

REFERENCE TITLE: concealed weapons; notice; repeal

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SB 1012

Introduced by
Senator Shamp

AN ACT

AMENDING SECTIONS 4-229, 4-244, 4-246 AND 13-3112, ARIZONA REVISED
STATUTES; RELATING TO CONCEALED WEAPONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 4-229, Arizona Revised Statutes, is amended to
3 read:

4 4-229. Concealed handguns; permit; consumption of spirituous
5 liquor

6 A. A person may carry a concealed handgun on the premises of a
7 licensee who is an on-sale retailer ~~unless the licensee posts a sign that~~
8 ~~clearly prohibits the possession of weapons on the licensed premises~~ IF
9 THE PERSON HAS A PERMIT ISSUED PURSUANT TO SECTION 13-3112 AND DOES NOT
10 CONSUME SPIRITUOUS LIQUOR. ~~The sign shall conform to the following~~
11 ~~requirements:~~

12 ~~1. Be posted in a conspicuous location accessible to the general~~
13 ~~public and immediately adjacent to the liquor license posted on the~~
14 ~~licensed premises.~~

15 ~~2. Contain a pictogram that shows a firearm within a red circle and~~
16 ~~a diagonal red line across the firearm.~~

17 ~~3. Contain the words, "no firearms allowed pursuant to A.R.S.~~
18 ~~section 4-229".~~

19 ~~B. A person shall not carry a firearm on the licensed premises of~~
20 ~~an on-sale retailer if the licensee has posted the notice prescribed in~~
21 ~~subsection A of this section.~~

22 ~~C. It is an affirmative defense to a violation of subsection B of~~
23 ~~this section if:~~

24 ~~1. The person was not informed of the notice prescribed in~~
25 ~~subsection A of this section before the violation.~~

26 ~~2. Any one or more of the following apply:~~

27 ~~(a) At the time of the violation the notice prescribed in~~
28 ~~subsection A of this section had fallen down.~~

29 ~~(b) At the time of the violation the person was not a resident of~~
30 ~~this state.~~

31 ~~(c) The licensee had posted the notice prescribed in subsection A~~
32 ~~of this section not more than thirty days before the violation.~~

33 ~~D. The department of liquor licenses and control shall prepare the~~
34 ~~signs required by this section and make them available at no cost to~~
35 ~~licensees.~~

36 ~~E. The signs required by this section shall be composed of block,~~
37 ~~capital letters printed in black on white laminated paper at a minimum~~
38 ~~weight of one hundred ten pound index. The lettering and pictogram shall~~
39 ~~consume a space at least six inches by nine inches. The letters~~
40 ~~constituting the words "no firearms allowed" shall be at least~~
41 ~~three-fourths of a vertical inch and all other letters shall be at least~~
42 ~~one-half of a vertical inch. Nothing shall prohibit a licensee from~~
43 ~~posting additional signs at one or more locations on the premises.~~

~~F. This section does not prohibit a person who possesses a handgun from entering the licensed premises for a limited time for the specific purpose of either:~~

~~1. Seeking emergency aid.~~

~~2. Determining whether a sign has been posted pursuant to subsection A of this section.~~

Sec. 2. Section 4-244, Arizona Revised Statutes, is amended to read:

4-244. Unlawful acts; definition

It is unlawful:

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

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

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

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

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

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

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

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

1 9. Except as provided in paragraphs 10 and 11 of this section, for
2 a licensee or other person to sell, furnish, dispose of or give, or cause
3 to be sold, furnished, disposed of or given, to a person under the legal
4 drinking age or for a person under the legal drinking age to buy, receive,
5 have in the person's possession or consume spirituous liquor. This
6 paragraph does not prohibit the employment by an off-sale retailer of
7 persons who are at least sixteen years of age to check out, if supervised
8 by a person on the premises who is at least eighteen years of age, package
9 or carry merchandise, including spirituous liquor, in unbroken packages,
10 for the convenience of the customer of the employer, if the employer sells
11 primarily merchandise other than spirituous liquor.

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

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

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

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

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

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

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

8 (d) An unpaid volunteer who is a bona fide member of a club and who
9 is not engaged in waiting on or serving spirituous liquor to customers may
10 purchase for himself and consume spirituous liquor while participating in
11 a scheduled event at the club. An unpaid participant in a food
12 competition may purchase for himself and consume spirituous liquor while
13 participating in the food competition.

14 (e) An unpaid volunteer of a special event licensee under section
15 4-203.02 may purchase and consume spirituous liquor while not engaged in
16 waiting on or serving spirituous liquor to customers at the special event.
17 This subdivision does not apply to an unpaid volunteer whose
18 responsibilities include verification of a person's legal drinking age,
19 security or the operation of any vehicle or heavy machinery.

