

State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

CHAPTER 149
HOUSE BILL 2080

AN ACT

PROVIDING FOR TRANSFERRING AND RENUMBERING; AMENDING SECTION 8-249, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED; AMENDING SECTION 13-904, ARIZONA REVISED STATUTES; REPEALING SECTION 13-905, ARIZONA REVISED STATUTES; AMENDING SECTION 13-905, ARIZONA REVISED STATUTES, AS RENUMBERED; REPEALING SECTION 13-906, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 9, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 13-906; AMENDING SECTION 13-907, ARIZONA REVISED STATUTES, AS RENUMBERED; REPEALING SECTION 13-908, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 9, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 13-908; REPEALING SECTIONS 13-909 AND 13-910, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 9, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 13-910; REPEALING SECTION 13-911, ARIZONA REVISED STATUTES; AMENDING SECTIONS 13-2604, 13-3101 AND 16-1011, ARIZONA REVISED STATUTES; RELATING TO THE RESTORATION OF CIVIL RIGHTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-912.01, Arizona Revised Statutes, is
3 transferred and renumbered for placement in title 8, chapter 2, article 4,
4 Arizona Revised Statutes, as section 8-249 and, as so renumbered, is
5 amended to read:

6 8-249. Restoration of civil rights; persons adjudicated
7 delinquent

8 A. A person who was adjudicated delinquent and whose period of
9 probation has been completed may have the right to possess or carry a gun
10 or firearm restored by the judge who discharges the person at the end of
11 the person's term of probation.

12 B. A person who was adjudicated delinquent and who has been
13 discharged from probation, on proper application, may have the right to
14 carry or possess a ~~gun or~~ firearm restored by the judge of the juvenile
15 court in the county where the person was adjudicated delinquent or the
16 judge's successors. The clerk of the superior court shall process the
17 application on the request of the person involved or the person's
18 attorney. The applicant shall serve a copy of the application on the
19 county attorney.

20 C. If the person's adjudication was for a dangerous offense under
21 section 13-704, a serious offense as defined in section 13-706, burglary
22 in the first degree, burglary in the second degree or arson, the person
23 may not file for the restoration of the right to possess or carry a gun or
24 firearm until the person attains thirty years of age. If the person's
25 adjudication was for any other felony offense, the person may not file for
26 the restoration of the right to possess or carry a gun or firearm for two
27 years from the date of the person's discharge.

28 Sec. 2. Section 13-904, Arizona Revised Statutes, is amended to
29 read:

30 13-904. Suspension of civil rights and occupational
31 disabilities

32 A. A conviction for a felony suspends the following civil rights of
33 the person sentenced:

- 34 1. The right to vote.
- 35 2. The right to hold public office of trust or profit.
- 36 3. The right to serve as a juror.
- 37 4. During any period of imprisonment any other civil rights the
38 suspension of which is reasonably necessary for the security of the
39 institution in which the person sentenced is confined or for the
40 reasonable protection of the public.
- 41 5. The right to possess a ~~gun or~~ firearm.

42 B. Persons sentenced to imprisonment shall not thereby be rendered
43 incompetent as witnesses on the trial of a criminal action or proceeding,
44 or incapable of making and acknowledging a sale or conveyance of property.

1 C. A person sentenced to imprisonment is under the protection of
2 the law, and any injury to his person, not authorized by law, is
3 punishable in the same manner as if the person was not convicted and
4 sentenced.

5 D. The conviction of a person for any offense shall not work
6 forfeiture of any property, except if a forfeiture is expressly imposed by
7 law. All forfeitures to the state, unless expressly imposed by law, are
8 abolished.

9 E. A person shall not be disqualified from employment by this state
10 or any of its agencies or political subdivisions solely because of a prior
11 conviction for a felony or misdemeanor within or without this state. A
12 person may be denied employment by this state or any of its agencies or
13 political subdivisions by reason of the prior conviction of a felony or
14 misdemeanor if the offense has a reasonable relationship to the functions
15 of the employment sought.

