

REFERENCE TITLE: voluntary prohibited possessor; definition

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HB 2618

Introduced by
Representative Márquez

AN ACT

AMENDING SECTION 13-3101, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 31, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-3123; 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 13-3101, Arizona Revised Statutes, is amended to
3 read:

4 13-3101. Definitions

5 A. In this chapter, unless the context otherwise requires:

6 1. "Deadly weapon" means anything that is designed for lethal use.
7 The term includes a firearm.

8 2. "Deface" means to remove, alter or destroy the manufacturer's
9 serial number.

10 3. "Explosive" means any dynamite, nitroglycerine, black powder, or
11 other similar explosive material, including plastic explosives. Explosive
12 does not include ammunition or ammunition components such as primers,
13 percussion caps, smokeless powder, black powder and black powder
14 substitutes used for hand loading purposes.

15 4. "Firearm" means any loaded or unloaded handgun, pistol,
16 revolver, rifle, shotgun or other weapon that will expel, is designed to
17 expel or may readily be converted to expel a projectile by the action of
18 an explosive. Firearm does not include a firearm in permanently
19 inoperable condition.

20 5. "Improvised explosive device" means a device that incorporates
21 explosives or destructive, lethal, noxious, pyrotechnic or incendiary
22 chemicals and that is designed to destroy, disfigure, terrify or harass.

23 6. "Occupied structure" means any building, object, vehicle,
24 watercraft, aircraft or place with sides and a floor that is separately
25 securable from any other structure attached to it, that is used for
26 lodging, business, transportation, recreation or storage and in which one
27 or more human beings either are or are likely to be present or so near as
28 to be in equivalent danger at the time the discharge of a firearm occurs.
29 Occupied structure includes any dwelling house, whether occupied,
30 unoccupied or vacant.

31 7. "Prohibited possessor" means any person:

32 (a) Who has been found to constitute a danger to self or to others
33 or to have a persistent or acute disability or grave disability pursuant
34 to court order pursuant to section 36-540, and whose right to possess a
35 firearm has not been restored pursuant to section 13-925.

36 (b) Who has been convicted within or without this state of a felony
37 or who has been adjudicated delinquent for a felony and whose civil right
38 to possess or carry a firearm has not been restored.

39 (c) Who is at the time of possession serving a term of imprisonment
40 in any correctional or detention facility.

41 (d) Who is at the time of possession serving a term of probation
42 pursuant to a conviction for a domestic violence offense as defined in
43 section 13-3601 or a felony offense, parole, community supervision, work
44 furlough, home arrest or release on any other basis or who is serving a

1 term of probation or parole pursuant to the interstate compact under title
2 31, chapter 3, article 4.1.

3 (e) Who is an undocumented alien or a nonimmigrant alien traveling
4 with or without documentation in this state for business or pleasure or
5 who is studying in this state and who maintains a foreign residence
6 abroad. This subdivision does not apply to:

7 (i) Nonimmigrant aliens who possess a valid hunting license or
8 permit that is lawfully issued by a state in the United States.

9 (ii) Nonimmigrant aliens who enter the United States to participate
10 in a competitive target shooting event or to display firearms at a sports
11 or hunting trade show that is sponsored by a national, state or local
12 firearms trade organization devoted to the competitive use or other
13 sporting use of firearms.

14 (iii) Certain diplomats.

15 (iv) Officials of foreign governments or distinguished foreign
16 visitors who are designated by the United States department of state.

17 (v) Persons who have received a waiver from the United States
18 attorney general.

19 (f) Who has been found incompetent pursuant to rule 11, Arizona
20 rules of criminal procedure, and who subsequently has not been found
21 competent.

22 (g) Who is found guilty except insane.

23 (h) WHO VOLUNTEERS TO BE CONSIDERED A PROHIBITED POSSESSOR UNDER
24 SECTION 13-3123 AND TO BE RESTRICTED FROM PURCHASING OR POSSESSING A
25 FIREARM.

