

REFERENCE TITLE: **businesses; firearms; unlawful acts**

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
First Regular Session  
2021

## **HB 2827**

Introduced by

Representatives Carroll: Biasiucci, Blackman, Bolick, Bowers, Burges, Chaplik, Cobb, Cook, Fillmore, Finchem, Griffin, Hoffman, John, Kavanagh, Nguyen, Nutt, Payne, Pingerelli, Pratt, Roberts, Toma, Wilmeth, Senators Barto, Borrelli, Boyer, Fann, Gowan, Gray, Kerr, Leach, Livingston, Rogers, Shope, Townsend

**AN ACT**

**AMENDING SECTION 44-7851, ARIZONA REVISED STATUTES; AMENDING TITLE 44, CHAPTER 36, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2; 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. Heading change

3 A. The chapter heading of title 44, chapter 36, Arizona Revised  
4 Statutes, is changed from "PRIVATE FIREARM TRANSACTIONS" to "FIREARM  
5 TRANSACTIONS".

6 B. The article heading of title 44, chapter 36, article 1, Arizona  
7 Revised Statutes, is changed from "GENERAL PROVISIONS" to "PRIVATE FIREARM  
8 TRANSACTIONS".

9 Sec. 2. Section 44-7851, Arizona Revised Statutes, is amended to  
10 read:

11 44-7851. Definitions

12 In this ~~chapter~~ ARTICLE, unless the context otherwise requires:

13 1. "Firearm" means any loaded or unloaded handgun, pistol,  
14 revolver, rifle, shotgun or other weapon that will expel or that is  
15 designed to or may readily be converted to expel a solid projectile by the  
16 action of expanding gases.

17 2. "Private party" means a person who is not a prohibited possessor  
18 under state or federal law and does not include a person who possesses a  
19 federal firearms license and who primarily engages in the business of  
20 selling, trading or purchasing firearms.

21 3. "Transfer" means when a person gives, loans, offers for sale,  
22 wills or in any manner offers another person a firearm for any lawful  
23 purpose and the person is not a prohibited possessor under state or  
24 federal law.

25 Sec. 3. Title 44, chapter 36, Arizona Revised Statutes, is amended  
26 by adding article 2, to read:

27 ARTICLE 2. UNLAWFUL DISCRIMINATION

28 44-7861. Unlawful discrimination against a firearm entity;  
29 exception; remedies; attorney general notice;  
30 statute of limitations; definitions

31 A. A GOVERNMENT ENTITY OR FINANCIAL INSTITUTION MAY NOT  
32 DISCRIMINATE AGAINST A FIREARM ENTITY BECAUSE THE FIREARM ENTITY SUPPORTS  
33 OR IS ENGAGED IN THE LAWFUL COMMERCE OF FIREARMS, FIREARM ACCESSORIES OR  
34 AMMUNITION PRODUCTS.

35 B. THIS SECTION DOES NOT APPLY TO A FINANCIAL INSTITUTION THAT  
36 REFUSES TO PROVIDE, REFRAINS FROM PROVIDING OR TERMINATES A FINANCIAL  
37 SERVICE WITH A FIREARM ENTITY FOR ANY BUSINESS REASON OR DUE TO A  
38 DIRECTIVE BY A REGULATOR. FOR THE PURPOSES OF THIS SUBSECTION, BUSINESS  
39 REASON DOES NOT INCLUDE A POLICY OF REFUSING TO PROVIDE FINANCIAL SERVICES  
40 OR OTHERWISE DISCRIMINATING WHEN PROVIDING FINANCIAL SERVICES TO A FIREARM  
41 ENTITY.

42 C. A PERSON WHO IS INJURED BY A VIOLATION OF THIS SECTION MAY BRING  
43 A CIVIL ACTION AGAINST THE GOVERNMENT ENTITY OR FINANCIAL INSTITUTION.  
44 THE COURT SHALL AWARD THE SUCCESSFUL PARTY REASONABLE ATTORNEY FEES AND  
45 COSTS. THE COURT MAY AWARD THE SUCCESSFUL PARTY ANY OF THE FOLLOWING:

