

REFERENCE TITLE: weapons; permit; firearms safety training

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HB 2422

Introduced by
Representatives Márquez: Aguilar

AN ACT

AMENDING SECTIONS 4-244, 8-385.01, 12-714, 12-721, 13-3102, 13-3105, 13-3112, 13-3118, 13-4401.01, 13-4903, 13-4904, AND 15-515, 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 4-244, Arizona Revised Statutes, is amended to
3 read:

4 4-244. Unlawful acts; definition

5 It is unlawful:

6 1. For a person to buy for resale, sell or deal in spirituous
7 liquors in this state without first having procured a license duly issued
8 by the board, except that the director may issue a temporary permit of any
9 series pursuant to section 4-205.05 to a trustee in bankruptcy to acquire
10 and dispose of the spirituous liquor of a debtor.

11 2. For a person to sell or deal in alcohol for beverage purposes
12 without first complying with this title.

13 3. For a distiller, vintner, brewer or wholesaler knowingly to
14 sell, dispose of or give spirituous liquor to any person other than a
15 licensee except in sampling wares as may be necessary in the ordinary
16 course of business, except in donating spirituous liquor to a nonprofit
17 organization that has obtained a special event license for the purpose of
18 charitable fundraising activities or except in donating spirituous liquor
19 with a cost to the distiller, brewer or wholesaler of up to \$500 in a
20 calendar year to an organization that is exempt from federal income taxes
21 under section 501(c) (3), (4), (6) or (7) of the internal revenue code and
22 not licensed under this title.

23 4. For a distiller, vintner or brewer to require a wholesaler to
24 offer or grant a discount to a retailer, unless the discount has also been
25 offered and granted to the wholesaler by the distiller, vintner or brewer.

26 5. For a distiller, vintner or brewer to use a vehicle for trucking
27 or transporting spirituous liquors unless there is affixed to both sides
28 of the vehicle a sign showing the name and address of the licensee and the
29 type and number of the person's license in letters not less than three and
30 one-half inches in height.

31 6. For a person to take or solicit orders for spirituous liquors
32 unless the person is a salesman or solicitor of a licensed wholesaler, a
33 salesman or solicitor of a distiller, brewer, vintner, importer or broker
34 or a registered retail agent.

35 7. For any retail licensee to purchase spirituous liquors from any
36 person other than a solicitor or salesman of a wholesaler licensed in this
37 state.

38 8. For a retailer to acquire an interest in property owned,
39 occupied or used by a wholesaler in the wholesaler's business, or in a
40 license with respect to the premises of the wholesaler.

41 9. Except as provided in paragraphs 10 and 11 of this section, for
42 a licensee or other person to sell, furnish, dispose of or give, or cause
43 to be sold, furnished, disposed of or given, to a person under the legal
44 drinking age or for a person under the legal drinking age to buy, receive,
45 have in the person's possession or consume spirituous liquor. This

1 paragraph does not prohibit the employment by an off-sale retailer of
2 persons who are at least sixteen years of age to check out, if supervised
3 by a person on the premises who is at least eighteen years of age, package
4 or carry merchandise, including spirituous liquor, in unbroken packages,
5 for the convenience of the customer of the employer, if the employer sells
6 primarily merchandise other than spirituous liquor.

7 10. For a licensee to employ a person under eighteen years of age
8 to manufacture, sell or dispose of spirituous liquors. This paragraph
9 does not prohibit the employment by an off-sale retailer of persons who
10 are at least sixteen years of age to check out, if supervised by a person
11 on the premises who is at least eighteen years of age, package or carry
12 merchandise, including spirituous liquor, in unbroken packages, for the
13 convenience of the customer of the employer, if the employer sells
14 primarily merchandise other than spirituous liquor.

15 11. For an on-sale retailer to employ a person under eighteen years
16 of age in any capacity connected with the handling of spirituous liquors.
17 This paragraph does not prohibit the employment by an on-sale retailer of
18 a person under eighteen years of age who cleans up the tables on the
19 premises for reuse, removes dirty dishes, keeps a ready supply of needed
20 items and helps clean up the premises.

21 12. For a licensee, when engaged in waiting on or serving
22 customers, to consume spirituous liquor or for a licensee or on-duty
23 employee to be on or about the licensed premises while in an intoxicated
24 or disorderly condition.

25 13. For an employee of a retail licensee, during that employee's
26 working hours or in connection with such employment, to give to or
27 purchase for any other person, accept a gift of, purchase for the employee
28 or consume spirituous liquor, except that:

29 (a) An employee of a licensee, during that employee's working hours
30 or in connection with the employment, while the employee is not engaged in
31 waiting on or serving customers, may give spirituous liquor to or purchase
32 spirituous liquor for any other person.

33 (b) An employee of an on-sale retail licensee, during that
34 employee's working hours or in connection with the employment, while the
35 employee is not engaged in waiting on or serving customers, may taste
36 samples of beer or wine of not more than four ounces per day or distilled
37 spirits of not more than two ounces per day provided by an employee of a
38 wholesaler or distributor who is present at the time of the sampling.

39 (c) An employee of an on-sale retail licensee, under the
40 supervision of a manager as part of the employee's training and education,
41 while not engaged in waiting on or serving customers may taste samples of
42 distilled spirits of not more than two ounces per educational session or
43 beer or wine of not more than four ounces per educational session, and
44 provided that a licensee does not have more than two educational sessions
45 in any thirty-day period.

1 (d) An unpaid volunteer who is a bona fide member of a club and who
2 is not engaged in waiting on or serving spirituous liquor to customers may
3 purchase for himself and consume spirituous liquor while participating in
4 a scheduled event at the club. An unpaid participant in a food
5 competition may purchase for himself and consume spirituous liquor while
6 participating in the food competition.

7 (e) An unpaid volunteer of a special event licensee under section
8 4-203.02 may purchase and consume spirituous liquor while not engaged in
9 waiting on or serving spirituous liquor to customers at the special event.
10 This subdivision does not apply to an unpaid volunteer whose
11 responsibilities include verification of a person's legal drinking age,
12 security or the operation of any vehicle or heavy machinery.

13 (f) A representative of a producer or wholesaler participating at a
14 special event under section 4-203.02 may consume small amounts of the
15 products of the producer or wholesaler on the premises of the special
16 event for the purpose of quality control.

17 14. For a licensee or other person to serve, sell or furnish
18 spirituous liquor to a disorderly or obviously intoxicated person, or for
19 a licensee or employee of the licensee to allow a disorderly or obviously
20 intoxicated person to come into or remain on or about the premises, except
21 that a licensee or an employee of the licensee may allow an obviously
22 intoxicated person to remain on the premises for not more than thirty
23 minutes after the state of obvious intoxication is known or should be
24 known to the licensee for a nonintoxicated person to transport the
25 obviously intoxicated person from the premises. For the purposes of this
26 section, "obviously intoxicated" means inebriated to the extent that a
27 person's physical faculties are substantially impaired and the impairment
28 is shown by significantly uncoordinated physical action or significant
29 physical dysfunction that would have been obvious to a reasonable person.

30 15. For an on-sale or off-sale retailer or an employee of such
31 retailer or an alcohol delivery contractor to sell, dispose of, deliver or
32 give spirituous liquor to a person between the hours of 2:00 a.m. and
33 6:00 a.m., except that:

34 (a) A retailer with off-sale privileges may receive and process
35 orders, accept payment or package, load or otherwise prepare spirituous
36 liquor for delivery at any time, if the actual deliveries to customers are
37 made between the hours of 6:00 a.m. and 2:00 a.m., at which time section
38 4-241, subsections A and K apply.

39 (b) The governor, in consultation with the governor's office of
40 highway safety and the public safety community in this state, may issue an
41 executive order that extends the closing time until 3:00 a.m. for
42 spirituous liquor sales in connection with a professional or collegiate
43 national sporting championship event held in this state.

44 16. For a licensee or employee to knowingly allow any person on or
45 about the licensed premises to give or furnish any spirituous liquor to

1 any person under twenty-one years of age or knowingly allow any person
2 under twenty-one years of age to have in the person's possession
3 spirituous liquor on the licensed premises.

