

Senate Engrossed

wildlife; firearms discharge; structures; distance

State of Arizona  
Senate  
Fifty-seventh Legislature  
First Regular Session  
2025

# **SENATE BILL 1053**

AN ACT

AMENDING SECTIONS 13-3107, 13-3108, 17-309 AND 17-340, ARIZONA REVISED STATUTES; RELATING TO THE TAKING OF WILDLIFE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2       Section 1. Section 13-3107, Arizona Revised Statutes, is amended to  
3 read:

4       13-3107. Unlawful discharge of firearms; exceptions;  
5                   classification; definitions

6       A. A person who with criminal negligence discharges a firearm within  
7 or into the limits of any municipality is guilty of a class 6 felony.

8       B. Notwithstanding the fact that the offense involves the discharge of  
9 a deadly weapon, unless a dangerous offense is alleged and proven pursuant to  
10 section 13-704, subsection L, section 13-604 applies to this offense.

11     C. This section does not apply if the firearm is discharged:

12       1. As allowed pursuant to chapter 4 of this title.

13       2. On a properly supervised range.

14       3. To lawfully take wildlife during an open season established by the  
15 Arizona game and fish commission and subject to the limitations prescribed by  
16 title 17 and Arizona game and fish commission rules and orders. This  
17 paragraph does not prevent a city, ~~OR~~ town ~~or~~ county from adopting an  
18 ordinance or rule restricting the discharge of a firearm within one-fourth  
19 mile of an occupied structure without the consent of the owner or occupant of  
20 the structure. For the purposes of this paragraph:

21       (a) "Occupied structure" means any building in which, at the time of  
22 the firearm's discharge, a reasonable person from the location where a  
23 firearm is discharged would expect a person to be present.

24       (b) "Take" has the same meaning prescribed in section 17-101.

25       4. For the control of nuisance wildlife by permit from the Arizona  
26 game and fish department or the United States fish and wildlife service.

27       5. By special permit of the chief of police of the municipality.

28       6. As required by an animal control officer in the performance of  
29 duties as specified in section 9-499.04.

30       7. Using blanks.

31       8. More than one mile from any occupied structure as defined in  
32 section 13-3101.

33       9. In self-defense or defense of another person against an animal  
34 attack if a reasonable person would believe that deadly physical force  
35 against the animal is immediately necessary and reasonable under the  
36 circumstances to protect oneself or the other person.

37       D. For the purposes of this section:

38       1. "Municipality" means any city or town and includes any property  
39 that is fully enclosed within the city or town.

40       2. "Properly supervised range" means a range that is any of the  
41 following:

42       (a) Operated by a club affiliated with the national rifle association  
43 of America, the amateur trapshooting association, the national skeet  
44 association or any other nationally recognized shooting organization, ~~or~~ or by  
45 any public or private school.

1           (b) Approved by any agency of the federal government, this state or a  
2 county or city within which the range is located.

3       (c) Operated with adult supervision for shooting air or carbon dioxide  
4 gas operated guns, or for shooting in underground ranges on private or  
5 public property.

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

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

10       A. Except as provided in subsection G of this section, a political  
11 subdivision of this state shall not enact any ordinance, rule or tax relating  
12 to the transportation, possession, carrying, sale, transfer, purchase,  
13 acquisition, gift, devise, storage, licensing, registration, discharge or use  
14 of firearms or ammunition or any firearm or ammunition components or related  
15 accessories in this state.

16       B. A political subdivision of this state shall not require the  
17 licensing or registration of firearms or ammunition or any firearm or  
18 ammunition components or related accessories or prohibit the ownership,  
19 purchase, sale or transfer of firearms or ammunition or any firearm or  
20 ammunition components, or related accessories.

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

24       1. Any identifying information of a person who leaves a weapon in  
25 temporary storage at any public establishment or public event, except that  
26 the operator of the establishment or the sponsor of the event may require  
27 that a person provide a government issued identification or a reasonable copy  
28 of a government issued identification for the purpose of establishing  
29 ownership of the weapon. The operator or sponsor shall store any provided  
30 identification with the weapon and shall return the identification to the  
31 person when the weapon is retrieved. The operator or sponsor shall not  
32 retain records or copies of any identification provided pursuant to this  
33 paragraph after the weapon is retrieved.

