



Arizona House of Representatives
Phoenix, Arizona 85007

July 3, 2023

Via Email

Mayor Kate Gallego and Phoenix City Council

Re: Ordinance S-50010 – Authorizing Unlawful Transfer of Unclaimed Firearms to Ukraine

Dear Mayor Gallego & Phoenix City Councilmembers:

It has come to our attention that you recently approved Ordinance S-50010 to authorize the City Manager to enter into an agreement with a private company to transfer 500-600 unclaimed firearms to the National Police of Ukraine. Because the Ordinance is plainly unlawful, we urge you to immediately repeal it.

Political subdivisions are prohibited from enacting any ordinance relating to “the possession, sale, transfer, purchase, acquisition, or use of firearms in Arizona.” A.R.S. § 13-3108(A). And when a state, county, city or town possesses unclaimed property, that property “may only be disposed of” by following the requirements of A.R.S., Title 12, article 8. A.R.S. § 12-943. Unclaimed firearms may *only* be sold—not donated—and the buyer must be a “business that is authorized to receive and dispose of the firearm under federal and state law and that shall sell the firearm to the public according to federal and state law, unless the firearm is otherwise prohibited from being sold under federal and state law.” A.R.S. § 12-945.

As you may recall, the Arizona Supreme Court upheld these state laws in *Brnovich v. City of Tucson*, 242 Ariz. 588 (2017), explaining that the laws “implicate the state’s police power” and “embrace of a topic of statewide interest.” Consequently, the court held that the state laws prevailed over the City of Tucson’s conflicting ordinance, which would have required local police to destroy unclaimed firearms.

Ordinance S-50010 likewise conflicts with state law and is invalid on its face. See A.R.S. § 13-3108(H) (“Any ordinance ... that is enacted by a political subdivision in violation of this section is invalid and subject to a permanent injunction against the political subdivision from enforcing the ordinance.”); *Brnovich*, 242 Ariz. at 604.

Please confirm that you will immediately take action to repeal the Ordinance.

Respectfully,

Handwritten signature of Quang Nguyen in cursive.

Representative Quang Nguyen
Chair, Judiciary Committee

Handwritten signature of Selina Bliss in cursive.

Representative Selina Bliss
Vice-Chair, Judiciary Committee