26 8. "Prohibited weapon":

27 (a) Includes the following:

28 (i) An item that is a bomb, grenade, rocket having a propellant
29 charge of more than four ounces or mine and that is explosive, incendiary
30 or poison gas.

31 (ii) A device that is designed, made or adapted to muffle the
32 report of a firearm.

33 (iii) A firearm that is capable of shooting more than one shot
34 automatically, without manual reloading, by a single function of the
35 trigger.

36 (iv) A rifle with a barrel length of less than sixteen inches, or
37 shotgun with a barrel length of less than eighteen inches, or any firearm
38 that is made from a rifle or shotgun and that, as modified, has an overall
39 length of less than twenty-six inches.

40 (v) A breakable container that contains a flammable liquid with a
41 flash point of one hundred fifty degrees Fahrenheit or less and that has a
42 wick or similar device capable of being ignited.

43 (vi) A chemical or combination of chemicals, compounds or
44 materials, including dry ice, that is possessed or manufactured for the
45 purpose of generating a gas to cause a mechanical failure, rupture or

1 bursting or an explosion or detonation of the chemical or combination of
2 chemicals, compounds or materials.

3 (vii) An improvised explosive device.

4 (viii) Any combination of parts or materials that is designed and
5 intended for use in making or converting a device into an item set forth
6 in item (i), (v) or (vii) of this subdivision.

7 (b) Does not include:

8 (i) Any fireworks that are imported, distributed or used in
9 compliance with state laws or local ordinances.

10 (ii) Any propellant, propellant actuated devices or propellant
11 actuated industrial tools that are manufactured, imported or distributed
12 for their intended purposes.

13 (iii) A device that is commercially manufactured primarily for the
14 purpose of illumination.

15 9. "Trafficking" means to sell, transfer, distribute, dispense or
16 otherwise dispose of a weapon or explosive to another person, or to buy,
17 receive, possess or obtain control of a weapon or explosive, with the
18 intent to sell, transfer, distribute, dispense or otherwise dispose of the
19 weapon or explosive to another person.

20 B. The items set forth in subsection A, paragraph 8, subdivision
21 (a), items (i), (ii), (iii) and (iv) of this section do not include any
22 firearms or devices that are possessed, manufactured or transferred in
23 compliance with federal law.

24 Sec. 2. Title 13, chapter 31, Arizona Revised Statutes, is amended
25 by adding section 13-3123, to read:

26 13-3123. Voluntary list; prohibited possessor; firearm
27 possession; prohibited

28 A. A PERSON MAY VOLUNTEER TO BE CONSIDERED A PROHIBITED POSSESSOR
29 AS DEFINED IN SECTION 13-3101, SUBSECTION A, PARAGRAPH 7, SUBDIVISION (h)
30 AND TO HAVE THE PERSON'S NAME ADDED TO THE VOLUNTARY PROHIBITED POSSESSOR
31 LIST THAT IS DEVELOPED AND MAINTAINED BY THE COURT.

32 B. TO BE ADDED TO THE VOLUNTARY PROHIBITED POSSESSOR LIST, THE
33 PERSON SHALL COMPLETE THE REQUEST FORM DEVELOPED BY THE COURT AND SHALL
34 EITHER DELIVER THE REQUEST FORM IN PERSON TO A LAW ENFORCEMENT AGENCY OR
35 DIRECT THE PERSON'S HEALTH CARE PROVIDER TO SUBMIT THE REQUEST FORM TO THE
36 COURT. ON RECEIPT OF THE REQUEST FORM, THE LAW ENFORCEMENT AGENCY, AFTER
37 VERIFYING THE PERSON'S IDENTITY, OR THE PERSON'S HEALTH CARE PROVIDER
38 SHALL ELECTRONICALLY SUBMIT THE REQUEST FORM TO THE COURT.

39 C. ON RECEIPT OF THE REQUEST FORM, THE COURT SHALL DO ALL OF THE
40 FOLLOWING:

41 1. ADD THE PERSON TO THE VOLUNTARY PROHIBITED POSSESSOR LIST.

