

REFERENCE TITLE: **assault weapons; magazines; prohibition; registration**

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

SB 1625

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

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

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

4 13-3123. Unlawful manufacture, import, possession, purchase,
5 sale or transfer of assault weapons or large
6 capacity magazines; applicability; registration;
7 civil liability; fees; classification; definitions

8 A. A PERSON, CORPORATION OR OTHER ENTITY MAY NOT MANUFACTURE,
9 IMPORT, POSSESS, PURCHASE, SELL OR TRANSFER ANY ASSAULT WEAPON OR LARGE
10 CAPACITY MAGAZINE.

11 B. SUBSECTION A OF THIS SECTION DOES NOT APPLY TO ANY OF THE
12 FOLLOWING:

13 1. A GOVERNMENT OFFICER, AGENT OR EMPLOYEE, A MEMBER OF THE ARMED
14 FORCES OF THE UNITED STATES OR A PEACE OFFICER TO THE EXTENT THAT THE
15 PERSON IS OTHERWISE AUTHORIZED TO ACQUIRE OR POSSESS AN ASSAULT WEAPON OR
16 LARGE CAPACITY MAGAZINE, OR BOTH, AND DOES SO WHILE ACTING WITHIN THE
17 SCOPE OF THE PERSON'S DUTIES.

18 2. THE MANUFACTURE OF AN ASSAULT WEAPON OR LARGE CAPACITY
19 AMMUNITION FEEDING DEVICE BY A FIREARMS MANUFACTURER FOR THE PURPOSE OF
20 SALE TO ANY BRANCH OF THE ARMED FORCES OF THE UNITED STATES OR TO A LAW
21 ENFORCEMENT AGENCY IN THIS STATE FOR USE BY THAT BRANCH OR AGENCY OR THE
22 BRANCH'S OR AGENCY'S EMPLOYEES IF THE MANUFACTURER IS PROPERLY LICENSED
23 UNDER FEDERAL, STATE AND LOCAL LAWS.

24 3. THE SALE OR TRANSFER OF AN ASSAULT WEAPON OR LARGE CAPACITY
25 AMMUNITION FEEDING DEVICE BY A DEALER THAT IS PROPERLY LICENSED UNDER
26 FEDERAL, STATE AND LOCAL LAWS TO ANY BRANCH OF THE ARMED FORCES OF THE
27 UNITED STATES OR TO A LAW ENFORCEMENT AGENCY IN THIS STATE FOR USE BY THAT
28 BRANCH OR AGENCY OR THE BRANCH'S OR AGENCY'S EMPLOYEES FOR LAW ENFORCEMENT
29 PURPOSES.

30 C. A PERSON WHO WAS LEGALLY IN POSSESSION OF AN ASSAULT WEAPON OR
31 LARGE CAPACITY MAGAZINE ON THE EFFECTIVE DATE OF THIS SECTION AND WHO DOES
32 ANY OF THE FOLLOWING WITHIN NINETY DAYS AFTER THE EFFECTIVE DATE OF THIS
33 SECTION IS NOT SUBJECT TO PROSECUTION:

34 1. REMOVES THE ASSAULT WEAPON OR LARGE CAPACITY MAGAZINE FROM THIS
35 STATE.

36 2. RENDERS THE ASSAULT WEAPON PERMANENTLY INOPERABLE.

37 3. SURRENDERS THE ASSAULT WEAPON OR LARGE CAPACITY MAGAZINE TO THE
38 APPROPRIATE LAW ENFORCEMENT AGENCY FOR DESTRUCTION.

39 4. IF ELIGIBLE, REGISTERS THE ASSAULT WEAPON AS PROVIDED IN
40 SUBSECTION D OF THIS SECTION.

41 D. TO REGISTER AN ASSAULT WEAPON THAT A PERSON LEGALLY POSSESSED
42 BEFORE THE EFFECTIVE DATE OF THIS SECTION, THE PERSON MUST COMPLY WITH THE
43 FOLLOWING REQUIREMENTS:

1 1. SUBMIT TO A BACKGROUND CHECK CONDUCTED BY THE APPROPRIATE LAW
2 ENFORCEMENT AGENCY TO CONFIRM THAT THE PERSON IS NOT A PROHIBITED
3 PURCHASER UNDER 18 UNITED STATES CODE SECTION 922 OR A PROHIBITED
4 POSSESSOR PURSUANT TO SECTION 13-3101.

5 2. UNLESS THE PERSON IS CURRENTLY PROHIBITED BY LAW FROM POSSESSING
6 A FIREARM, IMMEDIATELY REGISTER THE ASSAULT WEAPON WITH THE APPROPRIATE
7 LAW ENFORCEMENT AGENCY.

8 3. SAFELY AND SECURELY STORE THE ASSAULT WEAPON PURSUANT TO THE
9 RULES ADOPTED BY THE DEPARTMENT OF PUBLIC SAFETY.

