

REFERENCE TITLE: firearms; homicide; mandatory destruction

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

SB 1028

Introduced by
Senator Kavanagh

AN ACT

AMENDING SECTION 13-3105, ARIZONA REVISED STATUTES; RELATING TO FIREARMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-3105, Arizona Revised Statutes, is amended to
3 read:

4 13-3105. Forfeiture of weapons and explosives

5 A. EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION, on the
6 conviction of any person for a violation of any felony in this state in
7 which a deadly weapon, dangerous instrument or explosive was used,
8 displayed or unlawfully possessed by the person, the court shall order the
9 article forfeited and sold within one year after its forfeiture to any
10 business that is authorized to receive and dispose of the article under
11 federal and state law and that shall sell the article to the public
12 according to federal and state law, unless the article is otherwise
13 prohibited from being sold under federal and state law, in which case it
14 shall be destroyed or otherwise properly disposed.

15 B. NOTWITHSTANDING ANY OTHER LAW, ON THE CONVICTION OF ANY PERSON
16 FOR A HOMICIDE IN WHICH A FIREARM WAS USED, THE COURT SHALL ORDER THE
17 FIREARM FORFEITED AND DESTROYED OR OTHERWISE PROPERLY DISPOSED OF
18 ACCORDING TO FEDERAL AND STATE LAW. THE FIREARM SHALL BE DISPOSED OF ONLY
19 AFTER THE CONCLUSION OF THE PERSON'S DIRECT APPEAL AND FIRST
20 POSTCONVICTION RELIEF PROCEEDING, AFTER THE TIME FOR INITIATING A DIRECT
21 APPEAL OR FIRST POSTCONVICTION RELIEF PROCEEDING HAS EXPIRED OR WITH THE
22 AGREEMENT OF THE PROSECUTING ATTORNEY IN THE CASE.

23 ~~B.~~ C. On the conviction of any person for a violation of section
24 13-2904, subsection A, paragraph 6 or section 13-3102, subsection A,
25 paragraph 1 or 8, the court may order the forfeiture of the deadly weapon
26 or dangerous instrument involved in the offense.

27 ~~C.~~ D. If at any time the court finds pursuant to rule 11 of the
28 Arizona rules of criminal procedure that a person who is charged with a
29 violation of this title is incompetent, the court shall order that any
30 deadly weapon, dangerous instrument or explosive used, displayed or
31 unlawfully possessed by the person during the commission of the alleged
32 offense be forfeited and sold within one year after its forfeiture to any
33 business that is authorized to receive and dispose of the article under
34 federal and state law and that shall sell the article to the public
35 according to federal and state law, unless the article is otherwise
36 prohibited from being sold under federal and state law, in which case it
37 shall be destroyed or otherwise properly disposed.