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

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

39 D. A political subdivision of this state shall not enact any rule or  
40 ordinance that relates to firearms and is more prohibitive than or that has a  
41 penalty that is greater than any state law penalty. A political  
42 subdivision's rule or ordinance that relates to firearms and that is  
43 inconsistent with or more restrictive than state law, whether enacted before  
44 or after July 29, 2010, is null and void.

1       E. A political subdivision of this state shall not enact any  
2 ordinance, rule or regulation limiting the lawful taking of wildlife during  
3 an open season established by the Arizona game and fish commission unless the  
4 ordinance, rule or regulation is consistent with title 17 and rules and  
5 orders adopted by the Arizona game and fish commission. This subsection does  
6 not prevent a ~~political subdivision~~ CITY OR TOWN from adopting an ordinance  
7 or rule restricting the discharge of a firearm within one-fourth mile of an  
8 occupied structure without the consent of the owner or occupant of the  
9 structure. For the purposes of this subsection:

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

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

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

18       G. This section does not prohibit a political subdivision of this  
19 state from enacting and enforcing any ordinance or rule pursuant to state law  
20 or relating to any of the following:

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

25       2. Prohibiting a minor who is unaccompanied by a parent, grandparent  
26 or guardian or a certified hunter safety instructor or certified firearms  
27 safety instructor acting with the consent of the minor's parent, grandparent  
28 or guardian from knowingly possessing or carrying on the minor's person,  
29 within the minor's immediate control or in or on a means of transportation a  
30 firearm in any place that is open to the public or on any street or highway  
31 or on any private property except private property that is owned or leased by  
32 the minor or the minor's parent, grandparent or guardian. Any ordinance or  
33 rule that is adopted pursuant to this paragraph shall not apply to a minor  
34 who is fourteen, fifteen, sixteen or seventeen years of age and who is  
35 engaged in any of the following:

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

39       (b) Lawful transportation of an unloaded firearm for the purpose of  
40 lawful hunting.

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

1       (d) Any activity that is related to the production of crops,  
2 livestock, poultry, livestock products, poultry products or ratites or  
3 storage of agricultural commodities.

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

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

14       (b) Authorize a political subdivision through a zoning ordinance to  
15 prohibit or otherwise regulate the otherwise lawful discharge of a firearm or  
16 maintenance or improvements directly related to the discharge on a private  
17 lot or parcel of land that is not open to the public on a commercial or  
18 membership basis.

19       (c) Authorize a political subdivision to regulate the otherwise lawful  
20 discharge of a firearm or maintenance or improvements directly related to the  
21 discharge on land that is used for agriculture or other noncommercial  
22 purposes.

23       4. Regulating employees or independent contractors of the political  
24 subdivision who are acting within the course and scope of their employment or  
25 contract. For the purposes of this paragraph, acting within the course and  
26 scope of their employment or contract does not include the lawful possession,  
27 carrying, transporting or storing of a firearm or other weapon:

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

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

33       (c) Pursuant to section 12-781.

34       5. Limiting or prohibiting the discharge of firearms in parks and  
35 preserves except:

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

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

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

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

43       (e) By special permit of the chief law enforcement officer of the  
44 political subdivision.

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

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

7       H. Any ordinance, regulation, tax or rule that is enacted by a  
8 political subdivision in violation of this section is invalid and subject to  
9 a permanent injunction against the political subdivision from enforcing the  
10 ordinance, regulation, tax or rule. It is not a defense that the political  
11 subdivision was acting in good faith or on the advice of counsel.

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

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

20       K. A person or an organization whose membership is adversely affected  
21 by any ordinance, regulation, tax, measure, directive, rule, enactment, order  
22 or policy that is in violation of this section may file a civil action for  
23 declaratory and injunctive relief and actual damages against the political  
24 subdivision in any court of this state having jurisdiction over any defendant  
25 in the action. If the plaintiff prevails in the action, the court shall  
26 award both:

27       1. Reasonable attorney fees and costs.  
28       2. The actual damages incurred not to exceed ~~one hundred thousand~~  
29 ~~dollars~~ \$100,000.