16 F. Subsection E of this section is not applicable to any law
17 enforcement agency.

18 G. Any complaints concerning a violation of subsection E of this
19 section shall be adjudicated in accordance with the procedures set forth
20 in title 41, chapter 6 and title 12, chapter 7, article 6.

21 H. A person who is adjudicated delinquent under section 8-341 for a
22 felony does not have the right to carry or possess a ~~gun or~~ firearm.

23 Sec. 3. Repeal

24 Section 13-905, Arizona Revised Statutes, is repealed.

25 Sec. 4. Section 13-907, Arizona Revised Statutes, is renumbered as
26 section 13-905 and, as so renumbered, is amended to read:

27 13-905. Setting aside judgment of convicted person on
28 discharge; application; release from disabilities;
29 firearm possession; exceptions

30 A. Except as provided in subsection K of this section, every person
31 convicted of a criminal offense, on fulfillment of the conditions of
32 probation or sentence and discharge by the court, may apply to the court
33 to have the judgment of guilt set aside. The convicted person shall be
34 informed of this right at the time of sentencing.

35 B. The person or the person's attorney or probation officer may
36 apply to set aside the judgment. The clerk of the court may not charge a
37 filing fee for an application to have a judgment of guilt set aside.

38 C. The court shall consider the following factors when determining
39 whether to set aside the conviction:

40 1. The nature and circumstances of the offense that the conviction
41 is based on.

42 2. The applicant's compliance with the conditions of probation, the
43 sentence imposed and any state department of corrections' rules or
44 regulations, if applicable.

45 3. Any prior or subsequent convictions.

- 1 4. The victim's input and the status of victim restitution, if any.
- 2 5. The length of time that has elapsed since the completion of the
- 3 applicant's sentence.
- 4 6. The applicant's age at THE time of the conviction.
- 5 7. Any other factor that is relevant to the application.
- 6 D. If the application is granted, the court shall set aside the
- 7 judgment of guilt, dismiss the complaint, information or indictment and
- 8 order that the person be released from all penalties and disabilities
- 9 resulting from the conviction except those imposed by:
 - 10 1. The department of transportation pursuant to section 28-3304,
 - 11 28-3305, 28-3306, 28-3307, 28-3308, 28-3312 or 28-3319.
 - 12 2. The game and fish commission pursuant to section 17-314 or
 - 13 17-340.
- 14 E. A conviction that is set aside may be:
 - 15 1. Used as a conviction if the conviction would be admissible had
 - 16 it not been set aside.
 - 17 2. Alleged as an element of an offense.
 - 18 3. Used as a prior conviction.
 - 19 4. Pleaded and proved in any subsequent prosecution of the person
 - 20 by this state or any POLITICAL subdivision of this state for any offense.
 - 21 5. Used by the department of transportation in enforcing section
 - 22 28-3304, 28-3305, 28-3306, 28-3307, 28-3308, 28-3312 or 28-3319 as if the
 - 23 judgment of guilt had not been set aside.
- 24 F. The clerk of the court must notify the department of public
- 25 safety if a conviction is set aside. The department of public safety must
- 26 update the person's criminal history with an annotation that the
- 27 conviction has been set aside but may not redact or remove any part of the
- 28 person's record.
- 29 G. This section does not:
 - 30 1. Require a law enforcement agency to redact or remove a record or
 - 31 information from the record of a person whose conviction is set aside.
 - 32 2. Preclude the department of public safety or the board of
 - 33 fingerprinting from considering a conviction that has been set aside when
 - 34 evaluating an application for a fingerprint clearance card pursuant to
 - 35 section 41-1758.03 or 41-1758.07.
- 36 H. If the court denies an application to have a judgment of guilt
- 37 set aside, the court shall state its reasons for the denial in writing and
- 38 on the record.
- 39 I. A victim has the right to be present and be heard at any
- 40 proceeding in which the defendant has filed an application to have a
- 41 judgment of guilt set aside pursuant to this section. If the victim has
- 42 made a request for postconviction notice, the attorney for the state shall
- 43 provide the victim with notice of the defendant's application and of the
- 44 rights provided to the victim in this section.

