

REFERENCE TITLE: prohibited weapons; machine guns

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

HB 2571

Introduced by
Representative Márquez

AN ACT

AMENDING SECTIONS 13-925, 13-3101, 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),

1 Public Law 110-180, section 105(a) or 18 United States Code section
2 922(d)(4) or (g)(4) to that person.

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

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

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

19 13-3101. Definitions

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

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

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

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

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

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

38 6. "MACHINE GUN":

39 (a) MEANS A WEAPON THAT SHOOTS, IS DESIGNED TO SHOOT OR CAN READILY
40 BE RESTORED TO SHOOT AUTOMATICALLY MORE THAN ONE SHOT, WITHOUT MANUAL
41 RELOADING, BY A SINGLE FUNCTION OF THE TRIGGER.

42 (b) INCLUDES:

43 (i) THE FRAME OR RECEIVER OF ANY SUCH WEAPON.

1 (ii) ANY PART THAT IS DESIGNED AND INTENDED SOLELY AND EXCLUSIVELY,
2 OR ANY COMBINATION OF PARTS THAT ARE DESIGNED AND INTENDED, FOR USE IN
3 CONVERTING A WEAPON INTO A MACHINE GUN.

4 (iii) ANY COMBINATION OF PARTS FROM WHICH A MACHINE GUN CAN BE
5 ASSEMBLED IF SUCH PARTS ARE IN THE POSSESSION OR UNDER THE CONTROL OF A
6 PERSON.

7 (c) DOES NOT INCLUDE ITEMS THAT ARE NOT REQUIRED TO BE REGISTERED
8 IN THE NATIONAL FIREARMS REGISTRATION AND TRANSFER RECORD THAT IS
9 MAINTAINED BY THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.

10 ~~6.~~ 7. "Occupied structure" means any building, object, vehicle,
11 watercraft, aircraft or place with sides and a floor that is separately
12 securable from any other structure attached to it, that is used for
13 lodging, business, transportation, recreation or storage and in which one
14 or more human beings either are or are likely to be present or so near as
15 to be in equivalent danger at the time the discharge of a firearm occurs.
16 Occupied structure includes any dwelling house, whether occupied,
17 unoccupied or vacant.

18 ~~7.~~ 8. "Prohibited possessor" means any person:

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

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

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

28 (d) Who is at the time of possession serving a term of probation
29 pursuant to a conviction for a domestic violence offense as defined in
30 section 13-3601 or a felony offense, parole, community supervision, work
31 furlough, home arrest or release on any other basis or who is serving a
32 term of probation or parole pursuant to the interstate compact under title
33 31, chapter 3, article 4.1.

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

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

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

45 (iii) Certain diplomats.

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

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

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

8 (g) Who is found guilty except insane.

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

10 (a) Includes the following:

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

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

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

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

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

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

31 (vii) An improvised explosive device.

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

35 (b) Does not include:

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

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

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

43 ~~9.~~ 10. "Trafficking" means to sell, transfer, distribute, dispense
44 or otherwise dispose of a weapon or explosive to another person, or to
45 buy, receive, possess or obtain control of a weapon or explosive, with the

1 intent to sell, transfer, distribute, dispense or otherwise dispose of the
2 weapon or explosive to another person.

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

7 Sec. 3. Section 13-3110, Arizona Revised Statutes, is amended to
8 read:

9 13-3110. Misconduct involving simulated explosive devices;
10 classification; definition

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

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

20 C. Misconduct involving simulated explosive devices is a class 5
21 felony.

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

26 Sec. 4. Section 13-3112, Arizona Revised Statutes, is amended to
27 read:

28 13-3112. Concealed weapons; qualification; application; permit
29 to carry; civil penalty; report; applicability;
30 annual report

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

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

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

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

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

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

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

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

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

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

35 5. Is not unlawfully present in the United States.

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

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

44 (b) An original or copy of a certificate, card or document that
45 shows the applicant has ever completed any course or class prescribed by

1 subsection N of this section or an affidavit from the instructor, school,
2 club or organization that conducted or taught the course or class
3 attesting to the applicant's completion of the course or class.

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

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

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

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

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

1 evidenced by proof of delivery by the United States postal service or a
2 written receipt, which shall be provided by the department on request of
3 the applicant.

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

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

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

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

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

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

41 1. Completion of any firearms safety or training course or class
42 that is available to the general public, that is offered by a law
43 enforcement agency, a junior college, a college or a private or public
44 institution, academy, organization or firearms training school and that is

1 approved by the department of public safety or that uses instructors who
2 are certified by the national rifle association.

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

6 3. Completion of any national rifle association firearms safety or
7 training course.

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

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

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

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

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

26 O. 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. The director of the department of public safety shall adopt
31 rules for the purpose of implementing and administering this section
32 including fees relating to permits that are issued pursuant to this
33 section.

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

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

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