

House Engrossed

prohibited weapons; definition repeal

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

HOUSE CONCURRENT RESOLUTION 2037

A CONCURRENT RESOLUTION

EXACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING
TO PROHIBITED WEAPONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona,
2 the Senate concurring:
3 1. Under the power of the referendum, as vested in the Legislature,
4 the following measure, relating to prohibited weapons, is enacted to
5 become valid as a law if approved by the voters and on proclamation of the
6 Governor:

7 AN ACT

8 AMENDING SECTION 13-3101, ARIZONA REVISED STATUTES; RELATING
9 TO PROHIBITED WEAPONS.

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

11 Section 1. Section 13-3101, Arizona Revised Statutes,
12 is amended to read:

13 13-3101. Definitions

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

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

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

20 3. "Explosive" means any dynamite, nitroglycerine,
21 black powder, or other similar explosive material, including
22 plastic explosives. Explosive does not include ammunition or
23 ammunition components such as primers, percussion caps,
24 smokeless powder, black powder and black powder substitutes
25 used for hand loading purposes.

26 4. "Firearm" means any loaded or unloaded handgun,
27 pistol, revolver, rifle, shotgun or other weapon that will
28 expel, is designed to expel or may readily be converted to
29 expel a projectile by the action of an explosive. Firearm
30 does not include a firearm in permanently inoperable
31 condition.

32 5. "Improvised explosive device" means a device that
33 incorporates explosives or destructive, lethal, noxious,
34 pyrotechnic or incendiary chemicals and that is designed to
35 destroy, disfigure, terrify or harass.

36 6. "Occupied structure" means any building, object,
37 vehicle, watercraft, aircraft or place with sides and a floor
38 that is separately securable from any other structure attached
39 to it, that is used for lodging, business, transportation,
40 recreation or storage and in which one or more human beings
41 either are or are likely to be present or so near as to be in
42 equivalent danger at the time the discharge of a firearm
43 occurs. Occupied structure includes any dwelling house,
44 whether occupied, unoccupied or vacant.

1 7. "Prohibited possessor" means any person:

2 (a) Who has been found to constitute a danger to self
3 or to others or to have a persistent or acute disability or
4 grave disability pursuant to court order pursuant to section
5 36-540, and whose right to possess a firearm has not been
6 restored pursuant to section 13-925.

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

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

13 (d) Who is at the time of possession serving a term of
14 probation pursuant to a conviction for a domestic violence
15 offense as defined in section 13-3601 or a felony offense,
16 parole, community supervision, work furlough, home arrest or
17 release on any other basis or who is serving a term of
18 probation or parole pursuant to the interstate compact under
19 title 31, chapter 3, article 4.1.

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

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

28 (ii) Nonimmigrant aliens who enter the United States to
29 participate in a competitive target shooting event or to
30 display firearms at a sports or hunting trade show that is
31 sponsored by a national, state or local firearms trade
32 organization devoted to the competitive use or other sporting
33 use of firearms.

34 (iii) Certain diplomats.

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

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

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

43 (g) Who is found guilty except insane.

44 8. "Prohibited weapon":

45 (a) Includes the following:

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

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

6 ~~(iii) A firearm that is capable of shooting more than~~
7 ~~one shot automatically, without manual reloading, by a single~~
8 ~~function of the trigger.~~

9 ~~(iv) A rifle with a barrel length of less than sixteen~~
10 ~~inches, or shotgun with a barrel length of less than eighteen~~
11 ~~inches, or any firearm that is made from a rifle or shotgun~~
12 ~~and that, as modified, has an overall length of less than~~
13 ~~twenty-six inches.~~

14 ~~(v)~~ (ii) A breakable container that contains a
15 flammable liquid with a flash point of one hundred fifty
16 degrees Fahrenheit or less and that has a wick or similar
17 device capable of being ignited.

18 ~~(vi)~~ (iii) A chemical or combination of chemicals,
19 compounds or materials, including dry ice, that is possessed
20 or manufactured for the purpose of generating a gas to cause a
21 mechanical failure, rupture or bursting or an explosion or
22 detonation of the chemical or combination of chemicals,
23 compounds or materials.

24 ~~(vii)~~ (iv) An improvised explosive device.

25 ~~(viii)~~ (v) Any combination of parts or materials that
26 is designed and intended for use in making or converting a
27 device into an item set forth in item (i), ~~(v)~~ (ii) or ~~(vii)~~
28 (iv) of this subdivision.

29 (b) Does not include:

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

32 (ii) Any propellant, propellant actuated devices or
33 propellant actuated industrial tools that are manufactured,
34 imported or distributed for their intended purposes.

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

37 9. "Trafficking" means to sell, transfer, distribute,
38 dispense or otherwise dispose of a weapon or explosive to
39 another person, or to buy, receive, possess or obtain control
40 of a weapon or explosive, with the intent to sell, transfer,
41 distribute, dispense or otherwise dispose of the weapon or
42 explosive to another person.

43 B. The items set forth in subsection A, paragraph 8,
44 subdivision (a), ~~items ITEM (i), (ii), (iii) and (iv)~~ of this
45 section do not include any firearms or devices that are

1 possessed, manufactured or transferred in compliance with
2 federal law.

3 Sec. 2. Legislative Intent

4 The legislature intends, by this measure, to restore to
5 the people their right to keep and bear arms without
6 infringement by the State of Arizona.

7 Sec. 3. Short Title

8 This measure may be cited as the "Shall Not Be Infringed
9 Act".

10 2. The Secretary of State shall submit this proposition to the
11 voters at the next general election as provided by article IV, part 1,
12 section 1, Constitution of Arizona.