

REFERENCE TITLE: brass knuckles; prohibited weapon; definition

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

SB 1409

Introduced by
Senator Kuby

AN ACT

AMENDING SECTIONS 13-925, 13-3101, 13-3102, 13-3110 AND 13-3112, 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 13-925, Arizona Revised Statutes, is amended to
3 read:

4 13-925. Restoration of right to possess a firearm; mentally
5 ill persons; petition

6 A. A person may petition the court that entered an order, finding
7 or adjudication that resulted in the person being a prohibited possessor
8 as defined in section 13-3101, subsection A, paragraph ~~7~~ 8, subdivision
9 (a) or subject to 18 United States Code section 922(d)(4) or (g)(4) to
10 restore the person's right to possess a firearm.

11 B. The person or the person's guardian or attorney may file the
12 petition. The petition shall be served on the attorney for the state who
13 appeared in the underlying case.

14 C. On the filing of the petition the court shall set a hearing. At
15 the hearing, the person shall present psychological or psychiatric
16 evidence in support of the petition. The state shall provide the court
17 with the person's criminal history records, if any. The court shall
18 receive evidence on and consider the following before granting or denying
19 the petition:

20 1. The circumstances that resulted in the person being a prohibited
21 possessor as defined in section 13-3101, subsection A, paragraph ~~7~~ 8,
22 subdivision (a) or subject to 18 United States Code section 922(d)(4) or
23 (g)(4).

24 2. The person's record, including the person's mental health record
25 and criminal history record, if any.

26 3. The person's reputation based on character witness statements,
27 testimony or other character evidence.

28 4. Whether the person is a danger to self or others or has A
29 persistent, acute or grave ~~disabilities~~ DISABILITY or whether the
30 circumstances that led to the original order, adjudication or finding
31 remain in effect.

32 5. Any change in the person's condition or circumstances that is
33 relevant to the relief sought.

34 6. Any other evidence deemed admissible by the court.

35 D. The petitioner shall prove by clear and convincing evidence both
36 of the following:

37 1. The petitioner is not likely to act in a manner that is
38 dangerous to public safety.

39 2. Granting the requested relief is not contrary to the public
40 interest.

41 E. At the conclusion of the hearing, the court shall issue findings
42 of fact and conclusions of law.

43 F. If the court grants the petition for relief, the original order,
44 finding or adjudication is deemed not to have occurred for the purposes of
45 applying section 13-3101, subsection A, paragraph ~~7~~ 8, subdivision (a),

Public Law 110-180, section 105(a) or 18 United States Code section 922(d)(4) or (g)(4) to that person.

G. The granting of a petition under this section only restores the person's right to possess a firearm and does not apply to and has no effect on any other rights or benefits the person receives.

H. The court shall promptly notify the supreme court and the department of public safety of an order granting a petition under this section. As soon thereafter as practicable the supreme court and the department shall update, correct, modify or remove the person's record in any database that the supreme court or the department maintains and makes available to the national instant criminal background check system consistent with the rules pertaining to the database. Within ten business days after receiving the notification from the court, the department shall notify the United States attorney general that the person no longer falls within the provisions of section 13-3101, subsection A, paragraph ~~7~~ 8, subdivision (a) or 18 United States Code section 922(d)(4) or (g)(4).

Sec. 2. Section 13-3101, Arizona Revised Statutes, is amended to read:

13-3101. Definitions

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

1. "BRASS KNUCKLES" MEANS A DEVICE THAT IS MADE OF METAL, PLASTIC OR ANY HARD MATERIAL AND THAT IS DESIGNED TO FIT OVER AND AROUND THE KNUCKLES OF THE HUMAN HAND TO ENHANCE THE POWER OF A PUNCH.

~~1.~~ 2. "Deadly weapon" means anything that is designed for lethal use. The term includes a firearm.

~~2.~~ 3. "Deface" means to remove, alter or destroy the manufacturer's serial number.

~~3.~~ 4. "Explosive" means any dynamite, nitroglycerine, black powder, or other similar explosive material, including plastic explosives. Explosive does not include ammunition or ammunition components such as primers, percussion caps, smokeless powder, black powder and black powder substitutes used for hand loading purposes.

