

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

# SENATE BILL 1664

AN ACT

AMENDING TITLE 12, CHAPTER 7, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 14; AMENDING SECTIONS 13-3102 AND 13-3102.01, ARIZONA REVISED STATUTES; RELATING TO CIVIL LIABILITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 12, chapter 7, Arizona Revised Statutes, is  
3 amended by adding article 14, to read:

4 ARTICLE 14. CIVIL LIABILITY FOR FIREARM PROHIBITIONS

5 12-1021. Gun-free zones; civil liability; mandatory  
6 protection from injuries; damages; definitions

7 A. NOTWITHSTANDING ANY OTHER LAW, A GOVERNMENT ENTITY THAT  
8 ESTABLISHES A GUN-FREE ZONE IS LIABLE FOR ANY DAMAGES CLAIMED BY A PERSON  
9 WHO WAS HARMED BY CRIMINAL CONDUCT IN THE GUN-FREE ZONE IF A REASONABLE  
10 PERSON WOULD BELIEVE THAT POSSESSION OF A FIREARM COULD HAVE HELPED THE  
11 PERSON DEFEND AGAINST THE CRIMINAL CONDUCT.

12 B. NOTWITHSTANDING ANY OTHER LAW, A GOVERNMENT ENTITY THAT  
13 ESTABLISHES A GUN-FREE ZONE THAT IS OPEN TO THE PUBLIC AND THAT PREVENTS,  
14 BY RULE, REGULATION, POLICY, CODE, ORDINANCE, UTTERANCE OR POSTED SIGN, A  
15 CUSTOMER, VENDOR OR EMPLOYEE FROM EXERCISING THE CUSTOMER'S, VENDOR'S OR  
16 EMPLOYEE'S RIGHT TO SELF-PROTECTION, WHICH THE PERSON WOULD OTHERWISE BE  
17 LEGALLY ENTITLED TO BUT FOR THE RULE, REGULATION, POLICY, CODE, ORDINANCE,  
18 UTTERANCE OR POSTED SIGN, SHALL PROVIDE TO THE CUSTOMER, VENDOR OR  
19 EMPLOYEE THE LEVEL OF PROTECTION FROM INJURY THAT THE CUSTOMER, VENDOR OR  
20 EMPLOYEE WOULD HAVE BUT FOR THE RULE, REGULATION, POLICY, CODE, ORDINANCE,  
21 UTTERANCE OR POSTED SIGN. A GOVERNMENT ENTITY THAT VIOLATES THIS  
22 SUBSECTION IS STRICTLY LIABLE FOR ANY DAMAGES.

23 C. FOR THE PURPOSES OF THIS SECTION:

24 1. "CRIMINAL CONDUCT" INCLUDES OFFENSES PRESCRIBED IN TITLE 13,  
25 CHAPTERS 11, 12, 13, 14, 15, 17, 19, 25, 29 AND 36.

26 2. "GUN-FREE ZONE" MEANS ANY GOVERNMENT OWNED AND OCCUPIED  
27 BUILDING, PLACE, AREA OR CURTILAGE THAT IS OPEN TO THE PUBLIC, OR IN OR ON  
28 ANY PUBLIC CONVEYANCE, WHERE A PERSON'S RIGHT OR ABILITY TO POSSESS A  
29 FIREARM IS INFRINGED, RESTRICTED OR DIMINISHED IN ANY WAY BY A RULE,  
30 REGULATION, POLICY, CODE, ORDINANCE, UTTERANCE OR POSTED SIGN. GUN-FREE  
31 ZONE DOES NOT INCLUDE A LOCATION WHERE FIREARMS ARE PROHIBITED BY FEDERAL  
32 LAW OR A CORRECTIONAL FACILITY AS DEFINED IN SECTION 13-2501.

