

PROPOSED AMENDMENT

SENATE AMENDMENTS TO S.B. 1113

(Reference to proposed amendment dated 6/3/2009; 2:26 pm)

1 Page 9, after line 46, insert:

2 "Sec. 7. Section 11-441, Arizona Revised Statutes, is amended to read:

3 11-441. Powers and duties

4 A. The sheriff shall:

5 1. Preserve the peace.

6 2. Arrest and take before the nearest magistrate for examination all  
7 persons who attempt to commit or who have committed a public offense.

8 3. Prevent and suppress all affrays, breaches of the peace, riots and  
9 insurrections which may come to the knowledge of the sheriff.

10 4. Attend all courts, except justice and municipal courts, when an  
11 element of danger is anticipated and attendance is requested by the presiding  
12 judge, and obey lawful orders and directions issued by the judge.

13 5. Take charge of and keep the county jail, including a county jail  
14 under the jurisdiction of a county jail district, and the prisoners in the  
15 county jail.

16 6. Endorse upon all process and notices the year, month, day, hour and  
17 minute of reception, and issue to the person delivering it, on payment of  
18 fees, a certificate showing the names of the parties, title of paper and time  
19 of reception.

20 7. Serve process and notices in the manner prescribed by law and  
21 certify under the sheriff's hand upon the process or notices the manner and  
22 time of service, or if the sheriff fails to make service, the reasons for  
23 failure, and return them without delay. When returnable to another county,  
24 the sheriff may enclose such process or notices in an envelope, addressed to  
25 the officer from whom received, and deposit it postage prepaid in the post  
26 office. The return of the sheriff is prima facie evidence of the facts  
27 stated in the return.

1           8. Secure, as soon as possible, the home of a deceased person located  
2 outside the boundaries of an incorporated city or town if the sheriff is  
3 unable to determine or locate the heirs or executor of the deceased person.

4           B. The sheriff may in the execution of the duties prescribed in  
5 subsection A, paragraphs 1 through 4 command the aid of as many inhabitants  
6 of the county as the sheriff deems necessary.

7           C. The sheriff shall conduct or coordinate within the county search or  
8 rescue operations involving the life or health of any person, or may assist  
9 in such operations in another county at the request of that county's sheriff,  
10 and may request assistance from any persons or agencies in the fulfillment of  
11 duties under this subsection.

12           D. The sheriff, in the execution of the duties prescribed in this  
13 section, may request the aid of volunteer posse and reserve organizations  
14 located in the county.

15           E. The sheriff may assist in the execution of the duties prescribed in  
16 this section in another county at the request of that county's sheriff.

17           F. The sheriff may require any prisoner who is on work release to  
18 reimburse the county for reasonable expenses incurred in connection with the  
19 release.

20           G. The board of supervisors of a county bordering the Republic of  
21 Mexico may adopt an ordinance pursuant to chapter 2 of this title allowing  
22 the sheriff to prevent the entry from this state into the republic of Mexico  
23 at the border by any resident of this state who is under eighteen years of  
24 age if the minor is unaccompanied by a parent or guardian or does not have  
25 written consent for entry from a parent or guardian. The authority of the  
26 sheriff is only to prevent entry and not to otherwise detain the minor. This  
27 subsection shall not be construed to limit the authority of the sheriff  
28 pursuant to any other law. A county is not civilly or criminally liable for  
29 not adopting an ordinance pursuant to this subsection.

30           H. NOTWITHSTANDING SECTION 13-3112, THE SHERIFF MAY AUTHORIZE MEMBERS  
31 OF THE SHERIFF'S VOLUNTEER POSSE WHO HAVE RECEIVED FIREARMS TRAINING THAT IS

1 APPROVED BY THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD TO CARRY A  
2 DEADLY WEAPON WITHOUT A PERMIT WHILE ON DUTY.