1 J. Notwithstanding section ~~13-905 or 13-906~~ 13-910, if a conviction
2 is set aside, the person's right to possess a ~~gun or~~ firearm is
3 restored. This subsection does not apply to a person who was convicted of
4 a serious offense as defined in section 13-706.

5 K. This section does not apply to a person who was convicted of any
6 of the following:

7 1. A dangerous offense.

8 2. An offense for which the person is required or ordered by the
9 court to register pursuant to section 13-3821.

10 3. An offense for which there has been a finding of sexual
11 motivation pursuant to section 13-118.

12 4. An offense in which the victim is a minor under fifteen years of
13 age.

14 5. An offense in violation of section 28-3473, any local ordinance
15 relating to stopping, standing or operation of a vehicle or title 28,
16 chapter 3, except a violation of section 28-693 or any local ordinance
17 relating to the same subject matter as section 28-693.

18 Sec. 5. Repeal

19 Section 13-906, Arizona Revised Statutes, is repealed.

20 Sec. 6. Title 13, chapter 9, Arizona Revised Statutes, is amended
21 by adding a new section 13-906, to read:

22 13-906. Restoration of civil rights; process

23 A. AT THE TIME OF SENTENCING, THE COURT SHALL INFORM A PERSON IN
24 WRITING OF THE PERSON'S RIGHT TO THE RESTORATION OF CIVIL RIGHTS.

25 B. THE CLERK OF THE COURT SHALL NOTIFY THE DEPARTMENT OF PUBLIC
26 SAFETY IF THE COURT RESTORES THE PERSON'S CIVIL RIGHTS, INCLUDING WHETHER
27 A PERSON'S RIGHT TO POSSESS A FIREARM IS RESTORED. THE DEPARTMENT OF
28 PUBLIC SAFETY SHALL UPDATE THE PERSON'S CRIMINAL HISTORY WITH AN
29 ANNOTATION THAT THE PERSON'S CIVIL RIGHTS HAVE BEEN RESTORED AND ANY
30 EXCEPTIONS ORDERED BUT MAY NOT REDACT OR REMOVE ANY PART OF THE PERSON'S
31 RECORD.

32 C. THE RESTORATION OF A PERSON'S CIVIL RIGHTS DOES NOT PRECLUDE THE
33 DEPARTMENT OF PUBLIC SAFETY OR THE BOARD OF FINGERPRINTING FROM
34 CONSIDERING A CONVICTION OF A PERSON WHOSE CIVIL RIGHTS HAVE BEEN RESTORED
35 WHEN EVALUATING AN APPLICATION FOR A FINGERPRINT CLEARANCE CARD PURSUANT
36 TO SECTION 41-1758.03 OR 41-1758.07.

37 D. IF THE COURT DENIES AN APPLICATION FOR THE RESTORATION OF A
38 PERSON'S CIVIL RIGHTS, THE COURT SHALL STATE ITS REASONS FOR THE DENIAL IN
39 WRITING.

40 E. IF THE RESTORATION OF A PERSON'S CIVIL RIGHTS IS DISCRETIONARY
41 WITH THE COURT, A VICTIM HAS THE RIGHT TO BE PRESENT AND BE HEARD AT ANY
42 PROCEEDING IN WHICH THE DEFENDANT FILES AN APPLICATION FOR THE RESTORATION
43 OF CIVIL RIGHTS. IF THE VICTIM HAS MADE A REQUEST FOR POSTCONVICTION
44 NOTICE, THE ATTORNEY FOR THE STATE SHALL PROVIDE THE VICTIM WITH NOTICE OF

1 THE DEFENDANT'S APPLICATION AND OF THE RIGHTS PROVIDED TO THE VICTIM IN
2 THIS SECTION.

3 Sec. 7. Section 13-912, Arizona Revised Statutes, is renumbered as
4 section 13-907, and, as so renumbered, is amended to read:

5 13-907. Automatic restoration of civil rights for first
6 offenders; exception; definition

7 A. ON FINAL DISCHARGE, any person who has not previously been
8 convicted of ~~any other~~ A felony OFFENSE shall automatically be restored
9 any civil rights that were lost or suspended ~~by~~ AS A RESULT OF the
10 conviction if the person ~~both:~~

11 ~~1. Completes a term of probation or receives an absolute discharge~~
12 ~~from imprisonment.~~

13 ~~2.~~ pays any ~~fine or~~ VICTIM restitution imposed.