33 Sec. 2. Section 13-3102, Arizona Revised Statutes, is amended to  
34 read:

35 13-3102. Misconduct involving weapons; defenses;  
36 classification; definitions

37 A. A person commits misconduct involving weapons by knowingly:

38 1. Carrying a deadly weapon except a pocket knife concealed on his  
39 person or within his immediate control in or on a means of transportation:

40 (a) In the furtherance of a serious offense as defined in section  
41 13-706, a violent crime as defined in section 13-901.03 or any other  
42 felony offense; or

43 (b) When contacted by a law enforcement officer and failing to  
44 accurately answer the officer if the officer asks whether the person is  
45 carrying a concealed deadly weapon; or

1           2. Carrying a deadly weapon except a pocket knife concealed on his  
2 person or concealed within his immediate control in or on a means of  
3 transportation if the person is under twenty-one years of age; or

4           3. Manufacturing, possessing, transporting, selling or transferring  
5 a prohibited weapon, except that if the violation involves dry ice, a  
6 person commits misconduct involving weapons by knowingly possessing the  
7 dry ice with the intent to cause injury to or death of another person or  
8 to cause damage to the property of another person; or

9           4. Possessing a deadly weapon or prohibited weapon if such person  
10 is a prohibited possessor; or

11           5. Selling or transferring a deadly weapon to a prohibited  
12 possessor; or

13           6. Defacing a deadly weapon; or

14           7. Possessing a defaced deadly weapon knowing the deadly weapon was  
15 defaced; or

16           8. Using or possessing a deadly weapon during the commission of any  
17 felony offense included in chapter 34 of this title; or

18           9. Discharging a firearm at an occupied structure in order to  
19 assist, promote or further the interests of a criminal street gang, a  
20 criminal syndicate or a racketeering enterprise; or

21           10. Unless specifically authorized by law, entering any public  
22 establishment or attending any public event and carrying a deadly weapon  
23 on his person after a reasonable request by the operator of the  
24 establishment or the sponsor of the event or the sponsor's agent to remove  
25 his weapon and place it in the custody of the operator of the  
26 establishment or the sponsor of the event for temporary and secure storage  
27 of the weapon pursuant to section 13-3102.01; or

28           11. Unless specifically authorized by law, entering an election  
29 polling place on the day of any election carrying a deadly weapon; or

30           12. Possessing a deadly weapon on school grounds; or

31           13. Unless specifically authorized by law, entering a nuclear or  
32 hydroelectric generating station carrying a deadly weapon on his person or  
33 within the immediate control of any person; or

34           14. Supplying, selling or giving possession or control of a firearm  
35 to another person if the person knows or has reason to know that the other  
36 person would use the firearm in the commission of any felony; or

37           15. Using, possessing or exercising control over a deadly weapon in  
38 furtherance of any act of terrorism as defined in section 13-2301 or  
39 possessing or exercising control over a deadly weapon knowing or having  
40 reason to know that it will be used to facilitate any act of terrorism as  
41 defined in section 13-2301; or

42           16. Trafficking in weapons or explosives for financial gain in order  
43 to assist, promote or further the interests of a criminal street gang, a  
44 criminal syndicate or a racketeering enterprise.

1 B. Subsection A, paragraph 2 of this section shall not apply to:

2 1. A person in his dwelling, on his business premises or on real  
3 property owned or leased by that person or that person's parent,  
4 grandparent or legal guardian.

5 2. A member of the sheriff's volunteer posse or reserve  
6 organization who has received and passed firearms training that is  
7 approved by the Arizona peace officer standards and training board and who  
8 is authorized by the sheriff to carry a concealed weapon pursuant to  
9 section 11-441.

10 3. A firearm that is carried in:

11 (a) A manner where any portion of the firearm or holster in which  
12 the firearm is carried is visible.

13 (b) A holster that is wholly or partially visible.

14 (c) A scabbard or case designed for carrying weapons that is wholly  
15 or partially visible.

16 (d) Luggage.