3 Sec. 8. Section 13-3102, Arizona Revised Statutes, is amended to read:

4 13-3102. Misconduct involving weapons; defenses;  
5 classification; definitions

6 A. A person commits misconduct involving weapons by knowingly:

7 1. Carrying a deadly weapon without a permit pursuant to section  
8 13-3112 except a pocket knife concealed on his person; or

9 2. Carrying a deadly weapon without a permit pursuant to section  
10 13-3112 concealed within immediate control of any person in or on a means of  
11 transportation; or

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

17 4. Possessing a deadly weapon or prohibited weapon if such person is a  
18 prohibited possessor; or

19 5. Selling or transferring a deadly weapon to a prohibited possessor;  
20 or

21 6. Defacing a deadly weapon; or

22 7. Possessing a defaced deadly weapon knowing the deadly weapon was  
23 defaced; or

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

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

29 10. Unless specifically authorized by law, entering any public  
30 establishment or attending any public event and carrying a deadly weapon on  
31 his person after a reasonable request by the operator of the establishment or  
32 the sponsor of the event or the sponsor's agent to remove his weapon and

1 place it in the custody of the operator of the establishment or the sponsor  
2 of the event for temporary and secure storage of the weapon pursuant to  
3 section 13-3102.01; or

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

6 12. Possessing a deadly weapon on school grounds; or

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

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

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

18 B. Subsection A, paragraph 1 of this section shall not apply to a  
19 person in his dwelling, on his business premises or on real property owned or  
20 leased by that person.

21 C. Subsection A, paragraphs 1, 2, 3, 7, 10, 11, 12 and 13 of this  
22 section shall not apply to:

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

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

27 3. A warden, deputy warden or correctional officer of the state  
28 department of corrections; or

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

31 D. SUBSECTION A, PARAGRAPHS 1 AND 2 OF THIS SECTION SHALL NOT APPLY  
32 TO:

1           1. A MEMBER OF A SHERIFF'S VOLUNTEER POSSE OR RESERVE ORGANIZATION WHO  
2 HAS RECEIVED FIREARMS TRAINING THAT IS APPROVED BY THE ARIZONA PEACE OFFICER  
3 STANDARDS AND TRAINING BOARD AND WHO IS AUTHORIZED BY THE SHERIFF TO CARRY A  
4 CONCEALED WEAPON PURSUANT TO SECTION 11-441.

5           2. A PERSON WHO HAS HONORABLY SERVED AS A LAW ENFORCEMENT OFFICER IN  
6 THE UNITED STATES FOR AT LEAST TEN CONSECUTIVE YEARS AND WHO POSSESSES A  
7 PHOTOGRAPHIC IDENTIFICATION FROM A LAW ENFORCEMENT AGENCY THAT STATES THE  
8 PERSON HAS SERVED FOR AT LEAST TEN CONSECUTIVE YEARS AS A LAW ENFORCEMENT  
9 OFFICER IN THE UNITED STATES. ON REQUEST, THE LAW ENFORCEMENT AGENCY THAT  
10 MOST RECENTLY EMPLOYED THE PERSON OR, IF THE PERSON WAS EMPLOYED OUTSIDE OF  
11 THIS STATE, THE SHERIFF OF THE COUNTY IN WHICH THE PERSON RESIDES SHALL ISSUE  
12 A PHOTOGRAPHIC IDENTIFICATION THAT VERIFIES THE PERSON MEETS THE REQUIREMENT  
13 OF THIS PARAGRAPH.

14           ~~D.~~ E. Subsection A, paragraphs 3 and 7 of this section shall not  
15 apply to:

16           1. The possessing, transporting, selling or transferring of weapons by  
17 a museum as a part of its collection or an educational institution for  
18 educational purposes or by an authorized employee of such museum or  
19 institution, if:

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

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

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

27           3. Acquisition by a person by operation of law such as by gift, devise  
28 or descent or in a fiduciary capacity as a recipient of the property or  
29 former property of an insolvent, incapacitated or deceased person.

