

Senate Engrossed House Bill
carrying of firearms; constables

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HOUSE BILL 2617

AN ACT

AMENDING SECTION 38-1113, ARIZONA REVISED STATUTES; RELATING TO THE
CARRYING OF FIREARMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 38-1113, Arizona Revised Statutes, is amended to
3 read:

4 38-1113. Carrying of firearms by peace officers; exceptions;
5 definitions

6 A. Notwithstanding any other law and except as provided pursuant to
7 subsection C of this section, a peace officer shall not be prohibited from
8 carrying a firearm, except that if the peace officer is employed as a law
9 enforcement officer in this state, the peace officer must be in compliance
10 with the firearm requirements prescribed by the Arizona peace officer
11 standards and training board.

12 B. Notwithstanding any other law and except as provided pursuant to
13 subsection C, paragraphs 1, 2, 4, 5, 6, 7 and 8 of this section, a retired
14 peace officer shall not be prohibited from carrying a firearm.

15 C. A peace officer or retired peace officer may be prohibited from
16 carrying a firearm as follows:

17 1. In a jail, correctional facility or juvenile detention facility.

18 2. Except for peace officers acting in their official capacity and
19 carrying official peace officer identification, by order of:

20 (a) The presiding judge or justice when attending any court that is
21 established pursuant to the constitution of this state or title 12, except
22 if the peace officer or retired peace officer is providing court security
23 or responding to an emergency.

24 (b) A justice court when attending the justice court, except if the
25 peace officer or retired peace officer is providing court security or
26 responding to an emergency.

27 (c) A municipal court when attending the municipal court, except if
28 the peace officer or retired peace officer is providing court security or
29 responding to an emergency.

30 3. When the peace officer is relieved of duty and is under a
31 criminal or administrative investigation.

32 4. When in a secured police facility.

33 5. When consuming alcohol at a licensed liquor establishment,
34 except if a peace officer's employing agency authorizes the consumption of
35 alcohol in the performance of the peace officer's duties.

36 6. In a location prohibited by federal law.

37 7. Pursuant to court order.

38 8. Pursuant to any state or federal law that makes the officer a
39 prohibited possessor.

40 9. When in the judgment of the department head, or the department
41 head's designee, the peace officer exhibits any impairment, including any
42 physical or mental impairment that would cause concern for the well-being
43 and safety of the officer, the officer's law enforcement agency, law
44 enforcement agency employees or the community.

1 D. A law enforcement agency that employs a peace officer may
2 establish rules that are consistent with this section. The law
3 enforcement agency may determine the number, type, model, caliber and
4 brand of firearm and the ammunition that is carried by its peace officers
5 on or off duty.

6 E. A presiding judge may establish rules or policies that are
7 consistent with this section for the protection of the court.

8 F. This section does not create any civil liability for acting or
9 failing to act.

10 G. For the purposes of this section:

11 1. "Firearm" has the same meaning prescribed in section 13-105.

12 2. "Peace officer" has the same meaning prescribed in section 1-215
13 and includes:

14 (a) Municipal, county and state prosecutors who annually pass a
15 pistol qualifying examination that is approved by the Arizona peace
16 officer standards and training board for obtaining and maintaining peace
17 officer certification requirements and that is conducted by an Arizona
18 peace officer standards and training board recognized instructor or a
19 national rifle association certified firearms instructor.

20 (b) A person who is employed as a law enforcement officer by any
21 state or political subdivision of any state of the United States or any
22 Indian tribe and who is certified by an entity in that state, political
23 subdivision or tribal government that is equivalent to the Arizona peace
24 officer standards and training board.

25 (c) A federally certified law enforcement officer.

26 (d) A CONSTABLE OR DEPUTY CONSTABLE, WHILE ON DUTY OR OFF DUTY, WHO
27 IS NOT SUSPENDED FROM DUTY OR CHARGED WITH A FELONY OFFENSE AND WHO IS
28 EITHER CERTIFIED PURSUANT TO SECTION 41-1822, SUBSECTION A, PARAGRAPH 3 OR
29 WHO COMPLETES FIREARMS TRAINING THAT IS APPROVED BY THE ARIZONA PEACE
30 OFFICER STANDARDS AND TRAINING BOARD, MAINTAINS ANNUAL FIREARMS
31 PROFICIENCY, UNDERGOES, UNLESS WAIVED BY THE ARIZONA COUNTIES INSURANCE
32 POOL OR THE COUNTY, A PSYCHOLOGICAL EXAMINATION AND EITHER POSSESSES A
33 VALID PERMIT THAT IS ISSUED PURSUANT TO SECTION 13-3112 OR COMPLETES A
34 BACKGROUND INVESTIGATION THAT IS APPROVED BY THE ARIZONA PEACE OFFICER
35 STANDARDS AND TRAINING BOARD. COPIES OF ALL CERTIFICATES OF COMPLETION,
36 PERMITS AND PROFICIENCY RECORDS SHALL BE FORWARDED TO THE CONSTABLE ETHICS
37 STANDARDS AND TRAINING BOARD WITHIN THIRTY DAYS AFTER COMPLETION IN THE
38 SAME MANNER AS PRESCRIBED BY SECTION 22-137. THIS SECTION DOES NOT CREATE
39 A LIABILITY FOR A COUNTY UNLESS THE CONSTABLE IS PERFORMING THE
40 CONSTABLE'S OFFICIAL DUTIES.

41 3. "Relieved of duty" means when a peace officer is no longer
42 required to perform, either temporarily or permanently, the duties for
43 which the officer was employed.

1 4. "Retired peace officer" means a person who has honorably served
2 as a law enforcement officer in the United States for at least ten
3 consecutive years and who possesses a photographic identification or a
4 letter from a law enforcement agency that states the person has served for
5 at least ten consecutive years as a law enforcement officer in the United
6 States.

7 5. "Secured police facility" means a building or structure that is
8 used primarily by a public agency and that is not accessible to the
9 general public except by controlled access.