17 (e) A case, holster, scabbard, pack or luggage that is carried  
18 within a means of transportation or within a storage compartment, map  
19 pocket, trunk or glove compartment of a means of transportation.

20 C. Subsection A, paragraphs 2, 3, 7, 10, 11, 12 and 13 of this  
21 section shall not apply to:

22 1. A peace officer or any person summoned by any peace officer to  
23 assist and while actually assisting in the performance of official duties;  
24 or

25 2. A member of the military forces of the United States or of any  
26 state of the United States in the performance of official duties; or

27 3. A warden, deputy warden, community correctional officer,  
28 detention officer, special investigator or correctional officer of the  
29 state department of corrections or the department of juvenile corrections;  
30 or

31 4. A person specifically licensed, authorized or permitted pursuant  
32 to a statute of this state or of the United States.

33 D. Subsection A, paragraph 10 of this section does not apply to an  
34 elected or appointed judicial officer in the court facility where the  
35 judicial officer works if the judicial officer has demonstrated competence  
36 with a firearm as prescribed in section 13-3112, subsection N, except that  
37 the judicial officer shall comply with any rule or policy adopted by the  
38 presiding judge of the superior court while in the court facility. For  
39 the purposes of this subsection, appointed judicial officer does not  
40 include a hearing officer or a judicial officer pro tempore who is not a  
41 full-time officer.

42 E. Subsection A, paragraphs 3 and 7 of this section shall not apply  
43 to:

44 1. The possessing, transporting, selling or transferring of weapons  
45 by a museum as a part of its collection or an educational institution for

1 educational purposes or by an authorized employee of such museum or  
2 institution, if:

3 (a) Such museum or institution is operated by the United States or  
4 this state or a political subdivision of this state, or by an organization  
5 described in 26 United States Code section 170(c) as a recipient of a  
6 charitable contribution; and

7 (b) Reasonable precautions are taken with respect to theft or  
8 misuse of such material.

9 2. The regular and lawful transporting as merchandise; or

10 3. Acquisition by a person by operation of law such as by gift,  
11 devise or descent or in a fiduciary capacity as a recipient of the  
12 property or former property of an insolvent, incapacitated or deceased  
13 person.

14 F. Subsection A, paragraph 3 of this section shall not apply to the  
15 merchandise of an authorized manufacturer of or dealer in prohibited  
16 weapons, when such material is intended to be manufactured, possessed,  
17 transported, sold or transferred solely for or to a dealer, a regularly  
18 constituted or appointed state, county or municipal police department or  
19 police officer, a detention facility, the military service of this or  
20 another state or the United States, a museum or educational institution or  
21 a person specifically licensed or permitted pursuant to federal or state  
22 law.

23 G. Subsection A, paragraph 10 of this section shall not apply to  
24 shooting ranges or shooting events, hunting areas or similar locations or  
25 activities.

26 H. Subsection A, paragraph 12 of this section shall not apply to a  
27 weapon if such weapon is possessed for the purposes of preparing for,  
28 conducting or participating in hunter or firearm safety courses.

29 I. Subsection A, paragraph 12 of this section shall not apply to  
30 the possession of a:

31 1. Firearm that is not loaded and that is carried within a means of  
32 transportation under the control of an adult provided that if the adult  
33 leaves the means of transportation the firearm shall not be visible from  
34 the outside of the means of transportation and the means of transportation  
35 shall be locked.

36 2. Firearm for use on the school grounds in a program approved by a  
37 school.

38 3. Firearm by a person who possesses a certificate of firearms  
39 proficiency pursuant to section 13-3112, subsection T and who is  
40 authorized to carry a concealed firearm pursuant to the law enforcement  
41 officers safety act of 2004 (P.L. 108-277; 118 Stat. 865; 18 United States  
42 Code sections 926B and 926C).

43 J. Subsection A, paragraphs 2, 3, 7 and 13 of this section shall  
44 not apply to commercial nuclear generating station armed nuclear security  
45 guards during the performance of official duties or during any security

1 training exercises sponsored by the commercial nuclear generating station  
2 or local, state or federal authorities.