30           ~~E.~~ F. Subsection A, paragraph 3 of this section shall not apply to  
31 the merchandise of an authorized manufacturer of or dealer in prohibited  
32 weapons, when such material is intended to be manufactured, possessed,

1 transported, sold or transferred solely for or to a dealer, a regularly  
2 constituted or appointed state, county or municipal police department or  
3 police officer, a detention facility, the military service of this or another  
4 state or the United States, a museum or educational institution or a person  
5 specifically licensed or permitted pursuant to federal or state law.

6 ~~F.~~ G. Subsection A, paragraph 1 of this section shall not apply to a  
7 weapon or weapons carried in a belt holster that is wholly or partially  
8 visible, ~~or~~ carried in a scabbard or case designed for carrying weapons that  
9 is wholly or partially visible or carried in luggage. Subsection A,  
10 paragraph 2 of this section shall not apply to a weapon or weapons carried in  
11 a case, holster, scabbard, pack or luggage that is carried within a means of  
12 transportation or within a storage compartment, map pocket, trunk or glove  
13 compartment of a means of transportation.

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

17 ~~H.~~ I. Subsection A, paragraph 3 of this section shall not apply to a  
18 weapon described in section 13-3101, subsection A, paragraph 8, subdivision  
19 (a), item (v), if such weapon is possessed for the purposes of preparing for,  
20 conducting or participating in lawful exhibitions, demonstrations, contests  
21 or athletic events involving the use of such weapon. Subsection A, paragraph  
22 12 of this section shall not apply to a weapon if such weapon is possessed  
23 for the purposes of preparing for, conducting or participating in hunter or  
24 firearm safety courses.

25 ~~I.~~ J. Subsection A, paragraph 12 of this section shall not apply to  
26 the possession of a:

27 1. Firearm that is not loaded and that is carried within a means of  
28 transportation under the control of an adult provided that if the adult  
29 leaves the means of transportation the firearm shall not be visible from the  
30 outside of the means of transportation and the means of transportation shall  
31 be locked.

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

3           ~~J.~~ K. The operator of the establishment or the sponsor of the event  
4 or the employee of the operator or sponsor or the agent of the sponsor,  
5 including a public entity or public employee, is not liable for acts or  
6 omissions pursuant to subsection A, paragraph 10 of this section unless the  
7 operator, sponsor, employee or agent intended to cause injury or was grossly  
8 negligent.

9           ~~K.~~ L. MISCONDUCT INVOLVING WEAPONS UNDER SUBSECTION A, PARAGRAPH 15  
10 OF THIS SECTION IS A CLASS 2 FELONY. Misconduct involving weapons under  
11 subsection A, paragraph 9, ~~OR~~ 14 ~~or~~ 15 of this section is a class 3  
12 felony. Misconduct involving weapons under subsection A, paragraph 3, 4, 8  
13 or 13 of this section is a class 4 felony. Misconduct involving weapons  
14 under subsection A, paragraph 12 of this section is a class 1 misdemeanor  
15 unless the violation occurs in connection with conduct that violates section  
16 13-2308, subsection A, paragraph 5, section 13-2312, subsection C, section  
17 13-3409 or section 13-3411, in which case the offense is a class 6 felony.  
18 Misconduct involving weapons under subsection A, paragraph 5, 6 or 7 of this  
19 section is a class 6 felony. Misconduct involving weapons under subsection  
20 A, paragraph 1, 2, 10 or 11 of this section is a class 1 misdemeanor.

21           ~~L.~~ M. For the purposes of this section:

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

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

29           3. "School" means a public or nonpublic kindergarten program, common  
30 school or high school.

31           4. "School grounds" means in, or on the grounds of, a school.

32           Sec. 9. Section 13-3112, Arizona Revised Statutes, is amended to read:

1           13-3112. Concealed weapons; qualification; application; permit  
2                           to carry; certificate of firearms proficiency;  
3                           training program; program instructors; report;  
4                           applicability; violation; classification

5           A. The department of public safety shall issue a permit to carry a  
6           concealed weapon to a person who is qualified under this section. The person  
7           shall carry the permit at all times when the person is in actual possession  
8           of the concealed weapon and shall present the permit for inspection to any  
9           law enforcement officer on request.