4 17. For an on-sale retailer or an employee of such retailer to
5 allow a person to consume or possess spirituous liquors on the premises
6 between the hours of 2:30 a.m. and 6:00 a.m., except that if the governor
7 extends the closing time for a day for spirituous liquor sales pursuant to
8 paragraph 15 of this section it is unlawful for an on-sale retailer or an
9 employee of such retailer on that day to allow a person to consume or
10 possess spirituous liquor on the premises between the hours of 3:30 a.m.
11 and 6:00 a.m.

12 18. For an on-sale retailer to allow an employee or for an employee
13 to solicit or encourage others, directly or indirectly, to buy the
14 employee drinks or anything of value in the licensed premises during the
15 employee's working hours. An on-sale retailer shall not serve employees
16 or allow a patron of the establishment to give spirituous liquor to,
17 purchase liquor for or drink liquor with any employee during the
18 employee's working hours.

19 19. For an off-sale retailer or employee to sell spirituous liquor
20 except in the original unbroken container, to allow spirituous liquor to
21 be consumed on the premises or to knowingly allow spirituous liquor to be
22 consumed on adjacent property under the licensee's exclusive control.

23 20. For a person to consume spirituous liquor in a public place,
24 thoroughfare or gathering. The license of a licensee allowing a violation
25 of this paragraph on the premises shall be subject to revocation. This
26 paragraph does not apply to the sale of spirituous liquors on the premises
27 of and by an on-sale retailer. This paragraph also does not apply to a
28 person consuming beer or wine from a broken package in a public recreation
29 area or on private property with permission of the owner or lessor or on
30 the walkways surrounding such private property or to a person consuming
31 beer or wine from a broken package in a public recreation area as part of
32 a special event or festival that is conducted under a license secured
33 pursuant to section 4-203.02 or 4-203.03.

34 21. For a person to possess or to transport spirituous liquor that
35 is manufactured in a distillery, winery, brewery or rectifying plant
36 contrary to the laws of the United States and this state. Any property
37 used in transporting such spirituous liquor shall be forfeited to the
38 state and shall be seized and disposed of as provided in section 4-221.

39 22. For an on-sale retailer or employee to allow a person under the
40 legal drinking age to remain in an area on the licensed premises during
41 those hours in which its primary use is the sale, dispensing or
42 consumption of alcoholic beverages after the licensee, or the licensee's
43 employees, know or should have known that the person is under the legal
44 drinking age. An on-sale retailer may designate an area of the licensed
45 premises as an area in which spirituous liquor will not be sold or

1 consumed for the purpose of allowing underage persons on the premises if
2 the designated area is separated by a physical barrier and at no time will
3 underage persons have access to the area in which spirituous liquor is
4 sold or consumed. A licensee or an employee of a licensee may require a
5 person who intends to enter a licensed premises or a portion of a licensed
6 premises where persons under the legal drinking age are prohibited under
7 this section to exhibit an instrument of identification that is acceptable
8 under section 4-241 as a condition of entry or may use a biometric
9 identity verification device to determine the person's age as a condition
10 of entry. The director, or a municipality, may adopt rules to regulate
11 the presence of underage persons on licensed premises provided the rules
12 adopted by a municipality are more stringent than those adopted by the
13 director. The rules adopted by the municipality shall be adopted by local
14 ordinance and shall not interfere with the licensee's ability to comply
15 with this paragraph. This paragraph does not apply:

16 (a) If the person under the legal drinking age is accompanied by a
17 spouse, parent, grandparent or legal guardian of legal drinking age or is
18 an on-duty employee of the licensee.

19 (b) If the owner, lessee or occupant of the premises is a club as
20 defined in section 4-101, paragraph 8, subdivision (a) and the person
21 under the legal drinking age is any of the following:

22 (i) An active duty military service member.

23 (ii) A veteran.

24 (iii) A member of the United States army national guard or the
25 United States air national guard.

26 (iv) A member of the United States military reserve forces.

27 (c) To the area of the premises used primarily for serving food
28 during the hours when food is served.

29 23. For an on-sale retailer or employee to conduct drinking
30 contests, to sell or deliver to a person an unlimited number of spirituous
31 liquor beverages during any set period of time for a fixed price, to
32 deliver more than fifty ounces of beer, one liter of wine or four ounces
33 of distilled spirits in any spirituous liquor drink to one person at one
34 time for that person's consumption or to advertise any practice prohibited
35 by this paragraph. This paragraph does not prohibit an on-sale retailer
36 or employee from selling and delivering an opened, original container of
37 distilled spirits if:

38 (a) Service or pouring of the spirituous liquor is provided by an
39 employee of the on-sale retailer. A licensee shall not be charged for a
40 violation of this paragraph if a customer, without the knowledge of the
41 retailer, removes or tampers with a locking device on a bottle delivered
42 to the customer for bottle service and the customer pours the customer's
43 own drink from the bottle, if when the licensee becomes aware of the
44 removal or tampering of the locking device the licensee immediately

1 installs a functioning locking device on the bottle or removes the bottle
2 and lock from bottle service.

3 (b) The employee of the on-sale retailer monitors consumption to
4 ensure compliance with this paragraph. Locking devices may be used, but
5 are not required.

6 24. For a licensee or employee to knowingly allow the unlawful
7 possession, use, sale or offer for sale of narcotics, dangerous drugs or
8 marijuana on the premises. For the purposes of this paragraph, "dangerous
9 drug" has the same meaning prescribed in section 13-3401.

10 25. For a licensee or employee to knowingly allow prostitution or
11 the solicitation of prostitution on the premises.

12 26. For a licensee or employee to knowingly allow unlawful gambling
13 on the premises.

14 27. For a licensee or employee to knowingly allow trafficking or
15 attempted trafficking in stolen property on the premises.

16 28. For a licensee or employee to fail or refuse to make the
17 premises or records available for inspection and examination as provided
18 in this title or to comply with a lawful subpoena issued under this title.

19 29. For any person other than a peace officer while on duty or off
20 duty or a member of a sheriff's volunteer posse while on duty who has
21 received firearms training that is approved by the Arizona peace officer
22 standards and training board, a retired peace officer as defined in
23 section 38-1113 or an honorably retired law enforcement officer who has
24 been issued a certificate of firearms proficiency pursuant to section
25 13-3112, subsection ~~F~~ V, the licensee or an employee of the licensee
26 acting with the permission of the licensee to be in possession of a
27 firearm while on the licensed premises of an on-sale retailer. This
28 paragraph does not include a situation in which a person is on licensed
29 premises for a limited time in order to seek emergency aid and such person
30 does not buy, receive, consume or possess spirituous liquor. This
31 paragraph does not apply to:

32 (a) Hotel or motel guest room accommodations.

33 (b) Exhibiting or displaying a firearm in conjunction with a
34 meeting, show, class or similar event.

35 (c) A person with a permit issued pursuant to section 13-3112 who
36 carries a concealed handgun on the licensed premises of any on-sale
37 retailer that has not posted a notice pursuant to section 4-229.

38 30. For a licensee or employee to knowingly allow a person in
39 possession of a firearm other than a peace officer while on duty or off
40 duty or a member of a sheriff's volunteer posse while on duty who has
41 received firearms training that is approved by the Arizona peace officer
42 standards and training board, a retired peace officer as defined in
43 section 38-1113 or an honorably retired law enforcement officer who has
44 been issued a certificate of firearms proficiency pursuant to section
45 13-3112, subsection ~~F~~ V, the licensee or an employee of the licensee

1 acting with the permission of the licensee to remain on the licensed
2 premises or to serve, sell or furnish spirituous liquor to a person in
3 possession of a firearm while on the licensed premises of an on-sale
4 retailer. It is a defense to action under this paragraph if the licensee
5 or employee requested assistance of a peace officer to remove such
6 person. This paragraph does not apply to:

7 (a) Hotel or motel guest room accommodations.

8 (b) Exhibiting or displaying a firearm in conjunction with a
9 meeting, show, class or similar event.

10 (c) A person with a permit issued pursuant to section 13-3112 who
11 carries a concealed handgun on the licensed premises of any on-sale
12 retailer that has not posted a notice pursuant to section 4-229.