~~4.~~ 5. "Firearm" means any loaded or unloaded handgun, pistol, revolver, rifle, shotgun or other weapon that will expel, is designed to expel or may readily be converted to expel a projectile by the action of an explosive. Firearm does not include a firearm in permanently inoperable condition.

~~5.~~ 6. "Improvised explosive device" means a device that incorporates explosives or destructive, lethal, noxious, pyrotechnic or incendiary chemicals and that is designed to destroy, disfigure, terrify or harass.

~~6.~~ 7. "Occupied structure" means any building, object, vehicle, watercraft, aircraft or place with sides and a floor that is separately securable from any other structure attached to it, that is used for lodging, business, transportation, recreation or storage and in which one

1 or more human beings either are or are likely to be present or so near as
2 to be in equivalent danger at the time the discharge of a firearm occurs.
3 Occupied structure includes any dwelling house, whether occupied,
4 unoccupied or vacant.

5 ~~7.~~ 8. "Prohibited possessor" means any person:

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

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

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

15 (d) Who is at the time of possession serving a term of probation
16 pursuant to a conviction for a domestic violence offense as defined in
17 section 13-3601 or a felony offense, parole, community supervision, work
18 furlough, home arrest or release on any other basis or who is serving a
19 term of probation or parole pursuant to the interstate compact under title
20 31, chapter 3, article 4.1.

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

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

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

32 (iii) Certain diplomats.

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

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

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

40 (g) Who is found guilty except insane.

41 ~~8.~~ 9. "Prohibited weapon":

42 (a) Includes the following:

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

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

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

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

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

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

(vii) An improvised explosive device.

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

(ix) BRASS KNUCKLES.

(b) Does not include:

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

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

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

~~9-~~ 10. "Trafficking" means to sell, transfer, distribute, dispense or otherwise dispose of a weapon or explosive to another person, or to buy, receive, possess or obtain control of a weapon or explosive, with the intent to sell, transfer, distribute, dispense or otherwise dispose of the weapon or explosive to another person.

B. The items set forth in subsection A, paragraph ~~8-~~ 9, subdivision (a), items (i), (ii), (iii) and (iv) of this section do not include any firearms or devices that are possessed, manufactured or transferred in compliance with federal law.

Sec. 3. Section 13-3102, Arizona Revised Statutes, is amended to read:

13-3102. Misconduct involving weapons; defenses; classification; definitions

A. A person commits misconduct involving weapons by knowingly:

1 1. Carrying a deadly weapon except a pocket knife concealed on his
2 person or within his immediate control in or on a means of transportation:

3 (a) In the furtherance of a serious offense as defined in section
4 13-706, a violent crime as defined in section 13-901.03 or any other
5 felony offense; or

6 (b) When contacted by a law enforcement officer and failing to
7 accurately answer the officer if the officer asks whether the person is
8 carrying a concealed deadly weapon; or

9 2. Carrying a deadly weapon except a pocket knife concealed on his
10 person or concealed within his immediate control in or on a means of
11 transportation if the person is under twenty-one years of age; or

12 3. Manufacturing, possessing, transporting, selling or transferring
13 a prohibited weapon, except that if the violation involves dry ice, a
14 person commits misconduct involving weapons by knowingly possessing the
15 dry ice with the intent to cause injury to or death of another person or
16 to cause damage to the property of another person; or

17 4. Possessing a deadly weapon or prohibited weapon if such person
18 is a prohibited possessor; or

19 5. Selling or transferring a deadly weapon to a prohibited
20 possessor; or

21 6. Defacing a deadly weapon; or

22 7. Possessing a defaced deadly weapon knowing the deadly weapon was
23 defaced; or

24 8. Using or possessing a deadly weapon during the commission of any
25 felony offense included in chapter 34 of this title; or

26 9. Discharging a firearm at an occupied structure in order to
27 assist, promote or further the interests of a criminal street gang, a
28 criminal syndicate or a racketeering enterprise; or

29 10. Unless specifically authorized by law, entering any public
30 establishment or attending any public event and carrying a deadly weapon
31 on his person after a reasonable request by the operator of the
32 establishment or the sponsor of the event or the sponsor's agent to remove
33 his weapon and place it in the custody of the operator of the
34 establishment or the sponsor of the event for temporary and secure storage
35 of the weapon pursuant to section 13-3102.01; or

