Sponsor: Representative Borrelli, LD 5

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**DP** Committee on Judiciary

**X** Caucus and COW

House Engrossed

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## **OVERVIEW**

HB 2030 clarifies that an honorably retired law enforcement officer who meets specific criteria may possess a firearm while in a licensed establishment that sells, serves or furnishes liquor.

## **PROVISIONS**

1. Permits an honorably retired law enforcement officer who has been issued a certificate of firearms proficiency by the Department of Public Safety (DPS) to carry a weapon on the licensed premises of an *on-sale retailer*.
2. Narrows the violation for a licensee or employee who knowingly allows a person to remain on the licensed premises of an *on-sale retailer* while carrying a firearm to exclude any person who is an honorably retired law enforcement officer. Maintains the prohibition on consuming alcohol while carrying a firearm.
3. Makes technical changes.

## **CURRENT LAW**

[A.R.S. § 4-244](#) outlines unlawful acts in regards to the purchase, consumption, or sale of alcoholic beverages. Paragraph 29 makes it unlawful to possess a firearm while on a licensed premise of an on-sale retailer unless one of the following exceptions applies:

- 1) The person is a peace officer;
- 2) The person is a volunteer member of a sheriff's posse;
- 3) It is an hotel or motel guest room accommodation;
- 4) There is an exhibition of display of firearms in conjunction with a meeting, class, event or show;
- 5) The person has a permit to carry a concealed handgun on the licensed premises of any on-sale retailer.

A.R.S. § 4-244, paragraph 30 makes it unlawful for a licensee or person to knowingly permit a person with a firearm to remain on premises or to serve, sell or furnish liquor to the person in possession of a firearm. Violations under both paragraph 29 and paragraph 30 are Class 2 misdemeanors (up to 4 months in jail/fine up to \$750 plus surcharges).

A.R.S. § 4-244, paragraph 31 makes it unlawful for a person in possession of a firearm to consume liquor while on the licensed premises of an on-sale retailer. The only exception provided is if an undercover peace officer consumes small amounts of liquor while on

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assignment to investigate the establishment. A violation of Paragraph 31 is a Class 3 misdemeanor (up to 30 days in jail/fine up to \$500 plus surcharges).

[A.R.S. 4-101](#) provides relevant definitions, including *on-sale retailer* (paragraph 25) and *premises or licensed premises* (paragraph 27).

[A.R.S. § 13-3112](#), Subsection T allows DPS to issue [certificates of firearm proficiency](#) in accordance with the Arizona Peace Officer Standards and Training Board firearms qualification to implement the Law Enforcement Officer's Safety Act ([18 USC 926\(B\)](#) and [18 USC 926\(C\)](#)), commonly referred to as LEOSA.

[A.R.S. § 38-1113](#) outlines exceptions applicable to peace officers carrying weapons. Subsection C, paragraph 5 states that peace officers or retired peace officers may be prohibited from carrying a firearm when consuming alcohol at a licensed liquor establishment, unless authorized by the officer's employing agency.