13 31. For any person in possession of a firearm while on the licensed
14 premises of an on-sale retailer to consume spirituous liquor. This
15 paragraph does not prohibit the consumption of small amounts of spirituous
16 liquor by an undercover peace officer on assignment to investigate the
17 licensed establishment.

18 32. For a licensee or employee to knowingly allow spirituous liquor
19 to be removed from the licensed premises, except in the original unbroken
20 package. This paragraph does not apply to any of the following:

21 (a) A person who removes a bottle of wine that has been partially
22 consumed in conjunction with a purchased meal from licensed premises if a
23 cork is inserted flush with the top of the bottle or the bottle is
24 otherwise securely closed.

25 (b) A person who is in licensed premises that have noncontiguous
26 portions that are separated by a public or private walkway or driveway and
27 who takes spirituous liquor from one portion of the licensed premises
28 across the public or private walkway or driveway directly to the other
29 portion of the licensed premises.

30 (c) A licensee of a bar, beer and wine bar, liquor store, beer and
31 wine store, microbrewery or restaurant that has a permit pursuant to
32 section 4-205.02, subsection H that dispenses beer only in a clean
33 container composed of a material approved by a national sanitation
34 organization with a maximum capacity that does not exceed one gallon and
35 not for consumption on the premises if:

36 (i) The licensee or the licensee's employee fills the container at
37 the tap at the time of sale.

38 (ii) The container is sealed and displays a government warning
39 label.

40 (d) A bar or liquor store licensee that prepares a mixed cocktail
41 or a restaurant licensee that ~~feases the privilege to sell mixed cocktails~~
42 ~~for consumption off the licensed premises pursuant to section 4-203.06 or~~
43 holds a permit pursuant to section 4-203.07 and section 4-205.02,
44 subsection K and that prepares a mixed cocktail and transfers it to a
45 clean container composed of a material approved by a national sanitation

1 organization with a maximum capacity that does not exceed thirty-two
2 ounces and not for consumption on the premises if all of the following
3 apply:

4 (i) The licensee or licensee's employee fills the container with
5 the mixed cocktail on the licensed premises of the bar, liquor store or
6 restaurant.

7 (ii) The container is tamperproof sealed by the licensee or the
8 licensee's employee and displays a government warning label.

9 (iii) The container clearly displays the bar's, liquor store's or
10 restaurant's logo or name.

11 (iv) For a restaurant licensee licensed pursuant to section
12 4-205.02, the sale of mixed cocktails for consumption off the licensed
13 premises is accompanied by the sale of menu food items for consumption on
14 or off the licensed premises.

15 33. For a person who is obviously intoxicated to buy or attempt to
16 buy spirituous liquor from a licensee or employee of a licensee or to
17 consume spirituous liquor on licensed premises.

18 34. For a person who is under twenty-one years of age to drive or
19 be in physical control of a motor vehicle while there is any spirituous
20 liquor in the person's body.

21 35. For a person who is under twenty-one years of age to operate or
22 be in physical control of a motorized watercraft that is underway while
23 there is any spirituous liquor in the person's body. For the purposes of
24 this paragraph, "underway" has the same meaning prescribed in section
25 5-301.

26 36. For a licensee, manager, employee or controlling person to
27 purposely induce a voter, by means of alcohol, to vote or abstain from
28 voting for or against a particular candidate or issue on an election day.

29 37. For a licensee to fail to report an occurrence of an act of
30 violence to either the department or a law enforcement agency.

31 38. For a licensee to use a vending machine for the purpose of
32 dispensing spirituous liquor.

33 39. For a licensee to offer for sale a wine carrying a label
34 including a reference to Arizona or any Arizona city, town or geographic
35 location unless at least seventy-five percent by volume of the grapes used
36 in making the wine were grown in Arizona.

37 40. For a retailer to knowingly allow a customer to bring
38 spirituous liquor onto the licensed premises, except that an on-sale
39 retailer may allow a wine and food club to bring wine onto the premises
40 for consumption by the club's members and guests of the club's members in
41 conjunction with meals purchased at a meeting of the club that is
42 conducted on the premises and that at least seven members attend. An
43 on-sale retailer that allows wine and food clubs to bring wine onto its
44 premises under this paragraph shall comply with all applicable provisions
45 of this title and any rules adopted pursuant to this title to the same

1 extent as if the on-sale retailer had sold the wine to the members of the
2 club and their guests. For the purposes of this paragraph, "wine and food
3 club" means an association that has more than twenty bona fide members
4 paying at least \$6 per year in dues and that has been in existence for at
5 least one year.

6 41. For a person who is under twenty-one years of age to have in
7 the person's body any spirituous liquor. In a prosecution for a violation
8 of this paragraph:

9 (a) Pursuant to section 4-249, it is a defense that the spirituous
10 liquor was consumed in connection with the bona fide practice of a
11 religious belief or as an integral part of a religious exercise and in a
12 manner not dangerous to public health or safety.

13 (b) Pursuant to section 4-226, it is a defense that the spirituous
14 liquor was consumed for a bona fide medicinal purpose and in a manner not
15 dangerous to public health or safety.

16 42. For an employee of a licensee to accept any gratuity,
17 compensation, remuneration or consideration of any kind to either:

18 (a) Allow a person who is under twenty-one years of age to enter
19 any portion of the premises where that person is prohibited from entering
20 pursuant to paragraph 22 of this section.

21 (b) Sell, furnish, dispose of or give spirituous liquor to a person
22 who is under twenty-one years of age.

23 43. For a person to purchase, offer for sale or use any device,
24 machine or process that mixes spirituous liquor with pure oxygen or
25 another gas to produce a vaporized product for the purpose of consumption
26 by inhalation or to allow patrons to use any item for the consumption of
27 vaporized spirituous liquor.

28 44. For a retail licensee or an employee of a retail licensee to
29 sell spirituous liquor to a person if the retail licensee or employee
30 knows the person intends to resell the spirituous liquor.

31 45. Except as authorized by paragraph 32, subdivision (c) of this
32 section, for a person to reuse a bottle or other container authorized for
33 use by the laws of the United States or any agency of the United States
34 for the packaging of distilled spirits or for a person to increase the
35 original contents or a portion of the original contents remaining in a
36 liquor bottle or other authorized container by adding any substance.

37 46. For a direct shipment licensee, a farm winery licensee or an
38 employee of those licensees to sell, dispose of, deliver or give
39 spirituous liquor to an individual purchaser between the hours of
40 2:00 a.m. and 6:00 a.m., except that a direct shipment licensee or a farm
41 winery licensee may receive and process orders, accept payment, package,
42 load or otherwise prepare wine for delivery at any time without complying
43 with section 4-241, subsections A and K, if the actual deliveries to
44 individual purchasers are made between the hours of 6:00 a.m. and

1 2:00 a.m. and in accordance with section 4-203.04 for direct shipment
2 licensees and section 4-205.04 for farm winery licensees.

3 47. For a supplier to coerce or attempt to coerce a wholesaler to
4 accept delivery of beer or any other commodity that has not been ordered
5 by the wholesaler or for which the order was canceled. A supplier may
6 impose reasonable inventory requirements on a wholesaler if the
7 requirements are made in good faith and are generally applied to other
8 similarly situated wholesalers that have an agreement with the supplier.

9 Sec. 2. Section 8-385.01, Arizona Revised Statutes, is amended to
10 read:

11 8-385.01. Victims' rights for neighborhood associations

12 A. A neighborhood association may register with the city, town or
13 county in which the neighborhood association is located to invoke the
14 rights that are afforded pursuant to this article. The city, town or
15 county shall establish procedures for the registration of neighborhood
16 associations pursuant to this section. The procedures shall require the
17 neighborhood association to provide to the city, town or county the name
18 and telephone number of one person who shall act on behalf of the
19 neighborhood association and who may receive notice or invoke rights
20 pursuant to this section. The neighborhood association shall notify the
21 city, town or county of any changes to this information. If the
22 neighborhood association fails to keep this information current, the
23 neighborhood association is deemed to have waived its rights under this
24 section.