30 L. A violation of any ordinance established pursuant to subsection G,  
31 paragraph 5 of this section is a class 2 misdemeanor unless the political  
32 subdivision designates a lesser classification by ordinance.

33 M. For the purposes of this section, "political subdivision" includes  
34 a political subdivision acting in any capacity, including under police power,  
35 in a proprietary capacity or otherwise.

36 Sec. 3. Section 17-309, Arizona Revised Statutes, is amended to read:

37 17-309. Violations; classification; consent; burden of proof;  
38 definitions

39           A. Unless otherwise prescribed by this title, it is unlawful for a  
40 person to:

41        1. Violate any provision of this title or any rule adopted pursuant to  
42 this title.

43       2. Take, possess, transport, release, buy, sell or offer or expose for  
44 sale wildlife except as expressly ~~permitted~~ ALLOWED by this title.

1       3. Destroy, injure or molest livestock, growing crops, personal  
2 property, notices or signboards, or other improvements while hunting,  
3 trapping or fishing.

4       4. Discharge a firearm while taking wildlife within one-fourth mile of  
5 an occupied farmhouse or other residence, A cabin, A lodge or A building  
6 without permission of the owner or resident AS PRESCRIBED IN SUBSECTION B OF  
7 THIS SECTION. THIS PARAGRAPH DOES NOT PROHIBIT THE DISCHARGE OF A SHOTGUN  
8 FROM A DISTANCE GREATER THAN ONE-EIGHTH MILE OF AN OCCUPIED FARMHOUSE OR  
9 OTHER RESIDENCE, A CABIN, A LODGE OR A BUILDING WITHOUT PERMISSION OF THE  
10 OWNER OR RESIDENT.

11       5. DISCHARGE ARCHERY EQUIPMENT WHILE TAKING WILDLIFE WITHIN ONE-EIGHTH  
12 MILE OF AN OCCUPIED FARMHOUSE OR OTHER RESIDENCE, A CABIN, A LODGE OR A  
13 BUILDING WITHOUT PERMISSION OF THE OWNER OR RESIDENT AS PRESCRIBED IN  
14 SUBSECTION B OF THIS SECTION.

15       6. Take a game bird, game mammal or game fish and knowingly ~~permit~~  
16 ALLOW an edible portion thereof to go to waste, except as provided in section  
17 17-302.

18       7. Take big game, except bear or mountain lion, with the aid of  
19 dogs.

20       8. Make more than one use of a shipping permit or coupon issued by  
21 the commission.

22       9. Obtain a license or take wildlife during the period for which  
23 the person's license has been revoked or suspended or the person has been  
24 denied a license.

25       10. Litter hunting and fishing areas while taking wildlife.

26       11. Take wildlife during the closed season.

27       12. Take wildlife in an area closed to the taking of that  
28 wildlife.

29       13. Take wildlife with an unlawful device.

30       14. Take wildlife by an unlawful method.

31       15. Take wildlife in excess of the bag limit.

32       16. Possess wildlife in excess of the possession limit.

33       17. Possess or transport any wildlife or parts of the wildlife  
34 that was unlawfully taken.

35       18. Possess or transport the carcass of big game without a valid  
36 tag being attached.

37       19. Use the edible parts of any game mammal or any part of any  
38 game bird or nongame bird as bait.

39       20. Possess or transport the carcass or parts of a carcass of any  
40 wildlife that cannot be identified as to species and legality.

41       21. Take game animals, game birds and game fish with an explosive  
42 compound, A poison or any other deleterious substances.

43       22. Import into this state or export from this state the carcass  
44 or parts of a carcass of any wildlife unlawfully taken or possessed.