14 B. A PERSON WHO IS ENTITLED TO THE RESTORATION OF ANY CIVIL RIGHTS
15 PURSUANT TO THIS SECTION IS NOT REQUIRED TO FILE AN APPLICATION PURSUANT
16 TO SECTION 13-908.

17 ~~B.~~ C. This section does not apply to a person's right to possess
18 ~~weapons~~ A FIREARM as defined in section 13-3101 ~~unless the person applies~~
19 ~~to a court pursuant to section 13-905 or 13-906.~~ THE COURT MAY ORDER THE
20 RESTORATION OF THE RIGHT TO POSSESS A FIREARM PURSUANT TO SECTION 13-910.

21 D. FOR THE PURPOSES OF THIS SECTION, "FINAL DISCHARGE" MEANS THE
22 COMPLETION OF PROBATION OR THE RECEIPT OF AN ABSOLUTE DISCHARGE FROM THE
23 STATE DEPARTMENT OF CORRECTIONS OR THE UNITED STATES BUREAU OF PRISONS.

24 Sec. 8. Repeal

25 Section 13-908, Arizona Revised Statutes, is repealed.

26 Sec. 9. Title 13, chapter 9, Arizona Revised Statutes, is amended
27 by adding a new section 13-908, to read:

28 13-908. Restoration of civil rights; application; definition

29 A. ON FINAL DISCHARGE, A PERSON WHO HAS PREVIOUSLY BEEN CONVICTED
30 OF A FELONY OR WHO HAS NOT PAID ANY VICTIM RESTITUTION THAT WAS IMPOSED
31 MAY APPLY TO THE SUPERIOR COURT TO HAVE THE PERSON'S CIVIL RIGHTS
32 RESTORED. A PERSON WHO HAS RECEIVED AN ABSOLUTE DISCHARGE FROM
33 IMPRISONMENT MAY FILE AN APPLICATION FOR RESTORATION OF CIVIL RIGHTS NO
34 SOONER THAN TWO YEARS FROM THE DATE OF THE PERSON'S ABSOLUTE DISCHARGE.
35 THE RESTORATION OF CIVIL RIGHTS IS IN THE DISCRETION OF THE JUDICIAL
36 OFFICER.

37 B. THE PERSON OR THE PERSON'S ATTORNEY OR PROBATION OFFICER MAY
38 FILE THE APPLICATION FOR THE RESTORATION OF CIVIL RIGHTS. THE CLERK OF
39 THE COURT MAY NOT CHARGE A FILING FEE FOR AN APPLICATION. THE CLERK OF
40 THE COURT SHALL FORWARD A COPY OF THE APPLICATION TO THE COUNTY ATTORNEY.

41 C. A PERSON WHOSE CIVIL RIGHTS WERE LOST OR SUSPENDED AS A RESULT
42 OF A FELONY CONVICTION IN A UNITED STATES DISTRICT COURT AND WHOSE PERIOD
43 OF PROBATION HAS BEEN COMPLETED MAY FILE THE APPLICATION FOR RESTORATION
44 OF CIVIL RIGHTS IN THE COUNTY IN WHICH THE PERSON NOW RESIDES. THE PERSON

1 SHALL FILE AN AFFIDAVIT OF DISCHARGE FROM THE JUDICIAL OFFICER WHO
2 DISCHARGED THE PERSON AT THE END OF THE TERM OF PROBATION.