36 11. Unless specifically authorized by law, entering an election
37 polling place on the day of any election carrying a deadly weapon; or

38 12. Possessing a deadly weapon on school grounds; or

39 13. Unless specifically authorized by law, entering a nuclear or
40 hydroelectric generating station carrying a deadly weapon on his person or
41 within the immediate control of any person; or

42 14. Supplying, selling or giving possession or control of a firearm
43 to another person if the person knows or has reason to know that the other
44 person would use the firearm in the commission of any felony; or

1 15. Using, possessing or exercising control over a deadly weapon in
2 furtherance of any act of terrorism as defined in section 13-2301 or
3 possessing or exercising control over a deadly weapon knowing or having
4 reason to know that it will be used to facilitate any act of terrorism as
5 defined in section 13-2301; or

6 16. Trafficking in weapons or explosives for financial gain in order
7 to assist, promote or further the interests of a criminal street gang, a
8 criminal syndicate or a racketeering enterprise.

9 B. Subsection A, paragraph 2 of this section shall not apply to:

10 1. A person in his dwelling, on his business premises or on real
11 property owned or leased by that person or that person's parent,
12 grandparent or legal guardian.

13 2. A member of the sheriff's volunteer posse or reserve
14 organization who has received and passed firearms training that is
15 approved by the Arizona peace officer standards and training board and who
16 is authorized by the sheriff to carry a concealed weapon pursuant to
17 section 11-441.

18 3. A firearm that is carried in:

19 (a) A manner where any portion of the firearm or holster in which
20 the firearm is carried is visible.

21 (b) A holster that is wholly or partially visible.

22 (c) A scabbard or case designed for carrying weapons that is wholly
23 or partially visible.

24 (d) Luggage.

25 (e) A case, holster, scabbard, pack or luggage that is carried
26 within a means of transportation or within a storage compartment, map
27 pocket, trunk or glove compartment of a means of transportation.

28 C. Subsection A, paragraphs 2, 3, 7, 10, 11, 12 and 13 of this
29 section shall not apply to:

30 1. A peace officer or any person summoned by any peace officer to
31 assist and while actually assisting in the performance of official duties;
32 or

33 2. A member of the military forces of the United States or of any
34 state of the United States in the performance of official duties; or

35 3. A warden, deputy warden, community correctional officer,
36 detention officer, special investigator or correctional officer of the
37 state department of corrections or the department of juvenile corrections;
38 or

39 4. A person specifically licensed, authorized or permitted pursuant
40 to a statute of this state or of the United States.

41 D. Subsection A, paragraph 10 of this section does not apply to an
42 elected or appointed judicial officer in the court facility where the
43 judicial officer works if the judicial officer has demonstrated competence
44 with a firearm as prescribed in section 13-3112, subsection N, except that
45 the judicial officer shall comply with any rule or policy adopted by the

1 presiding judge of the superior court while in the court facility. For
2 the purposes of this subsection, appointed judicial officer does not
3 include a hearing officer or a judicial officer pro tempore who is not a
4 full-time officer.

5 E. Subsection A, paragraphs 3 and 7 of this section shall not apply
6 to:

7 1. The possessing, transporting, selling or transferring of weapons
8 by a museum as a part of its collection or an educational institution for
9 educational purposes or by an authorized employee of such museum or
10 institution, if:

11 (a) Such museum or institution is operated by the United States or
12 this state or a political subdivision of this state, or by an organization
13 described in 26 United States Code section 170(c) as a recipient of a
14 charitable contribution; and

15 (b) Reasonable precautions are taken with respect to theft or
16 misuse of such material.

17 2. The regular and lawful transporting as merchandise; or

18 3. Acquisition by a person by operation of law such as by gift,
19 devise or descent or in a fiduciary capacity as a recipient of the
20 property or former property of an insolvent, incapacitated or deceased
21 person.

22 F. Subsection A, paragraph 3 of this section shall not apply to the
23 merchandise of an authorized manufacturer of or dealer in prohibited
24 weapons, when such material is intended to be manufactured, possessed,
25 transported, sold or transferred solely for or to a dealer, a regularly
26 constituted or appointed state, county or municipal police department or
27 police officer, a detention facility, the military service of this or
28 another state or the United States, a museum or educational institution or
29 a person specifically licensed or permitted pursuant to federal or state
30 law.