- 1           1. ACTUAL AND COMPENSATORY DAMAGES.
- 2           2. TREBLE DAMAGES.
- 3           3. PUNITIVE OR EXEMPLARY DAMAGES.
- 4           4. INJUNCTIVE RELIEF.
- 5           5. ANY OTHER APPROPRIATE CIVIL RELIEF.
- 6           D. THE ATTORNEY GENERAL MAY FILE A CIVIL ACTION FOR A VIOLATION OF
- 7 THIS SECTION. THE ATTORNEY GENERAL MAY REQUEST THE COURT TO DO ANY OF THE
- 8 FOLLOWING:
- 9           1. ISSUE A DECLARATORY JUDGMENT FOR AN ACT OR PRACTICE THAT
- 10 VIOLATES THIS SECTION.
- 11           2. ENJOIN ANY ACT OR PRACTICE THAT VIOLATES THIS SECTION BY ISSUING
- 12 A TEMPORARY RESTRAINING ORDER OR PRELIMINARY OR PERMANENT INJUNCTION,
- 13 WITHOUT A BOND, AFTER PROVIDING APPROPRIATE NOTICE.
- 14           3. REQUEST A CIVIL PENALTY THAT DOES NOT EXCEED \$10,000 PER
- 15 VIOLATION.
- 16           E. IF THE ATTORNEY GENERAL PREVAILS ON AN ACTION FILED PURSUANT TO
- 17 SUBSECTION D OF THIS SECTION, THE COURT SHALL AWARD THE ATTORNEY GENERAL,
- 18 IN ADDITION TO ANY OTHER REMEDIES, REASONABLE ATTORNEY FEES AND
- 19 INVESTIGATIVE AND LITIGATION COSTS. THE ATTORNEY GENERAL SHALL SUBMIT THE
- 20 NAME OF ANY FINANCIAL INSTITUTION THAT HAS VIOLATED THIS SECTION TO THE
- 21 GOVERNOR AND REQUEST THAT THE STATE TERMINATE ANY BUSINESS RELATIONSHIP
- 22 WITH THE FINANCIAL INSTITUTION.
- 23           F. A CIVIL ACTION MUST BE COMMENCED WITHIN TWO YEARS AFTER THE DATE
- 24 THAT THE VIOLATION IS DISCOVERED.
- 25           G. FOR THE PURPOSES OF THIS SECTION:
- 26           1. "AMMUNITION" MEANS ONE OR MORE LOADED CARTRIDGES CONSISTING OF A
- 27 PRIMED CASE, PROPELLANT AND WITH OR WITHOUT ONE OR MORE PROJECTILES.
- 28           2. "DISCRIMINATE" MEANS TO:
- 29           (a) REFUSE TO ENGAGE IN THE TRADE OF ANY GOODS OR SERVICES.
- 30           (b) REFRAIN FROM CONTINUING AN EXISTING BUSINESS RELATIONSHIP.
- 31           (c) TERMINATE AN EXISTING BUSINESS RELATIONSHIP.
- 32           (d) OTHERWISE DISCRIMINATE AGAINST A PERSON.
- 33           3. "FINANCIAL INSTITUTION" MEANS ANY PERSON THAT DOES BUSINESS
- 34 UNDER THE LAWS OF A STATE OR COMMONWEALTH OR THE UNITED STATES RELATING TO
- 35 A BANK, BANK HOLDING COMPANY, SAVINGS BANK, PAYMENT PROCESSOR, SAVINGS AND
- 36 LOAN ASSOCIATION, TRUST COMPANY OR CREDIT UNION.
- 37           4. "FIREARM" MEANS A WEAPON THAT EXPELS A PROJECTILE BY THE ACTION
- 38 OF AN EXPLOSIVE.
- 39           5. "FIREARM ACCESSORY" MEANS BOTH:
- 40           (a) A DEVICE THAT IS SPECIFICALLY DESIGNED OR ADAPTED TO ENABLE A
- 41 PERSON TO WEAR OR CARRY A FIREARM ON THE PERSON OR TO STORE OR MOUNT A
- 42 FIREARM IN OR ON A CONVEYANCE.
- 43           (b) AN ATTACHMENT OR DEVICE THAT IS SPECIFICALLY DESIGNED OR
- 44 ADAPTED TO BE INSERTED INTO OR AFFIXED ONTO A FIREARM TO ENABLE, ALTER OR
- 45 IMPROVE THE FUNCTIONING OR CAPABILITIES OF THE FIREARM.

- 1           6. "FIREARM ENTITY" MEANS ALL OF THE FOLLOWING:  
2           (a) A FIREARM, FIREARM ACCESSORY OR AMMUNITION MANUFACTURER,  
3           RETAILER, WHOLESALER, SUPPLIER AND DISTRIBUTOR.  
4           (b) A SHOOTING RANGE.  
5           (c) A TRADE ASSOCIATION.  
6           7. "TRADE ASSOCIATION" MEANS ANY PERSON, CORPORATION,  
7           UNINCORPORATED ASSOCIATION, FEDERATION, BUSINESS LEAGUE OR PROFESSIONAL OR  
8           BUSINESS ORGANIZATION THAT:  
9           (a) IS NOT ORGANIZED OR OPERATED FOR PROFIT AND FOR WHICH NO PART  
10          OF ITS NET EARNING INURES TO THE BENEFIT OF ANY PRIVATE SHAREHOLDER OR  
11          INDIVIDUAL.  
12          (b) IS AN ORGANIZATION DESCRIBED IN 26 UNITED STATES CODE SECTION  
13          501(c)(6) AND IS EXEMPT FROM TAX PURSUANT TO 26 UNITED STATES CODE SECTION  
14          501(a).  
15          (c) HAS TWO OR MORE MEMBERS WHO ARE FIREARM, FIREARM ACCESSORY OR  
16          AMMUNITION MANUFACTURERS OR SELLERS.