42 2. PROHIBIT THE PERSON FROM PURCHASING OR POSSESSING A FIREARM FOR
43 ONE HUNDRED EIGHTY DAYS, AFTER WHICH TIME THE PERSON WILL NO LONGER BE
44 CONSIDERED A PROHIBITED POSSESSOR AND WILL BE REMOVED FROM THE VOLUNTARY
45 PROHIBITED POSSESSOR LIST. THE PERSON MAY VOLUNTEER TO EXTEND THIS TIME

1 OR, AFTER THIRTY DAYS, THE PERSON MAY REQUEST TO BE REMOVED FROM THE
2 VOLUNTARY PROHIBITED POSSESSOR LIST.

3 3. FORWARD THE PERSON'S INELIGIBILITY TO PURCHASE OR POSSESS A
4 FIREARM TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

5 D. THE COURT SHALL DEVELOP THE VOLUNTARY PROHIBITED POSSESSOR LIST
6 AND THE PROCESS AND REQUEST FORM FOR THE INCLUSION AND REMOVAL OF PERSONS
7 ON THE VOLUNTARY PROHIBITED POSSESSOR LIST. THE REQUEST FORM SHALL BE
8 AVAILABLE ON THE COURT'S PUBLIC WEBSITE AND SHALL REQUIRE:

9 1. THE PERSON'S:

10 (a) NAME.

11 (b) ADDRESS.

12 (c) DATE OF BIRTH.

13 (d) CONTACT INFORMATION.

14 (e) SIGNATURE.

15 2. AN ACKNOWLEDGMENT OF THE FOLLOWING STATEMENT:

16 BY PRESENTING THIS COMPLETED FORM TO A LAW ENFORCEMENT
17 AGENCY OR HEALTH CARE PROVIDER, I UNDERSTAND THAT I AM
18 REQUESTING THAT MY NAME BE PLACED ON A VOLUNTARY PROHIBITED
19 POSSESSOR LIST THAT RESTRICTS MY ABILITY TO PURCHASE OR
20 POSSESS A FIREARM FOR A MINIMUM OF THIRTY DAYS AND UP TO ONE
21 HUNDRED EIGHTY DAYS. I UNDERSTAND THAT BY VOLUNTEERING TO BE
22 CONSIDERED A PROHIBITED POSSESSOR I MAY NOT HAVE A FIREARM IN
23 MY POSSESSION AND ANY ATTEMPT TO PURCHASE A FIREARM WHILE I AM
24 ON THE VOLUNTARY PROHIBITED POSSESSOR LIST WILL BE DECLINED.
25 I ALSO UNDERSTAND THAT ANY TIME AFTER THIRTY DAYS, I MAY
26 REQUEST REMOVAL FROM THE VOLUNTARY PROHIBITED POSSESSOR LIST
27 AND ALL PREVIOUS RIGHTS WILL BE RESTORED. IN ADDITION, IF I
28 AM IN POSSESSION OF A VALID CONCEALED WEAPONS PERMIT, MY
29 PERMIT WILL BE SUSPENDED DURING THE TIME I AM ON THE VOLUNTARY
30 PROHIBITED POSSESSOR LIST BUT WILL BE REINSTATED ON MY
31 REMOVAL, UNLESS THE PERMIT HAS EXPIRED OR BEEN REVOKED OR
32 SUSPENDED FOR ANOTHER REASON OR I BECOME INELIGIBLE TO POSSESS
33 A FIREARM.

34 E. IF THE PERSON FILES A REQUEST TO BE REMOVED FROM THE VOLUNTARY
35 PROHIBITED POSSESSOR LIST OR AT THE END OF THE ONE HUNDRED EIGHTY DAY
36 PERIOD, THE LAW ENFORCEMENT AGENCY AND THE COURT SHALL DESTROY ANY RECORDS
37 OR FILES RELATED TO THE PERSON'S REQUESTS REGARDING THE VOLUNTARY
38 PROHIBITED POSSESSOR LIST WITHIN FIVE DAYS AFTER THE DATE THE PERSON IS
39 REMOVED FROM THE LIST.