31 G. Subsection A, paragraph 10 of this section shall not apply to
32 shooting ranges or shooting events, hunting areas or similar locations or
33 activities.

34 H. Subsection A, paragraph 12 of this section shall not apply to a
35 weapon if ~~such~~ THE weapon is possessed for the purposes of preparing for,
36 conducting or participating in hunter or firearm safety courses.

37 I. Subsection A, paragraph 12 of this section shall not apply to
38 the possession of a:

39 1. Firearm that is not loaded and that is carried within a means of
40 transportation under the control of an adult provided that if the adult
41 leaves the means of transportation the firearm shall not be visible from
42 the outside of the means of transportation and the means of transportation
43 shall be locked.

44 2. Firearm for use on the school grounds in a program approved by a
45 school.

3. Firearm by a person who possesses a certificate of firearms proficiency pursuant to section 13-3112, subsection T and who is authorized to carry a concealed firearm pursuant to the law enforcement officers safety act of 2004 (P.L. 108-277; 118 Stat. 865; 18 United States Code sections 926B and 926C).

J. Subsection A, paragraphs 2, 3, 7 and 13 of this section shall not apply to commercial nuclear generating station armed nuclear security guards during the performance of official duties or during any security training exercises sponsored by the commercial nuclear generating station or local, state or federal authorities.

K. The operator of the establishment or the sponsor of the event or the employee of the operator or sponsor or the agent of the sponsor, including a public entity or public employee, is not liable for acts or omissions pursuant to subsection A, paragraph 10 of this section unless the operator, sponsor, employee or agent intended to cause injury or was grossly negligent.

L. If a law enforcement officer contacts a person who is in possession of a firearm, the law enforcement officer may take temporary custody of the firearm for the duration of that contact.

M. Misconduct involving weapons under subsection A, paragraph 15 of this section is a class 2 felony. Misconduct involving weapons under subsection A, paragraph 9, 14 or 16 of this section is a class 3 felony. Misconduct involving weapons under subsection A, paragraph 3, 4, 8 or 13 of this section is a class 4 felony EXCEPT THAT MISCONDUCT INVOLVING WEAPONS UNDER SUBSECTION A, PARAGRAPH 3 OF THIS SECTION IS A CLASS 1 MISDEMEANOR IF THE PROHIBITED WEAPON IS BRASS KNUCKLES. Misconduct involving weapons under subsection A, paragraph 12 of this section is a class 1 misdemeanor unless the violation occurs in connection with conduct that violates section 13-2308, subsection A, paragraph 5, section 13-2312, subsection C, section 13-3409 or section 13-3411, in which case the offense is a class 6 felony. Misconduct involving weapons under subsection A, paragraph 1, subdivision (a) of this section or subsection A, paragraph 5, 6 or 7 of this section is a class 6 felony. Misconduct involving weapons under subsection A, paragraph 1, subdivision (b) of this section or subsection A, paragraph 10 or 11 of this section is a class 1 misdemeanor. Misconduct involving weapons under subsection A, paragraph 2 of this section is a class 3 misdemeanor.

N. For the purposes of this section:

1. "Contacted by a law enforcement officer" means a lawful traffic or criminal investigation, arrest or detention or an investigatory stop by a law enforcement officer that is based on reasonable suspicion that an offense has been or is about to be committed.

2. "Public establishment" means a structure, vehicle or craft that is owned, leased or operated by this state or a political subdivision of this state.

1 3. "Public event" means a specifically named or sponsored event of
2 limited duration that is either conducted by a public entity or conducted
3 by a private entity with a permit or license granted by a public entity.
4 Public event does not include an unsponsored gathering of people in a
5 public place.

6 4. "School" means a public or nonpublic kindergarten program,
7 common school or high school.

8 5. "School grounds" means in, or on the grounds of, a school.

9 Sec. 4. Section 13-3110, Arizona Revised Statutes, is amended to
10 read:

11 13-3110. Misconduct involving simulated explosive devices;
12 classification; definition

13 A. A person commits misconduct involving simulated explosive
14 devices by intentionally giving or sending to another person or placing in
15 a private or public place a simulated explosive device with the intent to
16 terrify, intimidate, threaten or harass.