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

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

37 15. For an on-sale or off-sale retailer or an employee of such
38 retailer or an alcohol delivery contractor to sell, dispose of, deliver or
39 give spirituous liquor to a person between the hours of 2:00 a.m. and
40 6:00 a.m., except that:

41 (a) A retailer with off-sale privileges may receive and process
42 orders, accept payment or package, load or otherwise prepare spirituous
43 liquor for delivery at any time, if the actual deliveries to customers are
44 made between the hours of 6:00 a.m. and 2:00 a.m., at which time section
45 4-241, subsections A and K apply.

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

6 16. For a licensee or employee to knowingly allow any person on or
7 about the licensed premises to give or furnish any spirituous liquor to
8 any person under twenty-one years of age or knowingly allow any person
9 under twenty-one years of age to have in the person's possession
10 spirituous liquor on the licensed premises.

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

19 18. For an on-sale retailer to allow an employee or for an employee
20 to solicit or encourage others, directly or indirectly, to buy the
21 employee drinks or anything of value in the licensed premises during the
22 employee's working hours. An on-sale retailer shall not serve employees
23 or allow a patron of the establishment to give spirituous liquor to,
24 purchase liquor for or drink liquor with any employee during the
25 employee's working hours.

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

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

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

1 22. For an on-sale retailer or employee to allow a person under the
2 legal drinking age to remain in an area on the licensed premises during
3 those hours in which its primary use is the sale, dispensing or
4 consumption of alcoholic beverages after the licensee, or the licensee's
5 employees, know or should have known that the person is under the legal
6 drinking age. An on-sale retailer may designate an area of the licensed
7 premises as an area in which spirituous liquor will not be sold or
8 consumed ~~for the purpose of allowing~~ TO ALLOW underage persons on the
9 premises if the designated area is separated by a physical barrier and at
10 no time will underage persons have access to the area in which spirituous
11 liquor is sold or consumed. A licensee or an employee of a licensee may
12 require a person who intends to enter a licensed premises or a portion of
13 a licensed premises where persons under the legal drinking age are
14 prohibited under this section to exhibit an instrument of identification
15 that is acceptable under section 4-241 as a condition of entry or may use
16 a biometric identity verification device to determine the person's age as
17 a condition of entry. The director, or a municipality, may adopt rules to
18 regulate the presence of underage persons on licensed premises provided
19 the rules adopted by a municipality are more stringent than those adopted
20 by the director. The rules adopted by the municipality shall be adopted
21 by local ordinance and shall not interfere with the licensee's ability to
22 comply with this paragraph. This paragraph does not apply:

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

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

29 (i) An active duty military service member.

30 (ii) A veteran.

31 (iii) A member of the United States army national guard or the
32 United States air national guard.

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

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

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

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

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

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

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

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

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

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

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

(a) Hotel or motel guest room accommodations.

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

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

30. For a licensee or employee to knowingly allow a person in possession of a firearm other than a peace officer while on duty or off duty or a member of a sheriff's volunteer posse while on duty who has received firearms training that is approved by the Arizona peace officer standards and training board, a retired peace officer as defined in section 38-1113 or an honorably retired law enforcement officer who has been issued a certificate of firearms proficiency pursuant to section 13-3112, subsection T, the licensee or an employee of the licensee acting with the permission of the licensee to remain on the licensed premises or to serve, sell or furnish spirituous liquor to a person in possession of a firearm while on the licensed premises of an on-sale retailer. It is a defense to action under this paragraph if the licensee or employee requested assistance of a peace officer to remove such person. This paragraph does not apply to:

- (a) Hotel or motel guest room accommodations.
- (b) Exhibiting or displaying a firearm in conjunction with a meeting, show, class or similar event.
- (c) A person with a permit issued pursuant to section 13-3112 who carries a concealed handgun on the licensed premises of any on-sale retailer ~~that has not posted a notice~~ pursuant to section 4-229.

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

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

- (a) A person who removes a bottle of wine that has been partially consumed in conjunction with a purchased meal from licensed premises if a cork is inserted flush with the top of the bottle or the bottle is otherwise securely closed.
- (b) A person who is in licensed premises that have noncontiguous portions that are separated by a public or private walkway or driveway and who takes spirituous liquor from one portion of the licensed premises across the public or private walkway or driveway directly to the other portion of the licensed premises.
- (c) A licensee of a bar, beer and wine bar, liquor store, beer and wine store, microbrewery or restaurant that has a permit pursuant to section 4-205.02, subsection H that dispenses beer only in a clean container composed of a material approved by a national sanitation organization with a maximum capacity that does not exceed one gallon and not for consumption on the premises if:

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

3 (ii) The container is sealed and displays a government warning
4 label.

