

REFERENCE TITLE: firearms; destruction by state

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SB 1418

Introduced by
Senators Hernandez: Epstein, Gabaldón, Gonzales, Hatathlie, Miranda,
Sundareshan; Representative Ortiz

AN ACT

AMENDING SECTIONS 12-945 AND 13-3108, ARIZONA REVISED STATUTES; RELATING
TO WEAPONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 12-945, Arizona Revised Statutes, is amended to
3 read:

4 12-945. Sale of property; firearm destruction

5 A. If after thirty days' notice has been given the owner or person
6 entitled to the property has not taken it away, the property may be sold.
7 The proceeds shall be paid to the general fund of the jurisdiction from
8 which the unclaimed property was received.

9 B. Notwithstanding subsection A of this section, if the property is
10 a firearm, the agency shall sell the firearm to any business that is
11 authorized to receive and dispose of the firearm under federal and state
12 law and that shall sell the firearm to the public according to federal and
13 state law, unless the firearm is otherwise prohibited from being sold
14 under federal and state law. A law enforcement agency may trade a firearm
15 that it has retained to a federal firearms licensed business for
16 ammunition, weapons, equipment or other materials to be exclusively used
17 for law enforcement purposes.

18 C. THIS SECTION DOES NOT PROHIBIT THIS STATE, ANY AGENCY OR
19 POLITICAL SUBDIVISION OF THIS STATE OR ANY LAW ENFORCEMENT AGENCY IN THIS
20 STATE FROM DESTROYING OR FACILITATING THE DESTRUCTION OF A FIREARM,
21 AMMUNITION OR ANY FIREARM OR AMMUNITION COMPONENT OR RELATED ACCESSORY.

22 Sec. 2. Section 13-3108, Arizona Revised Statutes, is amended to
23 read:

24 13-3108. Firearms regulated by state; state preemption;
25 injunction; civil penalty; cause of action;
26 violation; classification; definition

27 A. Except as provided in subsection ~~E~~ F of this section, a
28 political subdivision of this state shall not enact any ordinance, rule or
29 tax relating to the transportation, possession, carrying, sale, transfer,
30 purchase, acquisition, gift, devise, storage, licensing, registration,
31 discharge or use of firearms or ammunition or any firearm or ammunition
32 components or related accessories in this state.

33 B. A political subdivision of this state shall not require the
34 licensing or registration of firearms or ammunition or any firearm or
35 ammunition components or related accessories or prohibit the ownership,
36 purchase, sale or transfer of firearms or ammunition or any firearm or
37 ammunition components, or related accessories.

38 C. A political subdivision of this state shall not require or
39 maintain a record in any form, whether permanent or temporary, including a
40 list, log or database, of any of the following:

41 1. Any identifying information of a person who leaves a weapon in
42 temporary storage at any public establishment or public event, except that
43 the operator of the establishment or the sponsor of the event may require
44 that a person provide a government issued identification or a reasonable
45 copy of a government issued identification for the purpose of establishing

1 ownership of the weapon. The operator or sponsor shall store any provided
2 identification with the weapon and shall return the identification to the
3 person when the weapon is retrieved. The operator or sponsor shall not
4 retain records or copies of any identification provided pursuant to this
5 paragraph after the weapon is retrieved.

6 2. Except in the course of a law enforcement investigation, any
7 identifying information of a person who owns, possesses, purchases, sells
8 or transfers a firearm.

9 3. The description, including the serial number, of a weapon that
10 is left in temporary storage at any public establishment or public event.

11 D. A political subdivision of this state shall not enact any rule
12 or ordinance that relates to firearms and is more prohibitive than or that
13 has a penalty that is greater than any state law penalty. A political
14 subdivision's rule or ordinance that relates to firearms and that is
15 inconsistent with or more restrictive than state law, whether enacted
16 before or after July 29, 2010, is null and void.

17 E. A political subdivision of this state shall not enact any
18 ordinance, rule or regulation limiting the lawful taking of wildlife
19 during an open season established by the Arizona game and fish commission
20 unless the ordinance, rule or regulation is consistent with title 17 and
21 rules and orders adopted by the Arizona game and fish commission. This
22 subsection does not prevent a political subdivision from adopting an
23 ordinance or rule restricting the discharge of a firearm within one-fourth
24 mile of an occupied structure without the consent of the owner or occupant
25 of the structure. For the purposes of this subsection:

26 1. "Occupied structure" means any building in which, at the time of
27 the firearm's discharge, a reasonable person from the location where a
28 firearm is discharged would expect a person to be present.

29 2. "Take" has the same meaning prescribed in section 17-101.

30 ~~F. This state, any agency or political subdivision of this state
31 and any law enforcement agency in this state shall not facilitate the
32 destruction of a firearm or purchase or otherwise acquire a firearm for
33 the purpose of destroying the firearm except as authorized by section
34 13-3105 or 17-240.~~

35 ~~F.~~ F. This section does not prohibit a political subdivision of
36 this state from enacting and enforcing any ordinance or rule pursuant to
37 state law or relating to any of the following:

38 1. Imposing any privilege or use tax on the retail sale, lease or
39 rental of, or the gross proceeds or gross income from the sale, lease or
40 rental of, firearms or ammunition or any firearm or ammunition components
41 at a rate that applies generally to other items of tangible personal
42 property.