10          B. A person who fails to carry the permit at all times that the person  
11          is in actual possession of a concealed weapon may have the permit suspended.  
12          The department of public safety shall be notified of all violations of this  
13          section and shall immediately suspend the permit. The permittee shall  
14          present the permit to the law enforcement agency or the court. On  
15          notification of the presentation of the permit, the department shall restore  
16          the permit.

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

26          D. A permittee who carries a concealed weapon and who fails to present  
27          a permit for inspection on the request of a law enforcement officer is guilty  
28          of a petty offense. A permittee shall not be convicted of a violation of  
29          this subsection if the permittee produces to the court a legible permit that  
30          is issued to the permittee and that was valid at the time the violation of  
31          this subsection occurred.



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

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

4           2. Is twenty-one years of age or older.

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

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

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

12           6. Has ever satisfactorily completed a firearms safety training  
13 program authorized by the department of public safety pursuant to subsection  
14 0 of this section and provides adequate documentation that the authorized  
15 training program was satisfactorily completed. For the purposes of this  
16 paragraph, "adequate documentation" means a certificate, card or document of  
17 completion from ~~an authorized~~ A firearms safety training program AUTHORIZED  
18 pursuant to subsection 0 of this section, dated not more than five years  
19 earlier than the date of application, that has affixed to it the stamp,  
20 signature or seal of the instructor or organization that conducted the  
21 program, or a current or expired permit issued by the department of public  
22 safety pursuant to this section. This paragraph does not apply to:

23           (a) A person who is an active duty Arizona peace officer standards and  
24 training board certified or federally credentialed peace officer or who is  
25 honorably retired as a federal, state or local peace officer with a minimum  
26 of ten years of service.

27           (b) A person who is an active duty county detention officer and who  
28 has been weapons certified by the officer's employing agency.

29           (c) A person who is issued a certificate of firearms proficiency  
30 pursuant to subsection X of this section.

1 (d) A PERSON WHO IS AN ARIZONA PEACE OFFICER STANDARDS AND TRAINING  
2 BOARD CERTIFIED FULL AUTHORITY PEACE OFFICER AND WHO VOLUNTEERS IN A LAW  
3 ENFORCEMENT AGENCY'S RESERVE PROGRAM.

4 F. The application shall be completed on a form prescribed by the  
5 department of public safety. The form shall not require the applicant to  
6 disclose the type of firearm for which a permit is sought. The applicant  
7 shall attest under penalty of perjury that all of the statements made by the  
8 applicant are true. The applicant shall submit the application to the  
9 department with a certificate of completion from an authorized firearms  
10 safety training program, two sets of fingerprints and a reasonable fee  
11 determined by the director of the department.

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

17 H. The department of public safety shall complete all of the required  
18 qualification checks within sixty days after receipt of the application and  
19 shall issue a permit within fifteen working days after completing the  
20 qualification checks if the applicant meets all of the conditions specified  
21 in subsection E of this section. If a permit is denied, the department of  
22 public safety shall notify the applicant in writing within fifteen working  
23 days after the completion of all of the required qualification checks and  
24 shall state the reasons why the application was denied. On receipt of the  
25 notification of the denial, the applicant has twenty days to submit any  
26 additional documentation to the department. On receipt of the additional  
27 documentation, the department shall reconsider its decision and inform the  
28 applicant within twenty days of the result of the reconsideration. If  
29 denied, the applicant shall be informed that the applicant may request a  
30 hearing pursuant to title 41, chapter 6, article 10.

31 I. On issuance, a permit is valid for five years, except a permit that  
32 is held by a member of the United States armed forces, including a member of

1 the Arizona national guard or a member of the reserves of any military  
2 establishment of the United States, who is on federal active duty and who is  
3 deployed overseas shall be extended until ninety days after the end of the  
4 member's overseas deployment.