5 (d) A bar or liquor store licensee that prepares a mixed cocktail
6 or a restaurant licensee that ~~teases the privilege to sell mixed cocktails~~
7 ~~for consumption off the licensed premises pursuant to section 4-203.06 or~~
8 holds a permit pursuant to section 4-203.07 and section 4-205.02,
9 subsection K and that prepares a mixed cocktail and transfers it to a
10 clean container composed of a material approved by a national sanitation
11 organization with a maximum capacity that does not exceed thirty-two
12 ounces and not for consumption on the premises if all of the following
13 apply:

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

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

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

21 (iv) For a restaurant licensee licensed pursuant to section
22 4-205.02, the sale of mixed cocktails for consumption off the licensed
23 premises is accompanied by the sale of menu food items for consumption on
24 or off the licensed premises.

25 33. For a person who is obviously intoxicated to buy or attempt to
26 buy spirituous liquor from a licensee or employee of a licensee or to
27 consume spirituous liquor on licensed premises.

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

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

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

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

41 38. For a licensee to use a vending machine ~~for the purpose of~~
42 ~~dispensing~~ TO DISPENSE spirituous liquor.

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

40. For a retailer to knowingly allow a customer to bring spirituous liquor onto the licensed premises, except that an on-sale retailer may allow a wine and food club to bring wine onto the premises for consumption by the club's members and guests of the club's members in conjunction with meals purchased at a meeting of the club that is conducted on the premises and that at least seven members attend. An on-sale retailer that allows wine and food clubs to bring wine onto its premises under this paragraph shall comply with all applicable provisions of this title and any rules adopted pursuant to this title to the same extent as if the on-sale retailer had sold the wine to the members of the club and their guests. For the purposes of this paragraph, "wine and food club" means an association that has more than twenty bona fide members paying at least \$6 per year in dues and that has been in existence for at least one year.

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

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

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

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

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

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

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

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

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

46. For a direct shipment licensee, a farm winery licensee or an employee of those licensees to sell, dispose of, deliver or give spirituous liquor to an individual purchaser between the hours of 2:00 a.m. and 6:00 a.m., except that a direct shipment licensee or a farm winery licensee may receive and process orders, accept payment, package, load or otherwise prepare wine for delivery at any time without complying with section 4-241, subsections A and K, if the actual deliveries to individual purchasers are made between the hours of 6:00 a.m. and 2:00 a.m. and in accordance with section 4-203.04 for direct shipment licensees and section 4-205.04 for farm winery licensees.

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

Sec. 3. Section 4-246, Arizona Revised Statutes, is amended to read:

4-246. Violation; classification; fine; civil penalty

A. A person violating ~~any provision of~~ this title is guilty of a class 2 misdemeanor unless another classification is prescribed.

B. A person violating section 4-242.01, subsection A or section 4-244, paragraph 9, 14, 34, 42 or 44 is guilty of a class 1 misdemeanor.

C. A person violating section 4-229, ~~subsection B~~ or section 4-244, paragraph 31 is guilty of a class 3 misdemeanor.

D. In addition to any other penalty prescribed by law, the court may suspend the privilege to drive of a person who is under eighteen years of age for a period of up to one hundred eighty days on receiving the record of the person's first conviction for a violation of section 4-244, paragraph 9.

E. In addition to any other penalty prescribed by law, a person who is convicted of a violation of section 4-244, paragraph 42 shall pay a fine of at least \$500.

F. In addition to any other penalty prescribed by law, a person who is convicted of a violation of section 4-241, subsection L, M or N shall pay a fine of at least \$250.

G. A person that violates section 4-244, paragraph 47 is subject to a civil penalty as prescribed in section 4-210.01.

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

3 13-3112. Concealed weapons; qualification; application; permit
4 to carry; civil penalty; report; applicability;
5 annual report

6 A. The department of public safety shall issue a permit to carry a
7 concealed weapon to a person who is qualified under this section. The
8 person shall carry the permit at all times when the person is in actual
9 possession of the concealed weapon and is required by ~~section 4-229 or~~
10 ~~4-244~~ ANY OTHER LAW to carry the permit. If the person is in actual
11 possession of the concealed weapon and is required by ~~section 4-229 or~~
12 ~~4-244~~ ANY OTHER LAW to carry the permit, the person shall present the
13 permit for inspection to any law enforcement officer on request. The
14 department of public safety shall prioritize applications of in-state
15 residents when issuing a permit to carry a concealed weapon.