25 B. Notwithstanding any law to the contrary, if a juvenile commits
26 an act that if committed by an adult would be a crime under section
27 13-1602, subsection A, paragraph 5, section 13-3102, subsection A,
28 paragraph ~~9~~ 10, section 13-3201 or 13-3204, section 13-3208, subsection B
29 or section 13-3209, 13-3405, 13-3407, 13-3408, 13-3421 or 13-4702, a
30 neighborhood association that is registered with a city, town or county
31 pursuant to subsection A of this section may receive notice or may invoke
32 rights pursuant to the following sections:

- 33 1. Section 8-390.
- 34 2. Section 8-400.
- 35 3. Section 8-405.

36 C. Sections 8-407, 8-413 and 8-415 apply to all matters in which a
37 neighborhood association invokes rights under this section.

38 D. If the neighborhood association wishes to invoke victims' rights
39 for a crime as prescribed in subsection B of this section that resulted in
40 an arrest, the person who is registered with the city, town or county
41 pursuant to subsection A of this section shall contact the law enforcement
42 agency responsible for the arrest. The law enforcement agency shall fill
43 out the form prescribed by section 8-386. Thereafter the neighborhood
44 association, through the contact person, shall be afforded all of the
45 rights listed under subsection B of this section.

1 Sec. 3. Section 12-714, Arizona Revised Statutes, is amended to
2 read:

3 12-714. Actions against firearm manufacturers; prohibition;
4 findings; definitions

5 A. A political subdivision of this state shall not commence a
6 qualified civil liability action in any Arizona court.

7 B. The legislature finds that:

8 1. The citizens of this state have the right, under the second
9 amendment to the United States Constitution and article ~~2~~ II, section 26
10 of the Arizona Constitution, to keep and bear arms.

11 2. Lawsuits have been commenced against the manufacturers,
12 distributors, dealers and importers of nondefective firearms for the harm
13 caused by the misuse of firearms by third parties, including criminals.

14 3. Businesses in the United States that are engaged in the lawful
15 sale to the public of firearms or ammunition are not, ~~and~~ and should not be
16 liable for the harm caused by those who unlawfully misuse firearms or
17 ammunition.

18 4. The possibility of imposing liability on an entire industry for
19 harm that is the sole responsibility of others is an abuse of the legal
20 system, threatens the diminution of a basic constitutional right and
21 constitutes an unreasonable burden on the free enterprise system.

22 5. The liability actions commenced by political subdivisions are
23 based on theories without foundation in the common law and American
24 jurisprudence. Such an expansion of liability would constitute a
25 deprivation of the rights, privileges and immunities guaranteed to
26 citizens of this state under both the Constitution of Arizona and the
27 United States Constitution.

28 C. ~~As used in~~ FOR THE PURPOSES OF this section:

29 1. "Manufacturer" means, with respect to a qualified product:

30 (a) A person who is engaged in a business to import, make, produce,
31 create or assemble a qualified product and who designs or formulates, or
32 has engaged another person to design or formulate, a qualified product.

33 (b) A seller of a qualified product, but only with respect to an
34 aspect of the product that is made or affected when the seller makes,
35 produces, creates or assembles and designs or formulates an aspect of the
36 product made by another person.

37 (c) Any seller of a qualified product who represents to a user of a
38 qualified product that the seller is a manufacturer of the qualified
39 product.

40 2. "Qualified civil liability action" means a civil action brought
41 by a political subdivision against a manufacturer or seller of a qualified
42 product or a trade association, ~~for~~ for damages resulting from the criminal
43 or unlawful misuse of a qualified product by a third party. Qualified
44 civil liability action does not include an action brought against a
45 transferor convicted under 18 United States Code section 924(h) or section

13-3102, subsection A, paragraph ~~14~~, 15 by a party directly harmed by the conduct of which the transferee is convicted.

3. "Qualified product" means a nondefective firearm as defined in 18 United States Code section 921(a)(3) or nondefective ammunition as defined in 18 United States Code section 921(a)(17), or a component part of a firearm or ammunition, that has been shipped or transported in interstate or foreign commerce.

4. "Seller" means, with respect to a qualified product, a person who either:

(a) In the course of a business conducted for that purpose sells, distributes, rents, leases, prepares, blends, packages, labels or otherwise is involved in placing a qualified product in the stream of commerce.

(b) Installs, repairs, refurbishes, reconditions or maintains an aspect of a qualified product that is alleged to have resulted in damages.

5. "Trade association" means any association or business organization, whether or not incorporated under federal or state law, two or more members of which are manufacturers or sellers of a qualified product.

Sec. 4. Section 12-721, Arizona Revised Statutes, is amended to read:

12-721. Prohibited commencement of qualified civil liability actions; firearm manufacturers and sellers; applicability; attorney fees and costs; definitions

A. A person may not commence a qualified civil liability action.

B. This section does not prohibit a person who is under seventeen years of age from recovering damages pursuant to a civil action authorized by a federal or state law described in subsection ~~C~~ D, paragraph 4, subdivision (c), item (i), (ii), (iii), (iv) or (v) of this section.

C. The prevailing party in an action filed pursuant to this section shall recover reasonable attorney fees and costs.

D. For the purposes of this section:

1. "Engaged in the business" means any of the following:

(a) As applied to a manufacturer of firearms, a person that devotes time, attention and labor to manufacturing firearms as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the manufactured firearms.

(b) As applied to a manufacturer of ammunition, a person that devotes time, attention and labor to manufacturing ammunition as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the manufactured ammunition.

(c) As applied to a dealer in firearms, as defined in 18 United States Code section 921(a)(11)(A), a person that devotes time, attention and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the

1 repetitive purchase and resale of firearms but does not include a person
2 who makes occasional sales, exchanges or purchases of firearms for the
3 enhancement of a personal collection or for a hobby or who sells all or
4 part of the person's personal collection of firearms.

5 (d) As applied to a dealer in firearms, as defined in 18 United
6 States Code section 921(a)(11)(B), a person that devotes time, attention
7 and labor to engaging in the activity as a regular course of trade or
8 business with the principal objective of livelihood and profit but does
9 not include a person who makes occasional repairs of firearms or who
10 occasionally fits special barrels, stocks or trigger mechanisms to
11 firearms.

12 (e) As applied to an importer of firearms, a person that devotes
13 time, attention and labor to importing firearms as a regular course of
14 trade or business with the principal objective of livelihood and profit
15 through the sale or distribution of the imported firearms.

16 (f) As applied to an importer of ammunition, a person that devotes
17 time, attention and labor to importing ammunition as a regular course of
18 trade or business with the principal objective of livelihood and profit
19 through the sale or distribution of the imported ammunition.

20 2. "Manufacturer" means, with respect to a qualified product, a
21 person that is engaged in the business of manufacturing the product in
22 interstate or foreign commerce and that is licensed to engage in business.

23 3. "Negligent entrustment" means supplying a qualified product by a
24 seller for use by another person when the seller knows, or reasonably
25 should know, the person to whom the product is supplied is likely to, and
26 does, use the product in a manner involving unreasonable risk of physical
27 injury to the person or others.

28 4. "Qualified civil liability action" means a civil action or
29 proceeding or an administrative proceeding brought by any person against a
30 manufacturer or seller of a qualified product or a trade association for
31 damages, punitive damages, injunctive or declaratory relief, abatement,
32 restitution, fines, penalties or other relief resulting from the criminal
33 or unlawful misuse of a qualified product by the person or a third party.
34 Qualified civil liability action does not include:

35 (a) An action brought against a transferor convicted under 18
36 United States Code section 924(h) or section 13-3102, subsection A,
37 paragraph ~~14~~ 15 by a party directly harmed by the conduct of which the
38 transferee is convicted.

39 (b) An action brought against a seller for negligent entrustment or
40 negligence per se.

41 (c) An action in which a manufacturer or seller of a qualified
42 product knowingly violated a state or federal law applicable to the sale
43 of the qualified product and the violation was a proximate cause of the
44 harm for which relief is sought, including any of the following:

1 (i) Any case in which the manufacturer or seller knowingly made any
2 false entry in or failed to make appropriate entry in any record required
3 to be kept under federal or state law with respect to the qualified
4 product or aided, abetted or conspired with any person in making any false
5 or fictitious oral or written statement with respect to any fact material
6 to the lawfulness of the sale or other disposition of a qualified product.

