

REFERENCE TITLE: **firearm sales; transfers; background checks**

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HB 2222

Introduced by
Representatives Longdon: Austin, Crews, Gutierrez, Ortiz, Pawlik

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. Licensed firearm dealer sales or transfers;
5 background checks; exceptions; classification

6 A. A PERSON MAY NOT SELL OR TRANSFER A FIREARM UNLESS THE PERSON IS
7 A LICENSED FIREARMS DEALER, THE PURCHASER OR TRANSFEREE IS A LICENSED
8 FIREARMS DEALER OR A LICENSED FIREARMS DEALER FACILITATES THE TRANSFER
9 PURSUANT TO SUBSECTION B OF THIS SECTION.

10 B. IF NEITHER PARTY TO A PROSPECTIVE FIREARMS SALE OR TRANSFER IS A
11 LICENSED FIREARMS DEALER, THE PARTIES TO THE TRANSACTION SHALL COMPLETE
12 THE SALE OR TRANSFER THROUGH A LICENSED FIREARMS DEALER IN THE FOLLOWING
13 MANNER:

14 1. BEFORE THE TRANSFER, BOTH THE SELLER OR TRANSFEROR AND THE
15 PURCHASER OR TRANSFEREE MUST APPEAR IN PERSON BEFORE A LICENSED FIREARMS
16 DEALER WITH THE FIREARM IN HAND AND REQUEST THAT THE DEALER PERFORM A
17 CRIMINAL BACKGROUND CHECK ON THE TRANSFEREE PURSUANT TO 18 UNITED STATES
18 CODE SECTION 922(t) AND STATE AND LOCAL LAW, UNLESS THE TRANSFEREE
19 DISPLAYS A PERMIT THAT EXEMPTS THE TRANSFEREE FROM THE BACKGROUND CHECK.

20 2. A LICENSED FIREARMS DEALER WHO AGREES TO COMPLETE A TRANSFER OF
21 A FIREARM UNDER THIS SECTION SHALL COMPLY WITH ALL REQUIREMENTS OF FEDERAL
22 AND STATE LAW AS IF THE DEALER WERE TRANSFERRING THE FIREARM FROM THE
23 INVENTORY OF THE DEALER TO THE TRANSFEREE, INCLUDING A CHECK OF THE
24 NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM, IF APPLICABLE.

25 3. ON COMPLETION OF THE CHECK THROUGH THE NATIONAL INSTANT CRIMINAL
26 BACKGROUND CHECK SYSTEM, IF THE DEALER RECEIVES NOTIFICATION THAT THE
27 TRANSFEREE IS PROHIBITED BY STATE OR FEDERAL LAW FROM POSSESSING OR
28 RECEIVING THE FIREARM, THE DEALER SHALL NOTIFY THE TRANSFEROR, AND BOTH
29 THE TRANSFEROR AND THE DEALER MAY NOT TRANSFER THE FIREARM TO THE
30 TRANSFEREE.

31 4. THE DEALER MAY REQUIRE THE PURCHASER OR TRANSFEREE TO PAY A FEE
32 OF NOT MORE THAN \$20 THAT COVERS THE ADMINISTRATIVE COSTS INCURRED BY THE
33 DEALER FOR FACILITATING THE TRANSFER OF THE FIREARM, INCLUDING ANY
34 APPLICABLE FEES PURSUANT TO FEDERAL, STATE OR LOCAL LAW.

35 C. THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

36 1. A LAW ENFORCEMENT AGENCY IN THIS STATE, THE STATE DEPARTMENT OF
37 CORRECTIONS AND ANY PEACE OFFICER OR CORRECTIONS OFFICER WHO IS ACTING
38 WITHIN THE COURSE AND SCOPE OF THE OFFICER'S EMPLOYMENT OR OFFICIAL
39 DUTIES.

40 2. A UNITED STATES MARSHAL, A MEMBER OF THE ARMED FORCES OF THE
41 UNITED STATES OR THE NATIONAL GUARD OR A FEDERAL OFFICIAL TRANSFERRING OR
42 RECEIVING A FIREARM AS REQUIRED IN THE OPERATION OF OFFICIAL DUTIES.