16 B. The permit of a person who is arrested or indicted for an
17 offense that would make the person unqualified under section 13-3101,
18 subsection A, paragraph 7 or this section shall be immediately suspended
19 and seized. The permit of a person who becomes unqualified on conviction
20 of that offense shall be revoked. The permit shall be restored on
21 presentation of documentation from the court if the permittee is found not
22 guilty or the charges are dismissed. The permit shall be restored on
23 presentation of documentation from the county attorney that the charges
24 against the permittee were dropped or dismissed.

25 C. A permittee who carries a concealed weapon, who is required by
26 ~~section 4-229 or 4-244~~ ANY OTHER LAW to carry a permit and who fails to
27 present the permit for inspection on the request of a law enforcement
28 officer commits a violation of this subsection and is subject to a civil
29 penalty of not more than \$300. The department of public safety shall be
30 notified of all violations of this subsection and shall immediately
31 suspend the permit. A permittee shall not be convicted of a violation of
32 this subsection if the permittee produces to the court a legible permit
33 that is issued to the permittee and that was valid at the time the
34 permittee failed to present the permit for inspection.

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

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

- 42 1. Is a resident of this state or a United States citizen.
- 43 2. Is twenty-one years of age or older or is at least nineteen
- 44 years of age and provides evidence of current military service or proof of
- 45 honorable discharge or general discharge under honorable conditions from

1 the United States armed forces, the United States armed forces reserve or
2 a state national guard.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 M. The department of public safety shall suspend or revoke a permit
12 issued under this section if the permit holder becomes ineligible pursuant
13 to subsection E of this section. The department of public safety shall
14 notify the permit holder in writing within fifteen working days after the
15 revocation or suspension and shall state the reasons for the revocation or
16 suspension.

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

19 1. Completion of any firearms safety or training course or class
20 that is available to the general public, that is offered by a law
21 enforcement agency, a junior college, a college or a private or public
22 institution, academy, organization or firearms training school and that is
23 approved by the department of public safety or that uses instructors who
24 are certified by the national rifle association.

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

28 3. Completion of any national rifle association firearms safety or
29 training course.

30 4. Completion of any law enforcement firearms safety or training
31 course or class that is offered for security guards, investigators,
32 special deputies or other divisions or subdivisions of law enforcement or
33 security enforcement and that is approved by the department of public
34 safety.

35 5. Evidence of current military service or proof of honorable
36 discharge or general discharge under honorable conditions from the United
37 States armed forces.

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

42 7. Completion of any governmental police agency firearms training
43 course and qualification to carry a firearm in the course of normal police
44 duties.

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

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

P. The director of the department of public safety shall adopt rules ~~for the purpose of implementing and administering~~ TO IMPLEMENT AND ADMINISTER this section, including fees relating to permits that are issued pursuant to this section.

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

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

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

(a) Legally present in this state.

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

R. For the purpose of establishing mutual permit or license recognition with other states, the department of public safety shall enter into a written agreement if another state requires a written agreement. The department of public safety shall submit an electronic report to the governor and the legislature each year that includes any changes that were made in the previous year to a written agreement with another state.

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

T. The department of public safety may issue certificates of firearms proficiency according to the Arizona peace officer standards and training board firearms qualification for the purposes of implementing the law enforcement officers safety act of 2004 (P.L. 108-277; 118 Stat. 865; 18 United States Code sections 926B and 926C). A law enforcement or prosecutorial agency shall issue to a qualified retired law enforcement officer who has honorably retired a photographic identification that states that the officer has honorably retired from the agency. A person who was a municipal, county or state prosecutor is deemed to meet the qualifications of 18 United States Code section 926C(c)(2). The chief law enforcement officer shall determine whether an officer has honorably retired and the determination is not subject to review. A law enforcement

1 or prosecutorial agency has no obligation to revoke, alter or modify the
2 honorable discharge photographic identification based on conduct that the
3 agency becomes aware of or that occurs after the officer has separated
4 from the agency. For the purposes of this subsection, "qualified retired
5 law enforcement officer" has the same meaning prescribed in 18 United
6 States Code section 926C.

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

10 V. On or before July 31 of each year, the department of public
11 safety shall report to the joint legislative budget committee on the
12 number of concealed weapons permits issued in the prior fiscal year. The
13 report shall also include the number of outstanding concealed weapons
14 permit applications that have not been issued and the average turnaround
15 time to issue a concealed weapons permit.