7 (ii) Any case in which the manufacturer or seller aided, abetted or
8 conspired with any other person to sell or otherwise dispose of a
9 qualified product, knowing or having reasonable cause to believe that the
10 actual buyer of the qualified product was prohibited from possessing or
11 receiving a firearm or ammunition under 18 United States Code section
12 922(g) or (n).

13 (iii) An action for breach of contract or warranty in connection
14 with the purchase of the qualified product.

15 (iv) An action for death, physical injury or property damage
16 resulting directly from a defect in the design or manufacture of the
17 qualified product, when used as intended or in a reasonably foreseeable
18 manner, except that if the discharge of the qualified product was caused
19 by a volitional act that constituted a criminal offense, the act is
20 considered the sole proximate cause of any resulting death, personal
21 injury or property damage.

22 (v) An action or proceeding commenced by the United States attorney
23 general to enforce 18 United States Code chapter 44 or 26 United States
24 Code chapter 53.

25 5. "Qualified product" means a firearm as defined in 18 United
26 States Code section 921(a)(3)(A) or (B), including an antique firearm as
27 defined in 18 United States Code section 921(a)(16) or ammunition as
28 defined in 18 United States Code section 921(a)(17)(A) or a component part
29 of a firearm or ammunition, that has been shipped or transported in
30 interstate or foreign commerce.

31 6. "Seller" means, with respect to a qualified product, any of the
32 following:

33 (a) An importer as defined in 18 United States Code section
34 921(a)(9) that is engaged in the business as an importer in interstate or
35 foreign commerce and that is licensed to engage in business as an importer
36 under 18 United States Code chapter 44.

37 (b) A dealer as defined in 18 United States Code section 921(a)(11)
38 that is engaged in the business as a dealer in interstate or foreign
39 commerce and that is licensed to engage in business as a dealer under 18
40 United States Code chapter 44.

41 (c) A person that is engaged in the business of selling ammunition
42 as defined in 18 United States Code section 921(a)(17)(A) in interstate or
43 foreign commerce at the wholesale or retail level.

7. "Trade association" means any corporation, unincorporated association, federation, business league or professional or business organization that ~~is~~ MEETS all of the following:

(a) IS not organized or operated for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual.

(b) Is an organization described in 26 United States Code section 501(c)(6) and is exempt from tax under 26 United States Code section 501(a).

(c) HAS two or more members ~~of which~~ THAT are manufacturers or sellers of a qualified product.

8. "With the principal objective of livelihood and profit" means the intent underlying the sale or disposition of firearms is predominantly one of obtaining livelihood and pecuniary gain as opposed to other intents, including improving or liquidating a personal firearms collection.

Sec. 5. 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. CARRYING A DEADLY WEAPON WITHOUT A PERMIT PURSUANT TO SECTION 13-3112 EXCEPT A POCKET KNIFE CONCEALED ON HIS PERSON; OR

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

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

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

~~2.~~ 3. Carrying a deadly weapon except a pocket knife concealed on his person or concealed within his immediate control in or on a means of transportation if the person is under twenty-one years of age; or

~~3.~~ 4. Manufacturing, possessing, transporting, selling or transferring a prohibited weapon, except that if the violation involves dry ice, a person commits misconduct involving weapons by knowingly possessing the dry ice with the intent to cause injury to or death of another person or to cause damage to the property of another person; or

~~4.~~ 5. Possessing a deadly weapon or prohibited weapon if such person is a prohibited possessor; or

~~5.~~ 6. Selling or transferring a deadly weapon to a prohibited possessor; or

~~6.~~ 7. Defacing a deadly weapon; or

~~7.~~ 8. Possessing a defaced deadly weapon knowing the deadly weapon was defaced; or

~~8.~~ 9. Using or possessing a deadly weapon during the commission of any felony offense included in chapter 34 of this title; or

~~9.~~ 10. Discharging a firearm at an occupied structure in order to assist, promote or further the interests of a criminal street gang, a criminal syndicate or a racketeering enterprise; or

~~10.~~ 11. Unless specifically authorized by law, entering any public establishment or attending any public event and carrying a deadly weapon on his person after a reasonable request by the operator of the establishment or the sponsor of the event or the sponsor's agent to remove his weapon and place it in the custody of the operator of the establishment or the sponsor of the event for temporary and secure storage of the weapon pursuant to section 13-3102.01; or

~~11.~~ 12. Unless specifically authorized by law, entering an election polling place on the day of any election carrying a deadly weapon; or

~~12.~~ 13. Possessing a deadly weapon on school grounds; or

~~13.~~ 14. Unless specifically authorized by law, entering a nuclear or hydroelectric generating station carrying a deadly weapon on his person or within the immediate control of any person; or

~~14.~~ 15. Supplying, selling or giving possession or control of a firearm to another person if the person knows or has reason to know that the other person would use the firearm in the commission of any felony; or

~~15.~~ 16. Using, possessing or exercising control over a deadly weapon in furtherance of any act of terrorism as defined in section 13-2301 or possessing or exercising control over a deadly weapon knowing or having reason to know that it will be used to facilitate any act of terrorism as defined in section 13-2301; or

~~16.~~ 17. Trafficking in weapons or explosives for financial gain in order to assist, promote or further the interests of a criminal street gang, a criminal syndicate or a racketeering enterprise.

B. Subsection A, ~~paragraph~~ PARAGRAPHS 1 AND 2 of this section shall not apply to:

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

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

3. A firearm that is carried in:

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

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

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

4 (d) Luggage.

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

8 C. Subsection A, paragraphs ~~2~~, 3, 4, ~~7~~, 8, ~~10~~, 11, 12, ~~and~~ 13 AND
9 14 of this section shall not apply to:

10 1. A peace officer or any person summoned by any peace officer to
11 assist and while actually assisting in the performance of official duties;
12 or

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

15 3. A warden, deputy warden, community correctional officer,
16 detention officer, special investigator or correctional officer of the
17 state department of corrections or the department of juvenile corrections;
18 or

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

21 D. Subsection A, paragraph ~~10~~ 11 of this section does not apply to
22 an elected or appointed judicial officer in the court facility where the
23 judicial officer works if the judicial officer has demonstrated competence
24 with a firearm as prescribed in section 13-3112, subsection N, except that
25 the judicial officer shall comply with any rule or policy adopted by the
26 presiding judge of the superior court while in the court facility. For
27 the purposes of this subsection, appointed judicial officer does not
28 include a hearing officer or a judicial officer pro tempore who is not a
29 full-time officer.

30 E. Subsection A, paragraphs ~~3~~ 4 and ~~7~~ 8 of this section shall not
31 apply to:

32 1. The possessing, transporting, selling or transferring of weapons
33 by a museum as a part of its collection or an educational institution for
34 educational purposes or by an authorized employee of such museum or
35 institution, if:

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

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

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

43 3. Acquisition by a person by operation of law such as by gift,
44 devise or descent or in a fiduciary capacity as a recipient of the

1 property or former property of an insolvent, incapacitated or deceased
2 person.

3 F. Subsection A, paragraph ~~3~~ 4 of this section shall not apply to
4 the merchandise of an authorized manufacturer of or dealer in prohibited
5 weapons, when such material is intended to be manufactured, possessed,
6 transported, sold or transferred solely for or to a dealer, a regularly
7 constituted or appointed state, county or municipal police department or
8 police officer, a detention facility, the military service of this or
9 another state or the United States, a museum or educational institution or
10 a person specifically licensed or permitted pursuant to federal or state
11 law.

12 G. Subsection A, paragraph ~~10~~ 11 of this section shall not apply to
13 shooting ranges or shooting events, hunting areas or similar locations or
14 activities.

15 H. Subsection A, paragraph ~~12~~ 13 of this section shall not apply to
16 a weapon if ~~such~~ THE weapon is possessed for the purposes of preparing
17 for, conducting or participating in hunter or firearm safety courses.

18 I. Subsection A, paragraph ~~12~~ 13 of this section shall not apply to
19 the possession of a:

20 1. Firearm that is not loaded and that is carried within a means of
21 transportation under the control of an adult provided that if the adult
22 leaves the means of transportation the firearm shall not be visible from
23 the outside of the means of transportation and the means of transportation
24 shall be locked.

25 2. Firearm for use on the school grounds in a program approved by a
26 school.