3 D. A PERSON WHO HAS RECEIVED AN ABSOLUTE DISCHARGE FROM
4 IMPRISONMENT AND WHO FILES AN APPLICATION FOR THE RESTORATION OF CIVIL
5 RIGHTS SHALL FILE WITH THE APPLICATION A CERTIFICATE OF ABSOLUTE DISCHARGE
6 FROM THE DIRECTOR OF THE STATE DEPARTMENT OF CORRECTIONS.

7 E. A PERSON WHOSE CIVIL RIGHTS WERE LOST OR SUSPENDED AS A RESULT
8 OF A FELONY CONVICTION IN A UNITED STATES DISTRICT COURT AND WHO HAS
9 RECEIVED AN ABSOLUTE DISCHARGE FROM IMPRISONMENT IN A FEDERAL PRISON SHALL
10 FILE THE APPLICATION FOR THE RESTORATION OF CIVIL RIGHTS IN THE COUNTY IN
11 WHICH THE PERSON NOW RESIDES. THE PERSON SHALL FILE WITH THE APPLICATION
12 A CERTIFICATE OF ABSOLUTE DISCHARGE FROM THE DIRECTOR OF THE FEDERAL
13 BUREAU OF PRISONS, UNLESS IT IS SHOWN TO BE IMPOSSIBLE TO OBTAIN A
14 CERTIFICATE.

15 F. IF THE COURT GRANTS THE APPLICATION, THE COURT SHALL RESTORE THE
16 PERSON'S CIVIL RIGHTS.

17 G. THIS SECTION DOES NOT APPLY TO A PERSON'S RIGHT TO POSSESS A
18 FIREARM AS DEFINED IN SECTION 13-3101. THE COURT MAY ORDER THE
19 RESTORATION OF THE RIGHT TO POSSESS A FIREARM PURSUANT TO SECTION 13-910.

20 H. FOR THE PURPOSES OF THIS SECTION, "FINAL DISCHARGE" MEANS THE
21 COMPLETION OF PROBATION OR THE RECEIPT OF AN ABSOLUTE DISCHARGE FROM THE
22 STATE DEPARTMENT OF CORRECTIONS OR THE UNITED STATES BUREAU OF PRISONS.

23 Sec. 10. Repeal

24 Section 13-909, Arizona Revised Statutes, is repealed.

25 Sec. 11. Renumber

26 Section 13-907.01, Arizona Revised Statutes, is renumbered as a new
27 section 13-909.

28 Sec. 12. Repeal

29 Section 13-910, Arizona Revised Statutes, is repealed.

30 Sec. 13. Title 13, chapter 9, Arizona Revised Statutes, is amended
31 by adding a new section 13-910, to read:

32 13-910. Restoration of right to possess a firearm

33 A. A PERSON WHO IS CONVICTED OF A DANGEROUS OFFENSE UNDER SECTION
34 13-704 OR AN OFFENSE COMMITTED IN ANOTHER STATE THAT WOULD BE A DANGEROUS
35 OFFENSE UNDER SECTION 13-704 IF COMMITTED IN THIS STATE MAY NOT FILE FOR
36 THE RESTORATION OF THE RIGHT TO POSSESS OR CARRY A FIREARM. A PERSON WHO
37 IS CONVICTED OF A SERIOUS OFFENSE AS DEFINED IN SECTION 13-706 OR AN
38 OFFENSE COMMITTED IN ANOTHER STATE THAT WOULD BE A SERIOUS OFFENSE AS
39 DEFINED IN SECTION 13-706 IF COMMITTED IN THIS STATE MAY NOT FILE FOR THE
40 RESTORATION OF THE RIGHT TO POSSESS OR CARRY A FIREARM FOR TEN YEARS FROM
41 THE DATE OF THE PERSON'S ABSOLUTE DISCHARGE. A PERSON WHO IS CONVICTED OF
42 ANY OTHER FELONY OFFENSE MAY NOT FILE FOR THE RESTORATION OF THE RIGHT TO
43 POSSESS OR CARRY A FIREARM FOR TWO YEARS FROM THE DATE OF THE PERSON'S
44 ABSOLUTE DISCHARGE.