10 4. ANNUALLY RENEW THE REGISTRATION, SUBJECT TO COMPLETING A NEW
11 BACKGROUND CHECK.

12 5. POSSESS THE ASSAULT WEAPON ONLY:

13 (a) ON PROPERTY THAT THE PERSON OWNS OR IMMEDIATELY CONTROLS.

14 (b) WHILE ON THE PREMISES OF A LICENSED GUNSMITH FOR THE PURPOSE OF
15 LAWFUL REPAIR.

16 (c) WHILE ENGAGED IN THE LEGAL USE OF THE ASSAULT WEAPON AT A DULY
17 LICENSED FIRING RANGE.

18 (d) WHILE TRAVELING TO OR FROM LOCATIONS LISTED IN THIS PARAGRAPH
19 IF THE ASSAULT WEAPON IS STORED UNLOADED IN A LOCKED CONTAINER DURING
20 TRANSPORT. FOR THE PURPOSES OF THIS SUBDIVISION, LOCKED CONTAINER DOES
21 NOT INCLUDE THE UTILITY COMPARTMENT, GLOVE COMPARTMENT OR TRUNK OF A MOTOR
22 VEHICLE.

23 6. REPORT THE LOSS OR THEFT OF A REGISTERED ASSAULT WEAPON TO THE
24 APPROPRIATE LAW ENFORCEMENT AGENCY WITHIN FORTY-EIGHT HOURS AFTER THE LOSS
25 OR THEFT IS DISCOVERED OR SHOULD HAVE BEEN DISCOVERED.

26 E. IF A REGISTERED ASSAULT WEAPON IS USED IN THE COMMISSION OF A
27 CRIME, THE REGISTERED OWNER IS CIVILLY LIABLE FOR ANY DAMAGES RESULTING
28 FROM THAT CRIME. THE LIABILITY IMPOSED BY THIS SUBSECTION DOES NOT APPLY
29 IF THE ASSAULT WEAPON WAS STOLEN AND THE REGISTERED OWNER REPORTED THE
30 THEFT OF THE FIREARM TO A LAW ENFORCEMENT AGENCY AS PRESCRIBED IN
31 SUBSECTION D, PARAGRAPH 6 OF THIS SECTION.

32 F. REGISTERED ASSAULT WEAPONS MAY NOT BE PURCHASED, SOLD OR
33 TRANSFERRED, EXCEPT THAT A REGISTERED ASSAULT WEAPON MAY BE TRANSFERRED TO
34 A LICENSED GUNSMITH FOR THE PURPOSE OF LAWFUL REPAIR OR TO AN APPROPRIATE
35 LAW ENFORCEMENT AGENCY FOR THE PURPOSE OF SURRENDERING THE ASSAULT WEAPON
36 FOR DESTRUCTION. AN ASSAULT WEAPON THAT IS POSSESSED IN VIOLATION OF THIS
37 SECTION MAY BE DESTROYED UNLESS A COURT OR A COUNTY OR CITY ATTORNEY FINDS
38 OR THE UNITED STATES DEPARTMENT OF JUSTICE DECLARES THAT PRESERVING THE
39 ASSAULT WEAPON IS IN THE INTERESTS OF JUSTICE.

40 G. A PERSON WHO ACQUIRES AN ASSAULT WEAPON BY INHERITANCE, BEQUEST,
41 OR SUCCESSION SHALL DO ONE OF THE FOLLOWING WITHIN NINETY DAYS AFTER
42 ACQUIRING TITLE:

43 1. MODIFY THE ASSAULT WEAPON TO RENDER THE WEAPON PERMANENTLY
44 INOPERABLE.

1 2. SURRENDER THE ASSAULT WEAPON TO THE DEPARTMENT OF PUBLIC SAFETY
2 FOR DESTRUCTION.

3 3. TRANSFER THE ASSAULT WEAPON TO A FIREARMS DEALER WHO IS PROPERLY
4 LICENSED UNDER FEDERAL, STATE AND LOCAL LAWS.

5 H. THE REGISTERED OWNER OF AN ASSAULT WEAPON MAY NOT PURCHASE
6 ADDITIONAL ASSAULT WEAPONS.

7 I. A LAW ENFORCEMENT AGENCY MAY CHARGE A FEE DETERMINED BY THE
8 DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY FOR EACH REGISTRATION AND
9 REGISTRATION RENEWAL PURSUANT TO SUBSECTIONS C AND D OF THIS SECTION.

10 J. A PERSON WHO VIOLATES THIS SECTION IS GUILTY:

11 1. OF A CLASS 1 MISDEMEANOR FOR A FIRST VIOLATION THAT INVOLVES
12 ONLY THE POSSESSION OF AN ASSAULT WEAPON OR LARGE CAPACITY MAGAZINE AND,
13 NOTWITHSTANDING SECTION 13-802, THE PERSON SHALL PAY A FINE OF AT LEAST
14 \$750.

