REFERENCE TITLE: firearm sales; transfers; background checks.

State of Arizona
Senate
Fifty-fourth Legislature
Second Regular Session
2020

SB 1624

Introduced by
Senators Navarrete: Alston, Bradley, Contreras, Dalessandro, Gonzales, Mendez, Otondo, Peshlakai, Quezada, Rios, Steele

AN ACT

AMENDING TITLE 13, CHAPTER 31, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-3123; RELATING TO FIREARMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 13, chapter 31, Arizona Revised Statutes, is amended by adding section 13-3123, to read:

13-3123. Licensed firearm dealer sales or transfers; background checks; exceptions; classification

A. A person may not sell or transfer a firearm unless the person is a licensed firearms dealer, the purchaser or transferee is a licensed firearms dealer or a licensed firearms dealer facilitates the transfer pursuant to subsection B of this section.

B. If neither party to a prospective firearms sale or transfer is a licensed firearms dealer, the parties to the transaction shall complete the sale or transfer through a licensed firearms dealer in the following manner:

1. The seller or other transferor shall deliver the firearm to the dealer who shall retain possession of the firearm until all legal requirements for the sale or transfer have been met. The dealer shall process the sale or transfer as if the dealer were the seller or transferor. The dealer shall comply with all requirements of federal, state and local law that would apply if the dealer was the seller or transferor of the firearm.

2. The dealer shall conduct a background check on the purchaser or transferee pursuant to 18 United States Code section 922(t) and state and local law. If the transaction is not prohibited, the dealer shall deliver the firearm to the purchaser or transferee after all other legal requirements are met.

3. If the dealer cannot legally deliver the firearm to the purchaser or transferee, the dealer shall conduct a background check on the seller or transferor pursuant to 18 United States Code section 922(t) and, if the return is not prohibited, return the firearm to that person.

4. If the dealer cannot legally return the firearm to the seller or transferor, the dealer, within twenty-four hours, shall deliver the firearm to the nearest law enforcement agency.

5. The dealer may require the purchaser or transferee to pay a fee of not more than $20 that covers the administrative costs incurred by the dealer for facilitating the transfer of the firearm, including any applicable fees pursuant to federal, state or local law.

C. This section does not apply to any of the following:

1. A law enforcement agency in this state, the state department of corrections and any peace officer or corrections officer who is acting within the course and scope of the officer's employment or official duties.

2. A United States marshal, a member of the armed forces of the United States or the national guard or a federal official transferring or receiving a firearm as required in the operation of official duties.
3. A GUNSMITH WHO RECEIVES A FIREARM SOLELY FOR THE PURPOSE OF SERVICE OR REPAIR.

4. A COMMON CARRIER, WAREHOUSEMAN OR OTHER PERSON WHO IS ENGAGED IN THE BUSINESS OF TRANSPORTATION OR STORAGE, TO THE EXTENT THAT THE RECEIPT OF ANY FIREARM IS IN THE ORDINARY COURSE OF BUSINESS AND NOT FOR PERSONAL USE BY THE PERSON.

5. A PERSON WHO IS LOANED A FIREARM SOLELY FOR THE PURPOSE OF TARGET SHOOTING IF THE LOAN OCCURS ON THE PREMISES OF A SHOOTING RANGE AND THE FIREARM IS AT ALL TIMES KEPT WITHIN THE PREMISES OF THE SHOOTING RANGE.

6. A PERSON WHO IS UNDER EIGHTEEN YEARS OF AGE, WHO IS LOANED A FIREARM FOR LAWFUL HUNTING OR SPORTING PURPOSES OR FOR ANY OTHER LAWFUL RECREATIONAL ACTIVITY AND WHO IS ALLOWED TO POSSESS A FIREARM PURSUANT TO SECTION 13-3111.

7. A PERSON WHO IS AT LEAST EIGHTEEN YEARS OF AGE AND WHO IS LOANED A FIREARM WHILE THE PERSON IS ACCOMPANYING THE LAWFUL OWNER AND USING THE FIREARM FOR LAWFUL HUNTING OR SPORTING PURPOSES OR FOR ANY OTHER LAWFUL RECREATIONAL ACTIVITY.

8. A PERSON WHO IS NOT A PROHIBITED POSSESSOR AND WHO ACQUIRES THE FIREARM BY OPERATION OF LAW ON THE DEATH OF THE FORMER OWNER OF THE FIREARM.

9. THE SALE OR TRANSFER OF AN ANTIQUE FIREARM. FOR THE PURPOSES OF THIS PARAGRAPH, "ANTIQUE FIREARM" MEANS A FIREARM OR REPLICA OF A FIREARM THAT WAS NOT DESIGNED OR REDESIGNED FOR USING RIM FIRE OR CONVENTIONAL CENTER FIRE IGNITION WITH FIXED AMMUNITION AND THAT WAS MANUFACTURED IN OR BEFORE 1898, INCLUDING ANY MATCHLOCK, FLINTLOCK, PERCUSSION CAP OR SIMILAR TYPE OF IGNITION SYSTEM AND ALSO ANY FIREARM USING FIXED AMMUNITION MANUFACTURED IN OR BEFORE 1898, FOR WHICH AMMUNITION IS NO LONGER MANUFACTURED IN THE UNITED STATES AND IS NOT READILY AVAILABLE IN THE ORDINARY CHANNELS OF COMMERCIAL TRADE.

10. A FIREARM TRANSFER THAT IS A BONA FIDE GIFT BETWEEN ANY COMBINATION OF IMMEDIATE FAMILY MEMBERS. FOR THE PURPOSES OF THIS PARAGRAPH, "IMMEDIATE FAMILY MEMBERS" MEANS SPOUSES, DOMESTIC PARTNERS, PARENTS, CHILDREN, SIBLINGS, GRANDPARENTS, GRANDCHILDREN, NIECES, NEPHEWS, FIRST COUSINS, AUNTS AND UNCES.

11. A TEMPORARY TRANSFER OF A FIREARM IF THE TRANSFER IS NECESSARY TO PREVENT IMMINENT DEATH OR GREAT BODILY HARM TO THE PERSON TO WHOM THE FIREARM IS TRANSFERRED AND IF BOTH OF THE FOLLOWING APPLY:
   (a) THE TEMPORARY TRANSFER ONLY LASTS AS LONG AS IMMEDIATELY NECESSARY TO PREVENT THE IMMINENT DEATH OR GREAT BODILY HARM.
   (b) THE PERSON TO WHOM THE FIREARM IS TRANSFERRED IS NOT PROHIBITED FROM POSSESSING A FIREARM UNDER STATE OR FEDERAL LAW.

D. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 5 FELONY.