3 ~~K. The operator of the establishment or the sponsor of the event or~~  
4 ~~the employee of the operator or sponsor or the agent of the sponsor,~~  
5 ~~including a public entity or public employee, is not liable for acts or~~  
6 ~~omissions pursuant to subsection A, paragraph 10 of this section unless~~  
7 ~~the operator, sponsor, employee or agent intended to cause injury or was~~  
8 ~~grossly negligent.~~

9 ~~K.~~ K. If a law enforcement officer contacts a person who is in  
10 possession of a firearm, the law enforcement officer may take temporary  
11 custody of the firearm for the duration of that contact.

12 ~~M.~~ L. Misconduct involving weapons under subsection A, paragraph  
13 15 of this section is a class 2 felony. Misconduct involving weapons  
14 under subsection A, paragraph 9, 14 or 16 of this section is a class 3  
15 felony. Misconduct involving weapons under subsection A, paragraph 3, 4, 8  
16 or 13 of this section is a class 4 felony. Misconduct involving weapons  
17 under subsection A, paragraph 12 of this section is a class 1 misdemeanor  
18 unless the violation occurs in connection with conduct that violates  
19 section 13-2308, subsection A, paragraph 5, section 13-2312, subsection C,  
20 section 13-3409 or section 13-3411, in which case the offense is a class 6  
21 felony. Misconduct involving weapons under subsection A, paragraph 1,  
22 subdivision (a) of this section or subsection A, paragraph 5, 6 or 7 of  
23 this section is a class 6 felony. Misconduct involving weapons under  
24 subsection A, paragraph 1, subdivision (b) of this section or subsection  
25 A, paragraph 10 or 11 of this section is a class 1 misdemeanor.  
26 Misconduct involving weapons under subsection A, paragraph 2 of this  
27 section is a class 3 misdemeanor.

28 ~~N.~~ M. For the purposes of this section:

29 1. "Contacted by a law enforcement officer" means a lawful traffic  
30 or criminal investigation, arrest or detention or an investigatory stop by  
31 a law enforcement officer that is based on reasonable suspicion that an  
32 offense has been or is about to be committed.

33 2. "Public establishment" means a structure, vehicle or craft that  
34 is owned, leased or operated by this state or a political subdivision of  
35 this state.

36 3. "Public event" means a specifically named or sponsored event of  
37 limited duration that is either conducted by a public entity or conducted  
38 by a private entity with a permit or license granted by a public entity.  
39 Public event does not include an unsponsored gathering of people in a  
40 public place.

41 4. "School" means a public or nonpublic kindergarten program,  
42 common school or high school.

43 5. "School grounds" means in, or on the grounds of, a school.

1           Sec. 3. Section 13-3102.01, Arizona Revised Statutes, is amended to  
2 read:

3           13-3102.01. Storage of deadly weapons; definitions

4           A. If an operator of a public establishment or a sponsor of a  
5 public event requests that a person carrying a deadly weapon remove the  
6 weapon, the operator or sponsor shall provide temporary and secure  
7 storage. The storage shall be readily accessible on entry into the  
8 establishment or event and allow for the immediate retrieval of the weapon  
9 on exit from the establishment or event.

10          B. This section does not apply to the licensed premises of any  
11 public establishment or public event with a license issued pursuant to  
12 title 4.

13          ~~C. The operator of the establishment or the sponsor of the event or~~  
14 ~~the employee of the operator or sponsor or the agent of the sponsor,~~  
15 ~~including a public entity or public employee, is not liable for acts or~~  
16 ~~omissions pursuant to this section unless the operator, sponsor, employee~~  
17 ~~or agent intended to cause injury or was grossly negligent.~~

18          ~~D.~~ C. For the purposes of this section, "public establishment" and  
19 "public event" have the same meanings prescribed in section 13-3102.