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

32 J. Subsection A, paragraphs ~~2~~, 3, ~~7~~ 4, 8 and ~~13~~ 14 of this section
33 shall not apply to commercial nuclear generating station armed nuclear
34 security guards during the performance of official duties or during any
35 security training exercises sponsored by the commercial nuclear generating
36 station or local, state or federal authorities.

37 K. The operator of the establishment or the sponsor of the event or
38 the employee of the operator or sponsor or the agent of the sponsor,
39 including a public entity or public employee, is not liable for acts or
40 omissions pursuant to subsection A, paragraph ~~10~~ 11 of this section unless
41 the operator, sponsor, employee or agent intended to cause injury or was
42 grossly negligent.

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

1 M. Misconduct involving weapons under subsection A, paragraph ~~15~~ 16
 2 of this section is a class 2 felony. Misconduct involving weapons under
 3 subsection A, paragraph ~~9, 14~~ 10, 15 or ~~16~~ 17 of this section is a class 3
 4 felony. Misconduct involving weapons under subsection A, paragraph ~~3~~, 4,
 5 ~~5, 8~~ 9 or ~~13~~ 14 of this section is a class 4 felony. Misconduct
 6 involving weapons under subsection A, paragraph ~~12~~ 13 of this section is a
 7 class 1 misdemeanor unless the violation occurs in connection with conduct
 8 that violates section 13-2308, subsection A, paragraph 5, section 13-2312,
 9 subsection C, section 13-3409 or section 13-3411, in which case the
 10 offense is a class 6 felony. Misconduct involving weapons under
 11 subsection A, paragraph ~~1~~ 2, subdivision (a) of this section or
 12 subsection A, paragraph ~~5~~, 6, ~~or~~ 7 OR 8 of this section is a class 6
 13 felony. Misconduct involving weapons under subsection A, paragraph ~~1~~ 2,
 14 subdivision (b) of this section or subsection A, paragraph ~~10~~ 11 or ~~11~~ 12
 15 of this section is a class 1 misdemeanor. Misconduct involving weapons
 16 under subsection A, paragraph ~~2~~ 3 of this section is a class 3
 17 misdemeanor.

18 N. For the purposes of this section:

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

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

26 3. "Public event" means a specifically named or sponsored event of
 27 limited duration that is either conducted by a public entity or conducted
 28 by a private entity with a permit or license granted by a public entity.
 29 Public event does not include an unsponsored gathering of people in a
 30 public place.

31 4. "School" means a public or nonpublic kindergarten program,
 32 common school or high school.

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

34 Sec. 6. Section 13-3105, Arizona Revised Statutes, is amended to
 35 read:

36 13-3105. Forfeiture of weapons and explosives

37 A. On the conviction of any person for a violation of any felony in
 38 this state in which a deadly weapon, dangerous instrument or explosive was
 39 used, displayed or unlawfully possessed by the person, the court shall
 40 order the article forfeited and sold within one year after its forfeiture
 41 to any business that is authorized to receive and dispose of the article
 42 under federal and state law and that shall sell the article to the public
 43 according to federal and state law, unless the article is otherwise
 44 prohibited from being sold under federal and state law, in which case it
 45 shall be destroyed or otherwise properly disposed.

1 B. On the conviction of any person for a violation of section
2 13-2904, subsection A, paragraph 6 or section 13-3102, subsection A,
3 paragraph 1, 2 or ~~8~~ 9, the court may order the forfeiture of the deadly
4 weapon or dangerous instrument involved in the offense.

5 C. If at any time the court finds pursuant to rule 11 of the
6 Arizona rules of criminal procedure that a person who is charged with a
7 violation of this title is incompetent, the court shall order that any
8 deadly weapon, dangerous instrument or explosive used, displayed or
9 unlawfully possessed by the person during the commission of the alleged
10 offense be forfeited and sold within one year after its forfeiture to any
11 business that is authorized to receive and dispose of the article under
12 federal and state law and that shall sell the article to the public
13 according to federal and state law, unless the article is otherwise
14 prohibited from being sold under federal and state law, in which case it
15 shall be destroyed or otherwise properly disposed.

16 Sec. 7. Section 13-3112, Arizona Revised Statutes, is amended to
17 read:

18 13-3112. Concealed weapons; qualification; application; permit
19 to carry; civil penalty; report; applicability;
20 annual report

21 A. The department of public safety shall issue a permit to carry a
22 concealed weapon to a person who is qualified under this section. The
23 person shall carry the permit at all times when the person is in actual
24 possession of the concealed weapon and is required by section 4-229 or
25 4-244 to carry the permit. If the person is in actual possession of the
26 concealed weapon and is required by section 4-229 or 4-244 to carry the
27 permit, the person shall present the permit for inspection to any law
28 enforcement officer on request. The department of public safety shall
29 prioritize applications of in-state residents when issuing a permit to
30 carry a concealed weapon.

31 B. The permit of a person who is arrested or indicted for an
32 offense that would make the person unqualified under section 13-3101,
33 subsection A, paragraph 7 or this section shall be immediately suspended
34 and seized. The permit of a person who becomes unqualified on conviction
35 of that offense shall be revoked. The permit shall be restored on
36 presentation of documentation from the court if the permittee is found not
37 guilty or the charges are dismissed. The permit shall be restored on
38 presentation of documentation from the county attorney that the charges
39 against the permittee were dropped or dismissed.

40 C. A permittee who carries a concealed weapon, who is required by
41 section 4-229 or 4-244 to carry a permit and who fails to present the
42 permit for inspection on the request of a law enforcement officer commits
43 a violation of this subsection and is subject to a civil penalty of not
44 more than \$300. The department of public safety shall be notified of all
45 violations of this subsection and shall immediately suspend the permit.

THE PERMITTEE SHALL PRESENT THE PERMIT TO THE LAW ENFORCEMENT AGENCY OR THE COURT. ON NOTIFICATION OF THE PRESENTATION OF THE PERMIT, THE DEPARTMENT SHALL RESTORE THE PERMIT. A permittee shall not be convicted of a violation of this subsection if the permittee produces to the court a legible permit that is issued to the permittee and that was valid at the time the permittee failed to present the permit for inspection.

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

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

1. Is a resident of this state or a United States citizen.

2. Is twenty-one years of age or older or is at least nineteen years of age and provides evidence of current military service or proof of honorable discharge or general discharge under honorable conditions from the United States armed forces, the United States armed forces reserve or a state national guard.

3. Is not under indictment for and has not been convicted in any jurisdiction of a felony unless that conviction has been expunged, set aside or vacated or the applicant's rights have been restored and the applicant is currently not a prohibited possessor under state or federal law.

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

5. Is not unlawfully present in the United States.

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

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

~~(b) An original or copy of a certificate, card or document that shows the applicant has ever completed any course or class prescribed by subsection N of this section or an affidavit from the instructor, school, club or organization that conducted or taught the course or class attesting to the applicant's completion of the course or class.~~

~~(c) An original or a copy of a United States department of defense form 214 (DD-214) indicating an honorable discharge or general discharge under honorable conditions, a certificate of completion of basic training or any other document demonstrating proof of the applicant's current or~~

~~former service in the United States armed forces as prescribed by subsection N, paragraph 5 of this section.~~

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

6. HAS EVER SATISFACTORILY COMPLETED A FIREARMS SAFETY TRAINING PROGRAM AUTHORIZED BY THE DEPARTMENT OF PUBLIC SAFETY PURSUANT TO SUBSECTION N OF THIS SECTION AND PROVIDES ADEQUATE DOCUMENTATION THAT THE AUTHORIZED TRAINING PROGRAM WAS SATISFACTORILY COMPLETED. FOR THE PURPOSES OF THIS PARAGRAPH, "ADEQUATE DOCUMENTATION" MEANS:

(a) A CERTIFICATE, CARD OR DOCUMENT OF COMPLETION FROM A FIREARMS SAFETY TRAINING PROGRAM AUTHORIZED PURSUANT TO SUBSECTION N OF THIS SECTION THAT IS DATED NOT MORE THAN FIVE YEARS EARLIER THAN THE DATE OF APPLICATION AND THAT HAS AFFIXED TO IT THE STAMP, SIGNATURE OR SEAL OF THE INSTRUCTOR OR ORGANIZATION THAT CONDUCTED THE PROGRAM.