43 3. A GUNSMITH WHO RECEIVES A FIREARM SOLELY FOR THE PURPOSE OF
44 SERVICE OR REPAIR.

1 4. A COMMON CARRIER, WAREHOUSEMAN OR OTHER PERSON WHO IS ENGAGED IN
2 THE BUSINESS OF TRANSPORTATION OR STORAGE, TO THE EXTENT THAT THE RECEIPT
3 OF ANY FIREARM IS IN THE ORDINARY COURSE OF BUSINESS AND NOT FOR PERSONAL
4 USE BY THE PERSON.

5 5. A PERSON WHO IS LOANED A FIREARM SOLELY FOR THE PURPOSE OF
6 TARGET SHOOTING IF THE LOAN OCCURS ON THE PREMISES OF A SHOOTING RANGE AND
7 THE FIREARM IS AT ALL TIMES KEPT WITHIN THE PREMISES OF THE SHOOTING
8 RANGE.

9 6. A PERSON WHO IS UNDER EIGHTEEN YEARS OF AGE, WHO IS LOANED A
10 FIREARM FOR LAWFUL HUNTING OR SPORTING PURPOSES OR FOR ANY OTHER LAWFUL
11 RECREATIONAL ACTIVITY AND WHO IS ALLOWED TO POSSESS A FIREARM PURSUANT TO
12 SECTION 13-3111.

13 7. A PERSON WHO IS AT LEAST EIGHTEEN YEARS OF AGE AND WHO IS LOANED
14 A FIREARM WHILE THE PERSON IS ACCOMPANYING THE LAWFUL OWNER AND USING THE
15 FIREARM FOR LAWFUL HUNTING OR SPORTING PURPOSES OR FOR ANY OTHER LAWFUL
16 RECREATIONAL ACTIVITY.

17 8. THE SALE OR TRANSFER OF AN ANTIQUE FIREARM. FOR THE PURPOSES OF
18 THIS PARAGRAPH, "ANTIQUÉ FIREARM" MEANS A FIREARM OR REPLICÁ OF A FIREARM
19 THAT WAS NOT DESIGNED OR REDESIGNED FOR USING RIM FIRE OR CONVENTIONAL
20 CENTER FIRE IGNITION WITH FIXED AMMUNITION AND THAT WAS MANUFACTURED IN OR
21 BEFORE 1898, INCLUDING ANY MATCHLOCK, FLINTLOCK, PERCUSSION CAP OR SIMILAR
22 TYPE OF IGNITION SYSTEM AND ALSO ANY FIREARM USING FIXED AMMUNITION
23 MANUFACTURED IN OR BEFORE 1898, FOR WHICH AMMUNITION IS NO LONGER
24 MANUFACTURED IN THE UNITED STATES AND IS NOT READILY AVAILABLE IN THE
25 ORDINARY CHANNELS OF COMMERCIAL TRADE.

26 9. A FIREARM TRANSFER THAT IS A BONA FIDE GIFT BETWEEN ANY
27 COMBINATION OF IMMEDIATE FAMILY MEMBERS. FOR THE PURPOSES OF THIS
28 PARAGRAPH, "IMMEDIATE FAMILY MEMBERS" MEANS SPOUSES, DOMESTIC PARTNERS,
29 PARENTS, CHILDREN, SIBLINGS, GRANDPARENTS, GRANDCHILDREN, NIECES, NEPHEWS,
30 FIRST COUSINS, AUNTS AND UNCLES.

31 10. A TEMPORARY TRANSFER OF A FIREARM IF THE TRANSFER IS NECESSARY
32 TO PREVENT IMMINENT DEATH OR GREAT BODILY HARM TO THE PERSON TO WHOM THE
33 FIREARM IS TRANSFERRED AND IF BOTH OF THE FOLLOWING APPLY:

34 (a) THE TEMPORARY TRANSFER ONLY LASTS AS LONG AS IMMEDIATELY
35 NECESSARY TO PREVENT THE IMMINENT DEATH OR GREAT BODILY HARM.

36 (b) THE PERSON TO WHOM THE FIREARM IS TRANSFERRED IS NOT PROHIBITED
37 FROM POSSESSING A FIREARM UNDER STATE OR FEDERAL LAW.

38 D. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 5
39 FELONY.