15 2. OF A CLASS 5 FELONY FOR A SECOND OR SUBSEQUENT VIOLATION THAT
16 INVOLVES ONLY THE POSSESSION OF AN ASSAULT WEAPON OR LARGE CAPACITY
17 MAGAZINE AND, NOTWITHSTANDING SECTION 13-801, THE PERSON SHALL PAY A FINE
18 OF AT LEAST \$2,500.

19 3. OF A CLASS 4 FELONY FOR ANY OTHER VIOLATION OF THIS SECTION AND,
20 NOTWITHSTANDING SECTION 13-801, THE PERSON SHALL PAY A FINE OF AT LEAST
21 \$5,000.

22 K. FOR THE PURPOSES OF THIS SECTION:

23 1. "ASSAULT WEAPON":

24 (a) MEANS A SEMIAUTOMATIC RIFLE THAT HAS THE CAPACITY TO ACCEPT A
25 DETACHABLE MAGAZINE.

26 (b) MEANS A SEMIAUTOMATIC PISTOL OR ANY SEMIAUTOMATIC CENTERFIRE
27 RIFLE WITH A FIXED MAGAZINE THAT HAS THE CAPACITY TO ACCEPT MORE THAN TEN
28 ROUNDS OF AMMUNITION.

29 (c) MEANS A SEMIAUTOMATIC PISTOL THAT HAS THE CAPACITY TO ACCEPT A
30 DETACHABLE MAGAZINE AND THAT HAS AT LEAST ONE OF THE FOLLOWING
31 CHARACTERISTICS:

32 (i) ANY FEATURE CAPABLE OF FUNCTIONING AS A PROTRUDING GRIP THAT
33 CAN BE HELD BY THE NONTRIGGER HAND.

34 (ii) A FOLDING, TELESCOPING OR THUMBHOLE STOCK.

35 (iii) A SHROUD THAT IS ATTACHED TO THE BARREL, OR THAT PARTIALLY OR
36 COMPLETELY ENCIRCLES THE BARREL, AND THAT ALLOWS THE BEARER TO HOLD THE
37 FIREARM WITH THE NONTRIGGER HAND WITHOUT BEING BURNED, EXCLUDING A SLIDE
38 THAT ENCLOSSES THE BARREL.

39 (iv) THE CAPACITY TO ACCEPT A DETACHABLE MAGAZINE AT ANY LOCATION
40 OUTSIDE OF THE PISTOL GRIP.

41 (d) MEANS A SEMIAUTOMATIC SHOTGUN THAT HAS ONE OR MORE OF THE
42 FOLLOWING:

43 (i) A PISTOL GRIP OR THUMBHOLE STOCK.

44 (ii) ANY FEATURE CAPABLE OF FUNCTIONING AS A PROTRUDING GRIP THAT
45 CAN BE HELD BY THE NONTRIGGER HAND.

- 1 (iii) A FOLDING OR TELESCOPING STOCK.
- 2 (iv) A FIXED MAGAZINE CAPACITY THAT CARRIES MORE THAN FIVE ROUNDS.
- 3 (v) AN ABILITY TO ACCEPT A DETACHABLE MAGAZINE.
- 4 (e) MEANS A SHOTGUN WITH A REVOLVING CYLINDER.
- 5 (f) INCLUDES A CONVERSION KIT, PART OR COMBINATION OF PARTS, FROM
- 6 WHICH AN ASSAULT WEAPON CAN BE ASSEMBLED IF THOSE PARTS ARE IN THE
- 7 POSSESSION OR UNDER THE CONTROL OF THE SAME PERSON.
- 8 (g) DOES NOT INCLUDE ANY FIREARM THAT HAS BEEN MADE PERMANENTLY
- 9 INOPERABLE.
- 10 2. "FIXED MAGAZINE" MEANS AN AMMUNITION FEEDING DEVICE CONTAINED
- 11 IN, OR PERMANENTLY ATTACHED TO, A FIREARM IN SUCH A MANNER THAT THE DEVICE
- 12 CANNOT BE REMOVED WITHOUT DISASSEMBLY OF THE FIREARM ACTION.
- 13 3. "LARGE CAPACITY MAGAZINE" MEANS ANY AMMUNITION FEEDING DEVICE
- 14 WITH THE CAPACITY TO ACCEPT MORE THAN TEN ROUNDS BUT DOES NOT INCLUDE ANY
- 15 OF THE FOLLOWING:
- 16 (a) A FEEDING DEVICE THAT HAS BEEN PERMANENTLY ALTERED SO THAT IT
- 17 CANNOT ACCOMMODATE MORE THAN TEN ROUNDS.
- 18 (b) A TWENTY-TWO CALIBER TUBE AMMUNITION FEEDING DEVICE.
- 19 (c) A TUBULAR MAGAZINE THAT IS CONTAINED IN A LEVER ACTION FIREARM.