(b) A CURRENT OR EXPIRED PERMIT ISSUED BY THE DEPARTMENT OF PUBLIC SAFETY PURSUANT TO THIS SECTION.

(c) AN ORIGINAL OR A COPY OF A UNITED STATES DEPARTMENT OF DEFENSE FORM 214 (DD-214) INDICATING AN HONORABLE DISCHARGE OR GENERAL DISCHARGE UNDER HONORABLE CONDITIONS, A CERTIFICATE OF COMPLETION OF BASIC TRAINING OR ANY OTHER DOCUMENT DEMONSTRATING PROOF OF THE APPLICANT'S CURRENT OR FORMER SERVICE IN THE UNITED STATES ARMED FORCES.

(d) AN ORIGINAL OR A COPY OF A CONCEALED WEAPON, FIREARM OR HANDGUN PERMIT THAT IS ISSUED BY ANOTHER STATE OR A POLITICAL SUBDIVISION OF ANOTHER STATE PURSUANT TO SUBSECTION S OF THIS SECTION AND THAT HAS A TRAINING OR TESTING REQUIREMENT FOR INITIAL ISSUANCE.

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

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

H. The department of public safety shall complete all of the required qualification checks within sixty days after receiving the application and shall issue a permit within fifteen working days after

1 completing the qualification checks if the applicant meets all of the
2 conditions specified in subsection E of this section. If a permit is
3 denied, the department of public safety shall notify the applicant in
4 writing within fifteen working days after completing all of the required
5 qualification checks and shall state the reasons why the application was
6 denied. On receipt of the notification of the denial, the applicant has
7 twenty days to submit any additional documentation to the department. On
8 receipt of the additional documentation, the department shall reconsider
9 its decision and inform the applicant within twenty days of the result of
10 the reconsideration. If denied, the applicant shall be informed that the
11 applicant may request a hearing pursuant to title 41, chapter 6,
12 article 10. For the purposes of this subsection, "receiving the
13 application" means the first day that the department has physical control
14 of the application and that is presumed to be on the date of delivery as
15 evidenced by proof of delivery by the United States postal service or a
16 written receipt, which shall be provided by the department on request of
17 the applicant.

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

24 J. The department of public safety shall maintain a computerized
25 permit record system that is accessible to criminal justice agencies for
26 the purpose of confirming the permit status of any person who is contacted
27 by a law enforcement officer and who claims to hold a valid permit issued
28 by this state. This information and any other records that are maintained
29 regarding applicants, permit holders or instructors shall not be available
30 to any other person or entity except on an order from a state or federal
31 court. A criminal justice agency shall not use the computerized permit
32 record system to conduct inquiries on whether a person is a concealed
33 weapons permit holder unless the criminal justice agency has reasonable
34 suspicion to believe the person is carrying a concealed weapon and the
35 person is subject to a lawful criminal investigation, arrest, detention or
36 investigatory stop.

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

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

3 M. The department of public safety shall suspend or revoke a permit
4 issued under this section if the permit holder becomes ineligible pursuant
5 to subsection E of this section. The department of public safety shall
6 notify the permit holder in writing within fifteen working days after the
7 revocation or suspension and shall state the reasons for the revocation or
8 suspension.

9 ~~N. An applicant shall demonstrate competence with a firearm through~~
10 ~~any of the following:~~

11 ~~1. Completion of any firearms safety or training course or class~~
12 ~~that is available to the general public, that is offered by a law~~
13 ~~enforcement agency, a junior college, a college or a private or public~~
14 ~~institution, academy, organization or firearms training school and that is~~
15 ~~approved by the department of public safety or that uses instructors who~~
16 ~~are certified by the national rifle association.~~

17 ~~2. Completion of any hunter education or hunter safety course~~
18 ~~approved by the Arizona game and fish department or a similar agency of~~
19 ~~another state.~~

20 ~~3. Completion of any national rifle association firearms safety or~~
21 ~~training course.~~

22 ~~4. Completion of any law enforcement firearms safety or training~~
23 ~~course or class that is offered for security guards, investigators,~~
24 ~~special deputies or other divisions or subdivisions of law enforcement or~~
25 ~~security enforcement and that is approved by the department of public~~
26 ~~safety.~~

27 ~~5. Evidence of current military service or proof of honorable~~
28 ~~discharge or general discharge under honorable conditions from the United~~
29 ~~States armed forces.~~

30 ~~6. A valid current or expired concealed weapon, firearm or handgun~~
31 ~~permit or license that is issued by another state or a political~~
32 ~~subdivision of another state and that has a training or testing~~
33 ~~requirement for initial issuance.~~

34 ~~7. Completion of any governmental police agency firearms training~~
35 ~~course and qualification to carry a firearm in the course of normal police~~
36 ~~duties.~~

37 ~~8. Completion of any other firearms safety or training course or~~
38 ~~class that is conducted by a department of public safety approved or~~
39 ~~national rifle association certified firearms instructor.~~

40 N. AN ORGANIZATION SHALL APPLY TO THE DEPARTMENT OF PUBLIC SAFETY
41 FOR AUTHORIZATION TO PROVIDE FIREARMS SAFETY TRAINING. THE DEPARTMENT
42 SHALL AUTHORIZE AN ENTITY TO PROVIDE FIREARMS SAFETY TRAINING IF THE
43 TRAINING MEETS ALL OF THE FOLLOWING REQUIREMENTS:

- 44 1. IS AT LEAST EIGHT HOURS IN LENGTH.
- 45 2. IS CONDUCTED ON A PASS OR FAIL BASIS.

1 3. ADDRESSES ALL OF THE FOLLOWING TOPICS IN A FORMAT APPROVED BY
2 THE DIRECTOR OF THE DEPARTMENT:

- 3 (a) LEGAL ISSUES RELATING TO THE USE OF DEADLY FORCE.
4 (b) WEAPON CARE AND MAINTENANCE.
5 (c) MENTAL CONDITIONING FOR THE USE OF DEADLY FORCE.
6 (d) SAFE HANDLING AND STORAGE OF WEAPONS.
7 (e) MARKSMANSHIP.
8 (f) JUDGMENTAL SHOOTING.
9 (g) LIVE FIRING OF THE FIREARM UNDER THE SUPERVISION OF A QUALIFIED
10 INSTRUCTOR.

11 4. IS CONDUCTED BY INSTRUCTORS WHO ARE AUTHORIZED BY THE DEPARTMENT
12 OF PUBLIC SAFETY AND WHO SUBMIT TO A BACKGROUND INVESTIGATION, INCLUDING A
13 CHECK FOR WARRANTS AND A CRIMINAL HISTORY RECORDS CHECK.

14 O. IF AUTHORIZED PURSUANT TO SUBSECTION N OF THIS SECTION, THE
15 ORGANIZATION ON BEHALF OF EACH OF ITS INSTRUCTORS SHALL SUBMIT TO THE
16 DEPARTMENT OF PUBLIC SAFETY TWO SETS OF FINGERPRINTS AND A FEE TO BE
17 DETERMINED BY THE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY. ON RECEIPT
18 OF THE FINGERPRINTS AND FEE, THE DEPARTMENT OF PUBLIC SAFETY SHALL CONDUCT
19 A CHECK OF EACH INSTRUCTOR'S CRIMINAL HISTORY RECORD PURSUANT TO SECTION
20 41-1750. THE DEPARTMENT OF PUBLIC SAFETY MAY EXCHANGE THIS FINGERPRINT
21 CARD INFORMATION WITH THE FEDERAL BUREAU OF INVESTIGATION FOR FEDERAL
22 CRIMINAL HISTORY RECORD CHECKS.

23 P. IF THE DEPARTMENT OF PUBLIC SAFETY REJECTS A PROGRAM, THE
24 REJECTED ORGANIZATION MAY REQUEST A HEARING PURSUANT TO TITLE 41, CHAPTER
25 6, ARTICLE 10.

26 ~~Q.~~ Q. The department of public safety shall maintain information
27 comparing the number of permits requested, the number of permits issued
28 and the number of permits denied. The department shall annually report
29 this information electronically to the governor and the legislature.