1 B. THE RESTORATION OF THE RIGHT TO POSSESS A FIREARM IS IN THE
2 DISCRETION OF THE JUDICIAL OFFICER.

3 Sec. 14. Repeal

4 Section 13-911, Arizona Revised Statutes, is repealed.

5 Sec. 15. Section 13-2604, Arizona Revised Statutes, is amended to
6 read:

7 13-2604. Forfeiture and disqualification from office

8 Notwithstanding ~~the provisions of~~ sections 13-904 and ~~13-912~~ 13-907,
9 a person WHO IS convicted of violating section 13-2602 or 13-2603 shall
10 forever be disqualified from becoming a public servant and ~~shall~~, if such
11 person is a public servant at the time of his conviction, SHALL forfeit
12 his office.

13 Sec. 16. Section 13-3101, Arizona Revised Statutes, is amended to
14 read:

15 13-3101. Definitions

16 A. In this chapter, unless the context otherwise requires:

17 1. "Deadly weapon" means anything that is designed for lethal use.
18 The term includes a firearm.

19 2. "Deface" means to remove, alter or destroy the manufacturer's
20 serial number.

21 3. "Explosive" means any dynamite, nitroglycerine, black powder, or
22 other similar explosive material, including plastic explosives. Explosive
23 does not include ammunition or ammunition components such as primers,
24 percussion caps, smokeless powder, black powder and black powder
25 substitutes used for hand loading purposes.

26 4. "Firearm" means any loaded or unloaded handgun, pistol,
27 revolver, rifle, shotgun or other weapon that will expel, is designed to
28 expel or may readily be converted to expel a projectile by the action of
29 an explosive. Firearm does not include a firearm in permanently inoperable
30 condition.

31 5. "Improvised explosive device" means a device that incorporates
32 explosives or destructive, lethal, noxious, pyrotechnic or incendiary
33 chemicals and that is designed to destroy, disfigure, terrify or harass.

34 6. "Occupied structure" means any building, object, vehicle,
35 watercraft, aircraft or place with sides and a floor that is separately
36 securable from any other structure attached to it, that is used for
37 lodging, business, transportation, recreation or storage and in which one
38 or more human beings either are or are likely to be present or so near as
39 to be in equivalent danger at the time the discharge of a firearm occurs.
40 Occupied structure includes any dwelling house, whether occupied,
41 unoccupied or vacant.

42 7. "Prohibited possessor" means any person:

43 (a) Who has been found to constitute a danger to self or to others
44 or to have a persistent or acute disability or grave disability pursuant

1 to court order pursuant to section 36-540, and whose right to possess a
2 firearm has not been restored pursuant to section 13-925.

3 (b) Who has been convicted within or without this state of a felony
4 or who has been adjudicated delinquent for a felony and whose civil right
5 to possess or carry a ~~gun or~~ firearm has not been restored.

6 (c) Who is at the time of possession serving a term of imprisonment
7 in any correctional or detention facility.

8 (d) Who is at the time of possession serving a term of probation
9 pursuant to a conviction for a domestic violence offense as defined in
10 section 13-3601 or a felony offense, parole, community supervision, work
11 furlough, home arrest or release on any other basis or who is serving a
12 term of probation or parole pursuant to the interstate compact under title
13 31, chapter 3, article 4.1.

14 (e) Who is an undocumented alien or a nonimmigrant alien traveling
15 with or without documentation in this state for business or pleasure or
16 who is studying in this state and who maintains a foreign residence
17 abroad. This subdivision does not apply to:

18 (i) Nonimmigrant aliens who possess a valid hunting license or
19 permit that is lawfully issued by a state in the United States.

20 (ii) Nonimmigrant aliens who enter the United States to participate
21 in a competitive target shooting event or to display firearms at a sports
22 or hunting trade show that is sponsored by a national, state or local
23 firearms trade organization devoted to the competitive use or other
24 sporting use of firearms.

25 (iii) Certain diplomats.

