AN ACT

AMENDING SECTION 13-3102, ARIZONA REVISED STATUTES; RELATING TO FIREARMS.

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

Section 1. Section 13-3102, Arizona Revised Statutes, is amended to read:

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

A. A person commits misconduct involving weapons by knowingly:

1. Carrying a deadly weapon except a pocket knife concealed on his person or within his immediate control in or on a means of transportation:
   (a) In the furtherance of a serious offense as defined in section 13-706, a violent crime as defined in section 13-901.03 or any other felony offense; or
   (b) When contacted by a law enforcement officer and failing to accurately answer the officer if the officer asks whether the person is carrying a concealed deadly weapon; or

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

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

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

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

6. Defacing a deadly weapon; or

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

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

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

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

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

12. Possessing a deadly weapon on school grounds; or
13. Unless specifically authorized by law, entering a nuclear or
hydroelectric generating station carrying a deadly weapon on his person or
within the immediate control of any person; or
14. Supplying, selling or giving possession or control of a firearm
to another person if the person knows or has reason to know that the other
person would use the firearm in the commission of any felony; or
15. Using, possessing or exercising control over a deadly weapon in
furtherance of any act of terrorism as defined in section 13-2301 or
possessing or exercising control over a deadly weapon knowing or having
reason to know that it will be used to facilitate any act of terrorism as
defined in section 13-2301; or
16. Trafficking in weapons or explosives for financial gain in order
to assist, promote or further the interests of a criminal street gang, a
criminal syndicate or a racketeering enterprise.

B. Subsection A, paragraph 2 of this section shall not apply to:
1. A person in his dwelling, on his business premises or on real
property owned or leased by that person or that person's parent,
grandparent or legal guardian.
2. A member of the sheriff's volunteer posse or reserve
organization who has received and passed firearms training that is
approved by the Arizona peace officer standards and training board and who
is authorized by the sheriff to carry a concealed weapon pursuant to
section 11-441.
3. A firearm that is carried in:
   (a) A manner where any portion of the firearm or holster in which
       the firearm is carried is visible.
   (b) A holster that is wholly or partially visible.
   (c) A scabbard or case designed for carrying weapons that is wholly
       or partially visible.
   (d) Luggage.
   (e) A case, holster, scabbard, pack or luggage that is carried
       within a means of transportation or within a storage compartment, map
       pocket, trunk or glove compartment of a means of transportation.

C. Subsection A, paragraphs 2, 3, 7, 10, 11, 12 and 13 of this
section shall not apply to:
1. A peace officer or any person summoned by any peace officer to
   assist and while actually assisting in the performance of official duties; or
2. A member of the military forces of the United States or of any
   state of the United States in the performance of official duties; or
3. A warden, deputy warden, community correctional officer,
detention officer, special investigator or correctional officer of the
state department of corrections or the department of juvenile corrections; or
4. A person specifically licensed, authorized or permitted pursuant
to a statute of this state or of the United States.

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

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

1. The possessing, transporting, selling or transferring of weapons
by a museum as a part of its collection or an educational institution for
educational purposes or by an authorized employee of such museum or
institution, if:
   (a) Such museum or institution is operated by the United States or
this state or a political subdivision of this state, or by an organization
described in 26 United States Code section 170(c) as a recipient of a
charitable contribution; and
   (b) Reasonable precautions are taken with respect to theft or
misuse of such material.
2. The regular and lawful transporting as merchandise; or
3. Acquisition by a person by operation of law such as by gift,
devise or descent or in a fiduciary capacity as a recipient of the
property or former property of an insolvent, incapacitated or deceased
person.

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

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

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

I. Subsection A, paragraph 12 of this section shall not apply to
the possession of a:
1. Firearm that **is not loaded and that** is carried within a means of transportation under the control of an adult provided that if the adult leaves the means of transportation the firearm shall not be visible from the outside of the means of transportation and the means of transportation shall be locked.

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

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

J. Subsection A, paragraphs 2, 3, 7 and 13 of this section shall not apply to commercial nuclear generating station armed nuclear security guards during the performance of official duties or during any security training exercises sponsored by the commercial nuclear generating station or local, state or federal authorities.

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

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

M. Misconduct involving weapons under subsection A, paragraph 15 of this section is a class 2 felony. Misconduct involving weapons under subsection A, paragraph 9, 14 or 16 of this section is a class 3 felony. Misconduct involving weapons under subsection A, paragraph 3, 4, 8 or 13 of this section is a class 4 felony. Misconduct involving weapons under subsection A, paragraph 12 of this section is a class 1 misdemeanor unless the violation occurs in connection with conduct that violates section 13-2308, subsection A, paragraph 5, section 13-2312, subsection C, section 13-3409 or section 13-3411, in which case the offense is a class 6 felony. Misconduct involving weapons under subsection A, paragraph 1, subdivision (a) of this section or subsection A, paragraph 5, 6 or 7 of this section is a class 6 felony. Misconduct involving weapons under subsection A, paragraph 1, subdivision (b) of this section or subsection A, paragraph 10 or 11 of this section is a class 1 misdemeanor. Misconduct involving weapons under subsection A, paragraph 2 of this section is a class 3 misdemeanor.
N. For the purposes of this section:
1. "Contacted by a law enforcement officer" means a lawful traffic
or criminal investigation, arrest or detention or an investigatory stop by
a law enforcement officer that is based on reasonable suspicion that an
offense has been or is about to be committed.
2. "Public establishment" means a structure, vehicle or craft that
is owned, leased or operated by this state or a political subdivision of
this state.
3. "Public event" means a specifically named or sponsored event of
limited duration that is either conducted by a public entity or conducted
by a private entity with a permit or license granted by a public entity.
Public event does not include an unsponsored gathering of people in a
public place.
4. "School" means a public or nonpublic kindergarten program,
common school or high school.
5. "School grounds" means in, or on the grounds of, a school.