1        B. THERE IS A PRESUMPTION THAT A DISCHARGE OF A FIREARM OR ARCHERY  
2 EQUIPMENT WITHIN THE APPLICABLE LIMITS PRESCRIBED BY SUBSECTION A, PARAGRAPHS  
3 4 AND 5 IS WITHOUT CONSENT. THE PRESUMPTION MAY BE REBUTTED BY EVIDENCE THAT  
4 THE OCCUPANT OR PROPERTY OWNER OF AN OCCUPIED STRUCTURE HAS GRANTED ANY OF  
5 THE FOLLOWING:

6        1. WRITTEN CONSENT FOR HUNTING OR FOR THE DISCHARGE OF A FIREARM OR  
7 ARCHERY EQUIPMENT ON THE PROPERTY ON A FORM THAT INCLUDES THE NAME OF THE  
8 OCCUPANT OR PROPERTY OWNER, DURATION OF AUTHORIZATION AND GENERAL DESCRIPTION  
9 OF THE PROPERTY.

10        2. VERBAL CONSENT FOR HUNTING OR FOR THE DISCHARGE OF A FIREARM OR  
11 ARCHERY EQUIPMENT ON THE PROPERTY.

12        3. POSTED CONSENT BY POSTING A SIGN THAT IS PLACED IN A CONSPICUOUS  
13 LOCATION NOTIFYING THE PUBLIC THAT HUNTING OR THE DISCHARGE OF A FIREARM OR  
14 ARCHERY EQUIPMENT IS ALLOWED ON THE PROPERTY.

15        ~~B.~~ C. Unless a different or other penalty or punishment is  
16 specifically prescribed, a person who violates any provision of this title,  
17 or who violates or fails to comply with a lawful order or rule of the  
18 commission, is guilty of a class 2 misdemeanor.

19        ~~C.~~ D. A person who knowingly takes any big game during a closed  
20 season or who knowingly possesses, transports or buys any big game that was  
21 unlawfully taken during a closed season is guilty of a class 1 misdemeanor.

22        ~~D.~~ E. A person is guilty of a class 6 felony who knowingly:

23        1. Barters, sells or offers for sale any big game or parts of big game  
24 taken unlawfully.

25        2. Barters, sells or offers for sale any wildlife or parts of wildlife  
26 unlawfully taken during a closed season.

27        3. Barters, sells or offers for sale any wildlife or parts of wildlife  
28 imported or purchased in violation of this title or a lawful rule of the  
29 commission.

30        4. Assists another person for monetary gain with the unlawful taking  
31 of big game.

32        5. Takes or possesses wildlife while under permanent revocation under  
33 section 17-340, subsection B, paragraph 3.

34        ~~E.~~ F. A peace officer who knowingly fails to enforce a lawful rule of  
35 the commission or this title is guilty of a class 2 misdemeanor.

36        G. FOR THE PURPOSES OF THIS SECTION:

37        1. "ARCHERY EQUIPMENT":

38        (a) MEANS A LONGBOW, RECURVE BOW, COMPOUND BOW OR CROSSBOW THAT IS  
39 DESIGNED TO DISCHARGE AN ARROW OR BOLT THROUGH THE MANUAL OR MECHANICAL  
40 DRAWING OF A BOWSTRING.

41        (b) DOES NOT INCLUDE ANY DEVICE CLASSIFIED AS A FIREARM PURSUANT TO  
42 THE LAWS OF THIS STATE OR FEDERAL LAW.

43        2. "SHOTGUN" MEANS A FIREARM THAT IS INTENDED TO BE FIRED FROM THE  
44 SHOULDER AND THAT USES THE ENERGY FROM AN EXPLOSIVE IN A FIXED SHOTGUN SHELL

1 TO FIRE EITHER BALL SHOT OR A SINGLE PROJECTILE THROUGH A SMOOTH BORE OR  
2 RIFLED BARREL FOR EACH PULL OF THE TRIGGER.

3 Sec. 4. Section 17-340, Arizona Revised Statutes, is amended to read:

4 17-340. Revocation, suspension and denial of privilege of taking  
5 wildlife; civil penalty; notice; violation;  
6 classification

7 A. On conviction or after adjudication as a delinquent juvenile as  
8 defined in section 8-201 and in addition to other penalties prescribed by  
9 this title, the commission, after a public hearing, may revoke or suspend a  
10 license issued to any person under this title and deny the person the right  
11 to secure another license to take or possess wildlife for a period of not to  
12 exceed five years for:

13 1. Unlawful taking, unlawful selling, unlawful offering for sale,  
14 unlawful bartering or unlawful possession of wildlife.