26 (iv) Officials of foreign governments or distinguished foreign
27 visitors who are designated by the United States department of state.

28 (v) Persons who have received a waiver from the United States
29 attorney general.

30 (f) Who has been found incompetent pursuant to rule 11, Arizona
31 rules of criminal procedure, and who subsequently has not been found
32 competent.

33 (g) Who is found guilty except insane.

34 8. "Prohibited weapon":

35 (a) Includes the following:

36 (i) An item that is a bomb, grenade, rocket having a propellant
37 charge of more than four ounces or mine and that is explosive, incendiary
38 or poison gas.

39 (ii) A device that is designed, made or adapted to muffle the
40 report of a firearm.

41 (iii) A firearm that is capable of shooting more than one shot
42 automatically, without manual reloading, by a single function of the
43 trigger.

1 (iv) A rifle with a barrel length of less than sixteen inches, or
2 shotgun with a barrel length of less than eighteen inches, or any firearm
3 that is made from a rifle or shotgun and that, as modified, has an overall
4 length of less than twenty-six inches.

5 (v) An instrument, including a nunchaku, that consists of two or
6 more sticks, clubs, bars or rods to be used as handles, connected by a
7 rope, cord, wire or chain, in the design of a weapon used in connection
8 with the practice of a system of self-defense.

9 (vi) A breakable container that contains a flammable liquid with a
10 flash point of one hundred fifty degrees Fahrenheit or less and that has a
11 wick or similar device capable of being ignited.

12 (vii) A chemical or combination of chemicals, compounds or
13 materials, including dry ice, that is possessed or manufactured for the
14 purpose of generating a gas to cause a mechanical failure, rupture or
15 bursting or an explosion or detonation of the chemical or combination of
16 chemicals, compounds or materials.

17 (viii) An improvised explosive device.

18 (ix) Any combination of parts or materials that is designed and
19 intended for use in making or converting a device into an item set forth
20 in item (i), (vi) or (viii) of this subdivision.

21 (b) Does not include:

22 (i) Any fireworks that are imported, distributed or used in
23 compliance with state laws or local ordinances.

24 (ii) Any propellant, propellant actuated devices or propellant
25 actuated industrial tools that are manufactured, imported or distributed
26 for their intended purposes.

27 (iii) A device that is commercially manufactured primarily for the
28 purpose of illumination.

29 9. "Trafficking" means to sell, transfer, distribute, dispense or
30 otherwise dispose of a weapon or explosive to another person, or to buy,
31 receive, possess or obtain control of a weapon or explosive, with the
32 intent to sell, transfer, distribute, dispense or otherwise dispose of the
33 weapon or explosive to another person.

34 B. The items set forth in subsection A, paragraph 8, subdivision
35 (a), items (i), (ii), (iii) and (iv) of this section do not include any
36 firearms or devices that are possessed, manufactured or transferred in
37 compliance with federal law.

38 Sec. 17. Section 16-1011, Arizona Revised Statutes, is amended to
39 read:

40 16-1011. Counterfeiting election returns; violation;
41 classification

42 A. A person who knowingly forges or counterfeits returns of an
43 election purporting to have been held at a precinct or place where no
44 election was in fact held, or who knowingly substitutes, forges or
45 counterfeits returns of election instead of the true returns for a

1 precinct or place where an election was actually held, is guilty of a
2 class 3 felony.

3 B. A person who knowingly substitutes, forges, counterfeits or
4 tampers with ballot tabulations or totals or election results by
5 electronic means or through the use of a computer, machine or other device
6 is guilty of a class 3 felony. This subsection does not apply to the
7 casting or tallying of ballots as provided by law or to the substitution
8 or duplication of ballots as prescribed by sections 16-573, 16-574 and
9 16-621.

10 C. Notwithstanding sections ~~13-905~~, ~~13-906~~ 13-907 and ~~13-912~~
11 13-908, a person WHO IS convicted under this section shall not be
12 automatically restored the right to vote.

APPROVED BY THE GOVERNOR APRIL 30, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 30, 2019.