17 B. The placing or sending of a simulated explosive device without
18 written notice attached to the device in a conspicuous place that the
19 device has been rendered inert and is possessed for the purpose of curio
20 or relic collection, display or other similar purpose is prima facie
21 evidence of intent to terrify, intimidate, threaten or harass.

22 C. Misconduct involving simulated explosive devices is a class 5
23 felony.

24 D. For the purposes of this section, "simulated explosive device"
25 means a simulation of a prohibited weapon described in section 13-3101,
26 subsection A, paragraph ~~8~~ 9, subdivision (a), item (i), (v) or (vii) that
27 a reasonable person would believe is such a prohibited weapon.

28 Sec. 5. Section 13-3112, Arizona Revised Statutes, is amended to
29 read:

30 13-3112. Concealed weapons; qualification; application; permit
31 to carry; civil penalty; report; applicability

32 A. The department of public safety shall issue a permit to carry a
33 concealed weapon to a person who is qualified under this section. The
34 person shall carry the permit at all times when the person is in actual
35 possession of the concealed weapon and is required by section 4-229 or
36 4-244 to carry the permit. If the person is in actual possession of the
37 concealed weapon and is required by section 4-229 or 4-244 to carry the
38 permit, the person shall present the permit for inspection to any law
39 enforcement officer on request.

40 B. The permit of a person who is arrested or indicted for an
41 offense that would make the person unqualified under section 13-3101,
42 subsection A, paragraph ~~7~~ 8 or this section shall be immediately
43 suspended and seized. The permit of a person who becomes unqualified on
44 conviction of that offense shall be revoked. The permit shall be restored
45 on presentation of documentation from the court if the permittee is found

1 not guilty or the charges are dismissed. The permit shall be restored on
2 presentation of documentation from the county attorney that the charges
3 against the permittee were dropped or dismissed.

4 C. A permittee who carries a concealed weapon, who is required by
5 section 4-229 or 4-244 to carry a permit and who fails to present the
6 permit for inspection on the request of a law enforcement officer commits
7 a violation of this subsection and is subject to a civil penalty of not
8 more than \$300. The department of public safety shall be notified of all
9 violations of this subsection and shall immediately suspend the permit. A
10 permittee shall not be convicted of a violation of this subsection if the
11 permittee produces to the court a legible permit that is issued to the
12 permittee and that was valid at the time the permittee failed to present
13 the permit for inspection.

14 D. A law enforcement officer shall not confiscate or forfeit a
15 weapon that is otherwise lawfully possessed by a permittee whose permit is
16 suspended pursuant to subsection C of this section, except that a law
17 enforcement officer may take temporary custody of a firearm during an
18 investigatory stop of the permittee.

19 E. The department of public safety shall issue a permit to an
20 applicant who meets all of the following conditions:

- 21 1. Is a resident of this state or a United States citizen.
- 22 2. Is twenty-one years of age or older or is at least nineteen
23 years of age and provides evidence of current military service or proof of
24 honorable discharge or general discharge under honorable conditions from
25 the United States armed forces, the United States armed forces reserve or
26 a state national guard.
- 27 3. Is not under indictment for and has not been convicted in any
28 jurisdiction of a felony unless that conviction has been expunged, set
29 aside or vacated or the applicant's rights have been restored and the
30 applicant is currently not a prohibited possessor under state or federal
31 law.

- 32 4. Does not suffer from mental illness and has not been adjudicated
33 mentally incompetent or committed to a mental institution.

- 34 5. Is not unlawfully present in the United States.

- 35 6. Has ever demonstrated competence with a firearm as prescribed by
36 subsection N of this section and provides adequate documentation that the
37 person has satisfactorily completed a training program or demonstrated
38 competence with a firearm in any state or political subdivision in the
39 United States. For the purposes of this paragraph, "adequate
40 documentation" means:

41 (a) A current or expired permit issued by the department of public
42 safety pursuant to this section.

43 (b) An original or copy of a certificate, card or document that
44 shows the applicant has ever completed any course or class prescribed by
45 subsection N of this section or an affidavit from the instructor, school,

1 club or organization that conducted or taught the course or class
2 attesting to the applicant's completion of the course or class.