15 2. ~~Careless use of~~ CARELESSLY USING firearms that ~~resulted~~ RESULT in  
16 the injury or death of any person.

17 3. Destroying, injuring or molesting livestock, or damaging or  
18 destroying growing crops, personal property, notices or signboards or other  
19 improvements while hunting, trapping or fishing.

20 4. Littering public hunting or fishing areas while taking wildlife.

21 5. Knowingly allowing another person to use the person's big game tag,  
22 except as provided by section 17-332, subsection D.

23 6. A violation of section 17-303, 17-304, 17-316 or 17-341 or section  
24 17-362, subsection A.

25 7. A violation of section 17-309, subsection A, paragraph  
26 ~~5~~ 6 involving a waste of edible portions other than meat damaged due to the  
27 method of taking as follows:

28 (a) Upland game birds, migratory game birds and wild turkey: breast.  
29 (b) Deer, elk, pronghorn (antelope), bighorn sheep, bison (buffalo)  
30 and peccary (javelina): hind quarters, front quarters and loins.

31 (c) Game fish: fillets of the fish.

32 8. A violation of section 17-309, subsection A, paragraph 1 involving  
33 any unlawful use of aircraft to take, assist in taking, harass, chase, drive,  
34 locate or assist in locating wildlife.

35 B. On conviction or after adjudication as a delinquent juvenile and in  
36 addition to any other penalties prescribed by this title:

37 1. For a first conviction or a first adjudication as a delinquent  
38 juvenile, for unlawfully taking or wounding wildlife at any time or place,  
39 the commission, after a public hearing, may revoke, suspend or deny the  
40 person's privilege to take wildlife for a period of up to five years.

41 2. For a second conviction or a second adjudication as a delinquent  
42 juvenile, for unlawfully taking or wounding wildlife at any time or place,  
43 the commission, after a public hearing, may revoke, suspend or deny the  
44 person's privilege to take wildlife for a period of up to ten years.

1       3. For a third conviction or a third adjudication as a delinquent  
2 juvenile, for unlawfully taking or wounding wildlife at any time or place,  
3 the commission, after a public hearing, may revoke, suspend or deny the  
4 person's privilege to take wildlife permanently.

5       C. In accordance with title 41, chapter 6, article 10 and  
6 notwithstanding subsection A of this section, a person against whom the  
7 commission imposes a civil penalty under section 17-314 for the unlawful  
8 taking, wounding, killing or possession of wildlife may be denied the right  
9 to obtain a license to take wildlife until the person ~~has made~~ PAYS IN full  
10 ~~payment of~~ the civil penalty.

11     D. On receiving a report from the licensing authority of a state that  
12 is a party to the wildlife violator compact adopted under chapter 5 of this  
13 title that a resident of this state has failed to comply with the terms of a  
14 wildlife citation, the commission, after a public hearing, may suspend any  
15 license issued under this title to take wildlife until the licensing  
16 authority furnishes satisfactory evidence of compliance with the terms of the  
17 wildlife citation.

18     E. In carrying out this section, the director shall notify the  
19 licensee, within one hundred eighty days after conviction, to appear and show  
20 cause why the license should not be revoked, suspended or denied. The notice  
21 may be served personally or by certified mail sent to the address appearing  
22 on the license.

23     F. The commission shall furnish to license dealers the names and  
24 addresses of persons whose licenses have been revoked or suspended, and the  
25 periods for which they have been denied the right to secure licenses.

26     G. The commission may use the services of the office of administrative  
27 hearings to conduct hearings and to make recommendations to the commission  
28 pursuant to this section.

29     H. Except for a person who takes or possesses wildlife while under  
30 permanent revocation, a person who takes wildlife in this state, or attempts  
31 to obtain a license to take wildlife, at a time when the person's privilege  
32 to do so is suspended, revoked or denied under this section is guilty of a  
33 class 1 misdemeanor.