30 ~~P.~~ R. The director of the department of public safety shall adopt
31 rules for the purpose of implementing and administering ~~this section~~ THE
32 CONCEALED WEAPONS PERMIT PROGRAM including fees relating to permits that
33 are issued pursuant to this section.

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

38 1. The permit or license is recognized as valid in the issuing
39 state.

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

- 41 (a) Legally present in this state.
42 (b) Not legally prohibited from possessing a firearm in this state.

43 ~~R.~~ T. For the purpose of establishing mutual permit or license
44 recognition with other states, the department of public safety shall enter
45 into a written agreement if another state requires a written agreement.

1 The department of public safety shall submit an electronic report to the
2 governor and the legislature each year that includes any changes that were
3 made in the previous year to a written agreement with another state.

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

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

29 ~~H.~~ W. The initial and renewal application fees collected pursuant
30 to this section shall be deposited, pursuant to sections 35-146 and
31 35-147, in the concealed weapons permit fund established by section
32 41-1722.

33 ~~V.~~ X. On or before July 31 of each year, the department of public
34 safety shall report to the joint legislative budget committee on the
35 number of concealed weapons permits issued in the prior fiscal year. The
36 report shall also include the number of outstanding concealed weapons
37 permit applications that have not been issued and the average turnaround
38 time to issue a concealed weapons permit.

39 Sec. 8. Section 13-3118, Arizona Revised Statutes, is amended to
40 read:

41 13-3118. Possession, transfer or storage of firearms:
42 restrictions prohibited; exceptions

43 A. Except for the legislature, this state and any agency or
44 political subdivision of this state shall not enact or implement any law,

1 rule or ordinance relating to the possession, transfer or storage of
2 firearms other than as provided in statute.

3 B. This section does not prohibit:

4 1. A state, county or municipal judicial department, law
5 enforcement agency or prosecutorial agency from prohibiting a deadly
6 weapon pursuant to section 13-3102, subsection A, paragraph ~~10~~ 11.

7 2. A political subdivision of this state from enacting any rule or
8 ordinance requiring a business that obtains a secondhand firearm by
9 purchase, trade or consignment to retain the firearm for a period of not
10 more than ten days at its place of business or another storage location
11 that is approved by the applicable law enforcement agency.

12 Sec. 9. Section 13-4401.01, Arizona Revised Statutes, is amended to
13 read:

14 13-4401.01. Victims' rights for neighborhood associations

15 A. A neighborhood association may register with the city, town or
16 county in which the neighborhood association is located to invoke the
17 rights that are afforded pursuant to this ~~article~~ CHAPTER. The city, town
18 or county shall establish procedures for the registration of neighborhood
19 associations pursuant to this section. The procedures shall require the
20 neighborhood association to provide to the city, town or county the name
21 and telephone number of one person who shall act on behalf of the
22 neighborhood association and who may receive notice or invoke rights
23 pursuant to this section. The neighborhood association shall notify the
24 city, town or county of any changes to this information. If the
25 neighborhood association fails to keep this information current, the
26 neighborhood association is deemed to have waived its rights under this
27 section.

28 B. Notwithstanding any law to the contrary, if a person commits an
29 act in violation of section 13-1602, subsection A, paragraph 5, section
30 13-3102, subsection A, paragraph ~~9~~ 10, section 13-3201 or 13-3204,
31 section 13-3208, subsection B or section 13-3209, 13-3405, 13-3407,
32 13-3408, 13-3409, 13-3421 or 13-4702, a neighborhood association that is
33 registered with a city, town or county pursuant to subsection A of this
34 section may receive notice or may invoke rights pursuant to the following
35 sections:

36 1. Section 13-4409.

37 2. Section 13-4420.

38 3. Section 13-4426.

39 C. Sections 13-4428, 13-4434 and 13-4436 apply to all matters in
40 which a neighborhood association invokes rights under this section.

41 D. If the neighborhood association wishes to invoke victims' rights
42 for a crime as prescribed in subsection B of this section that resulted in
43 an arrest, the person who is registered with the city, town or county
44 pursuant to subsection A of this section shall contact the law enforcement
45 agency responsible for the arrest. The law enforcement agency shall fill

1 out the form prescribed by section 13-4405. Thereafter the neighborhood
2 association, through the contact person, shall be afforded all of the
3 rights listed under subsection B of this section.

4 Sec. 10. Section 13-4903, Arizona Revised Statutes, is amended to
5 read:

6 13-4903. Use of force; armed nuclear security guards

7 A. An armed nuclear security guard is justified in using physical
8 force against another person at a commercial nuclear generating station or
9 structure or fenced yard of a commercial nuclear generating station if the
10 armed nuclear security guard reasonably believes that such force is
11 necessary to prevent or terminate the commission or attempted commission
12 of criminal damage under section 13-1602, subsection A, paragraph 3 and
13 subsection B, paragraph 1 or 2, misconduct involving weapons under section
14 13-3102, subsection A, paragraph ~~13~~ 14 or criminal trespass on a
15 commercial nuclear generating station under section 13-4902.

16 B. Notwithstanding sections 13-403, 13-404, 13-405, 13-406, 13-408,
17 13-409, 13-410 and 13-411, an armed nuclear security guard is justified in
18 using physical force up to and including deadly physical force against
19 another person at a commercial nuclear generating station or structure or
20 fenced yard of a commercial nuclear generating station if the armed
21 nuclear security guard reasonably believes that such force is necessary
22 to:

23 1. Prevent the commission of manslaughter under section 13-1103,
24 second or first degree murder under section 13-1104 or 13-1105, aggravated
25 assault under section 13-1204, subsection A, paragraph 1 or 2, kidnapping
26 under section 13-1304, burglary in the second or first degree under
27 section 13-1507 or 13-1508, arson of a structure or property under section
28 13-1703, arson of an occupied structure under section 13-1704, armed
29 robbery under section 13-1904 or an act of terrorism under section
30 13-2308.01.

31 2. Defend oneself or a third person from the use or imminent use of
32 deadly physical force.

33 C. Notwithstanding any other provision of this chapter, an armed
34 nuclear security guard is justified in threatening to use physical or
35 deadly physical force if and to the extent a reasonable armed nuclear
36 security guard believes it necessary to protect oneself or others against
37 another person's potential use of physical force or deadly physical force.

38 D. An armed nuclear security guard is not subject to civil
39 liability for engaging in conduct that is otherwise justified pursuant to
40 this chapter.

41 Sec. 11. Section 13-4904, Arizona Revised Statutes, is amended to
42 read:

43 13-4904. Detention authority; armed nuclear security guards

44 A. An armed nuclear security guard, with reasonable belief, may
45 detain in or on a commercial nuclear generating station or a structure or

fenced yard of a commercial nuclear generating station in a reasonable manner and for a reasonable time any person who is suspected of committing or attempting to commit manslaughter under section 13-1103, second or first degree murder under section 13-1104 or 13-1105, aggravated assault under section 13-1204, subsection A, paragraph 1 or 2, kidnapping under section 13-1304, burglary in the second or first degree under section 13-1507 or 13-1508, criminal damage under section 13-1602, subsection A, paragraph 3 and subsection B, paragraph 1 or 2, arson of a structure or property under section 13-1703, arson of an occupied structure under section 13-1704, armed robbery under section 13-1904, an act of terrorism under section 13-2308.01, misconduct involving weapons under section 13-3102, subsection A, paragraph ~~13~~ 14 or criminal trespass on a commercial nuclear generating station under section 13-4902 for the purpose of summoning a law enforcement officer.

B. Reasonable belief of an armed nuclear security guard is a defense to a civil or criminal action against an armed nuclear security guard for false arrest, false or unlawful imprisonment or wrongful detention.

Sec. 12. Section 15-515, Arizona Revised Statutes, is amended to read:

15-515. Duty to report violations occurring on school premises

All school personnel who observe a violation of section 13-3102, subsection A, paragraph ~~12~~ 13 or section 13-3111 on school premises shall immediately report the violation to the school administrator. The administrator shall immediately report the violation to a peace officer. The peace officer shall report this violation to the department of public safety for inclusion in the statewide and federal uniform crime reports prescribed in section 41-1750, subsection A, paragraph 2.