3 (c) An original or a copy of a United States department of defense
4 form 214 (DD-214) indicating an honorable discharge or general discharge
5 under honorable conditions, a certificate of completion of basic training
6 or any other document demonstrating proof of the applicant's current or
7 former service in the United States armed forces as prescribed by
8 subsection N, paragraph 5 of this section.

9 (d) An original or a copy of a concealed weapon, firearm or handgun
10 permit or a license as prescribed by subsection N, paragraph 6 of this
11 section.

12 F. The application shall be completed on a form prescribed by the
13 department of public safety. The form shall not require the applicant to
14 disclose the type of firearm for which a permit is sought. The applicant
15 shall attest under penalty of perjury that all of the statements made by
16 the applicant are true, that the applicant has been furnished a copy of
17 this chapter and chapter 4 of this title and that the applicant is
18 knowledgeable about the provisions contained in those chapters. The
19 applicant shall submit the application to the department with any
20 documentation prescribed by subsection E of this section, two sets of
21 fingerprints and a reasonable fee determined by the director of the
22 department.

23 G. On receipt of a concealed weapon permit application, the
24 department of public safety shall conduct a check of the applicant's
25 criminal history record pursuant to section 41-1750. The department of
26 public safety may exchange fingerprint card information with the federal
27 bureau of investigation for federal criminal history record checks.

28 H. The department of public safety shall complete all of the
29 required qualification checks within sixty days after receiving the
30 application and shall issue a permit within fifteen working days after
31 completing the qualification checks if the applicant meets all of the
32 conditions specified in subsection E of this section. If a permit is
33 denied, the department of public safety shall notify the applicant in
34 writing within fifteen working days after completing all of the required
35 qualification checks and shall state the reasons why the application was
36 denied. On receipt of the notification of the denial, the applicant has
37 twenty days to submit any additional documentation to the department. On
38 receipt of the additional documentation, the department shall reconsider
39 its decision and inform the applicant within twenty days of the result of
40 the reconsideration. If denied, the applicant shall be informed that the
41 applicant may request a hearing pursuant to title 41, chapter 6,
42 article 10. For the purposes of this subsection, "receiving the
43 application" means the first day that the department has physical control
44 of the application and that is presumed to be on the date of delivery as
45 evidenced by proof of delivery by the United States postal service or a

1 written receipt, which shall be provided by the department on request of
2 the applicant.

3 I. On issuance, a permit is valid for five years, except a permit
4 that is held by a member of the United States armed forces, including a
5 member of the Arizona national guard or a member of the reserves of any
6 military establishment of the United States, who is on federal active duty
7 and who is deployed overseas shall be extended until ninety days after the
8 end of the member's overseas deployment.

9 J. The department of public safety shall maintain a computerized
10 permit record system that is accessible to criminal justice agencies for
11 the purpose of confirming the permit status of any person who is contacted
12 by a law enforcement officer and who claims to hold a valid permit issued
13 by this state. This information and any other records that are maintained
14 regarding applicants, permit holders or instructors shall not be available
15 to any other person or entity except on an order from a state or federal
16 court. A criminal justice agency shall not use the computerized permit
17 record system to conduct inquiries on whether a person is a concealed
18 weapons permit holder unless the criminal justice agency has reasonable
19 suspicion to believe the person is carrying a concealed weapon and the
20 person is subject to a lawful criminal investigation, arrest, detention or
21 investigatory stop.

22 K. A permit issued pursuant to this section is renewable every five
23 years. At least sixty days before the expiration date of a permit, the
24 department of public safety shall send a renewal reminder notice and
25 renewal application form to the permit holder. Before a permit may be
26 renewed, a criminal history records check shall be conducted pursuant to
27 section 41-1750 within sixty days after receipt of the application for
28 renewal. For the purposes of permit renewal, the permit holder is not
29 required to submit additional fingerprints.

30 L. Applications for renewal shall be accompanied by a fee
31 determined by the director of the department of public safety.

32 M. The department of public safety shall suspend or revoke a permit
33 issued under this section if the permit holder becomes ineligible pursuant
34 to subsection E of this section. The department of public safety shall
35 notify the permit holder in writing within fifteen working days after the
36 revocation or suspension and shall state the reasons for the revocation or
37 suspension.