43 2. Prohibiting a minor who is unaccompanied by a parent,
44 grandparent or guardian or a certified hunter safety instructor or
45 certified firearms safety instructor acting with the consent of the

1 minor's parent, grandparent or guardian from knowingly possessing or
2 carrying on the minor's person, within the minor's immediate control or in
3 or on a means of transportation a firearm in any place that is open to the
4 public or on any street or highway or on any private property except
5 private property that is owned or leased by the minor or the minor's
6 parent, grandparent or guardian. Any ordinance or rule that is adopted
7 pursuant to this paragraph shall not apply to a minor who is fourteen,
8 fifteen, sixteen or seventeen years of age and who is engaged in any of
9 the following:

10 (a) Lawful hunting or shooting events or marksmanship practice at
11 established ranges or other areas where the discharge of a firearm is not
12 prohibited.

13 (b) Lawful transportation of an unloaded firearm for the purpose of
14 lawful hunting.

15 (c) Lawful transportation of an unloaded firearm for the purpose of
16 attending shooting events or marksmanship practice at established ranges
17 or other areas where the discharge of a firearm is not prohibited.

18 (d) Any activity that is related to the production of crops,
19 livestock, poultry, livestock products, poultry products or ratites or
20 storage of agricultural commodities.

21 3. The regulation of commercial land and structures, including a
22 business relating to firearms or ammunition or their components or a
23 commercial shooting range in the same manner as other commercial
24 businesses. Notwithstanding any other law, this paragraph does not:

25 (a) Authorize a political subdivision to regulate the sale or
26 transfer of firearms on property it owns, leases, operates or controls in
27 a manner that is different than or inconsistent with state law. For the
28 purposes of this subdivision, a use permit or other contract that provides
29 for the use of property owned, leased, operated or controlled by a
30 political subdivision shall not be considered a sale, conveyance or
31 disposition of property.

32 (b) Authorize a political subdivision through a zoning ordinance to
33 prohibit or otherwise regulate the otherwise lawful discharge of a firearm
34 or maintenance or improvements directly related to the discharge on a
35 private lot or parcel of land that is not open to the public on a
36 commercial or membership basis.

37 (c) Authorize a political subdivision to regulate the otherwise
38 lawful discharge of a firearm or maintenance or improvements directly
39 related to the discharge on land that is used for agriculture or other
40 noncommercial purposes.

41 4. Regulating employees or independent contractors of the political
42 subdivision who are acting within the course and scope of their employment
43 or contract. For the purposes of this paragraph, acting within the course
44 and scope of their employment or contract does not include the lawful

1 possession, carrying, transporting or storing of a firearm or other
2 weapon:

3 (a) On real property that is owned by the employee or independent
4 contractor.

5 (b) In or on a private vehicle or craft that is owned or operated
6 by the employee or independent contractor unless the ordinance or rule
7 violates another applicable federal or state law or regulation.

8 (c) Pursuant to section 12-781.

9 5. Limiting or prohibiting the discharge of firearms in parks and
10 preserves except:

11 (a) As allowed pursuant to chapter 4 of this title.

12 (b) On a properly supervised range as defined in section 13-3107.

13 (c) In an area approved as a hunting area by the Arizona game and
14 fish department. Any such area may be closed when deemed unsafe by the
15 director of the Arizona game and fish department.

16 (d) To control nuisance wildlife by permit from the Arizona game
17 and fish department or the United States fish and wildlife service.

18 (e) By special permit of the chief law enforcement officer of the
19 political subdivision.

20 (f) As required by an animal control officer in performing duties
21 specified in section 9-499.04 and title 11, chapter 7, article 6.

22 (g) In self-defense or defense of another person against an animal
23 attack if a reasonable person would believe that deadly physical force
24 against the animal is immediately necessary and reasonable under the
25 circumstances to protect oneself or the other person.

26 ~~H.~~ G. Any ordinance, regulation, tax or rule that is enacted by a
27 political subdivision in violation of this section is invalid and subject
28 to a permanent injunction against the political subdivision from enforcing
29 the ordinance, regulation, tax or rule. It is not a defense that the
30 political subdivision was acting in good faith or on the advice of
31 counsel.

32 ~~I.~~ H. If a court determines that a political subdivision has
33 knowingly and wilfully violated this section, the court may assess a civil
34 penalty of up to ~~fifty thousand dollars~~ \$50,000 against the political
35 subdivision.

36 ~~J.~~ I. If a court determines that a person has knowingly and
37 wilfully violated this section while acting in the person's official
38 capacity through enactment of any ordinance, regulation, tax, measure,
39 directive, rule, enactment, order or policy, the person may be subject to
40 termination from employment to the extent allowable under state law.

41 ~~K.~~ J. A person or an organization whose membership is adversely
42 affected by any ordinance, regulation, tax, measure, directive, rule,
43 enactment, order or policy that is in violation of this section may file a
44 civil action for declaratory and injunctive relief and actual damages
45 against the political subdivision in any court of this state having

1 jurisdiction over any defendant in the action. If the plaintiff prevails
2 in the action, the court shall award both:

3 1. Reasonable attorney fees and costs.

4 2. The actual damages incurred not to exceed ~~one hundred thousand~~
5 ~~dollars~~ \$100,000.

6 ~~L.~~ K. A violation of any ordinance established pursuant to
7 subsection ~~G~~ F, paragraph 5 of this section is a class 2 misdemeanor
8 unless the political subdivision designates a lesser classification by
9 ordinance.

10 ~~M.~~ L. For the purposes of this section, "political subdivision"
11 includes a political subdivision acting in any capacity, including under
12 police power, in a proprietary capacity or otherwise.