38 N. An applicant shall demonstrate competence with a firearm through
39 any of the following:

40 1. Completion of any firearms safety or training course or class
41 that is available to the general public, that is offered by a law
42 enforcement agency, a junior college, a college or a private or public
43 institution, academy, organization or firearms training school and that is
44 approved by the department of public safety or that uses instructors who
45 are certified by the national rifle association.

1 2. Completion of any hunter education or hunter safety course
2 approved by the Arizona game and fish department or a similar agency of
3 another state.

4 3. Completion of any national rifle association firearms safety or
5 training course.

6 4. Completion of any law enforcement firearms safety or training
7 course or class that is offered for security guards, investigators,
8 special deputies or other divisions or subdivisions of law enforcement or
9 security enforcement and that is approved by the department of public
10 safety.

11 5. Evidence of current military service or proof of honorable
12 discharge or general discharge under honorable conditions from the United
13 States armed forces.

14 6. A valid current or expired concealed weapon, firearm or handgun
15 permit or license that is issued by another state or a political
16 subdivision of another state and that has a training or testing
17 requirement for initial issuance.

18 7. Completion of any governmental police agency firearms training
19 course and qualification to carry a firearm in the course of normal police
20 duties.

21 8. Completion of any other firearms safety or training course or
22 class that is conducted by a department of public safety approved or
23 national rifle association certified firearms instructor.

24 O. The department of public safety shall maintain information
25 comparing the number of permits requested, the number of permits issued
26 and the number of permits denied. The department shall annually report
27 this information electronically to the governor and the legislature.

28 P. The director of the department of public safety shall adopt
29 rules for the purpose of implementing and administering this section
30 including fees relating to permits that are issued pursuant to this
31 section.

32 Q. This state and any political subdivision of this state shall
33 recognize a concealed weapon, firearm or handgun permit or license that is
34 issued by another state or a political subdivision of another state if
35 both:

36 1. The permit or license is recognized as valid in the issuing
37 state.

38 2. The permit or license holder is all of the following:

39 (a) Legally present in this state.

40 (b) Not legally prohibited from possessing a firearm in this state.

41 R. For the purpose of establishing mutual permit or license
42 recognition with other states, the department of public safety shall enter
43 into a written agreement if another state requires a written agreement.
44 The department of public safety shall submit an electronic report to the

1 governor and the legislature each year that includes any changes that were
2 made in the previous year to a written agreement with another state.

3 S. Notwithstanding the provisions of this section, a person with a
4 concealed weapons permit from another state may not carry a concealed
5 weapon in this state if the person is under twenty-one years of age or is
6 under indictment for, or has been convicted of, a felony offense in any
7 jurisdiction, unless that conviction is expunged, set aside or vacated or
8 the person's rights have been restored and the person is currently not a
9 prohibited possessor under state or federal law.

10 T. The department of public safety may issue certificates of
11 firearms proficiency according to the Arizona peace officer standards and
12 training board firearms qualification for the purposes of implementing the
13 law enforcement officers safety act of 2004 (P.L. 108-277; 118 Stat. 865;
14 18 United States Code sections 926B and 926C). A law enforcement or
15 prosecutorial agency shall issue to a qualified retired law enforcement
16 officer who has honorably retired a photographic identification that
17 states that the officer has honorably retired from the agency. A person
18 who was a municipal, county or state prosecutor is deemed to meet the
19 qualifications of 18 United States Code section 926C(c)(2). The chief law
20 enforcement officer shall determine whether an officer has honorably
21 retired and the determination is not subject to review. A law enforcement
22 or prosecutorial agency has no obligation to revoke, alter or modify the
23 honorable discharge photographic identification based on conduct that the
24 agency becomes aware of or that occurs after the officer has separated
25 from the agency. For the purposes of this subsection, "qualified retired
26 law enforcement officer" has the same meaning prescribed in 18 United
27 States Code section 926C.

28 U. The initial and renewal application fees collected pursuant to
29 this section shall be deposited, pursuant to sections 35-146 and 35-147,
30 in the concealed weapons permit fund established by section 41-1722.