5 J. The department of public safety shall maintain a computerized  
6 permit record system that is accessible to criminal justice agencies for the  
7 purpose of confirming the permit status of any person who claims to hold a  
8 valid permit issued by this state. This information and any other records  
9 that are maintained regarding applicants, permit holders or instructors shall  
10 not be available to any other person or entity except on an order from a  
11 state or federal court.

12 K. Notwithstanding subsection J of this section, it is a defense to  
13 any charge for carrying a deadly weapon without a permit by a member of the  
14 United States armed forces, including a member of the Arizona national guard  
15 or a member of the reserves of any military establishment of the United  
16 States, if the member was on federal active duty at the time the permit  
17 expired and the member presents documentation indicating release from active  
18 duty or reassignment from overseas deployment within the preceding ninety  
19 days.

20 L. A permit issued pursuant to this section is renewable every five  
21 years. Before a permit may be renewed, a criminal history records check  
22 shall be conducted pursuant to section 41-1750 within sixty days after  
23 receipt of the application for renewal. For the purposes of permit renewal,  
24 the permit holder is not required to submit additional fingerprints.

25 M. Applications for renewal shall be accompanied by a fee determined  
26 by the director of the department of public safety.

27 N. The department of public safety shall suspend or revoke a permit  
28 issued under this section if the permit holder becomes ineligible pursuant to  
29 subsection E of this section. The department of public safety shall notify  
30 the permit holder in writing within fifteen working days after the revocation  
31 or suspension and shall state the reasons for the revocation or suspension.

1           0. An organization shall apply to the department of public safety for  
2 authorization to provide firearms safety training. The department shall  
3 authorize an organization to provide firearms safety training if the training  
4 meets the following requirements:

5           1. Is at least eight hours in length.

6           2. Is conducted on a pass or fail basis.

7           3. Addresses all of the following topics in a format approved by the  
8 director of the department:

9           (a) Legal issues relating to the use of deadly force.

10          (b) Weapon care and maintenance.

11          (c) Mental conditioning for the use of deadly force.

12          (d) Safe handling and storage of weapons.

13          (e) Marksmanship.

14          (f) Judgmental shooting.

15          4. Is conducted by instructors who are authorized by the department of  
16 public safety or who possess current national rifle association instructor  
17 certifications in pistol and personal protection and who submit to a  
18 background investigation, including a check for warrants and a criminal  
19 history records check.

20          P. If authorized pursuant to subsection 0 of this section, the  
21 organization on behalf of each of its instructors shall submit to the  
22 department of public safety two sets of fingerprints and a fee to be  
23 determined by the director of the department of public safety. On receipt of  
24 the fingerprints and fee, the department of public safety shall conduct a  
25 check of each instructor's criminal history record pursuant to section  
26 41-1750. The department of public safety may exchange this fingerprint card  
27 information with the federal bureau of investigation for federal criminal  
28 history record checks.

29          Q. The proprietary interest of all authorized instructors and programs  
30 shall be safeguarded, and the contents of any training program shall not be  
31 disclosed to any person or entity other than a bona fide criminal justice  
32 agency, except on an order from a state or federal court.

1           R. If the department of public safety rejects a program, the rejected  
2 organization may request a hearing pursuant to title 41, chapter 6,  
3 article 10.

4           S. The department of public safety shall maintain information  
5 comparing the number of permits requested, the number of permits issued and  
6 the number of permits denied. The department shall annually report this  
7 information to the governor and the legislature.

8           T. The director of the department of public safety shall adopt rules  
9 for the purpose of implementing and administering the concealed weapons  
10 permit program including fees relating to permits and certificates that are  
11 issued pursuant to this section.

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

- 15           1. The permit or license is recognized as valid in the issuing state.  
16           2. The permit or license holder is all of the following:  
17           (a) Not a resident of this state.  
18           (b) Legally present in this state.  
19           (c) Not legally prohibited from possessing a firearm in this state.

20           V. For the purpose of establishing mutual permit or license  
21 recognition with other states, the department of public safety shall enter  
22 into a written agreement if another state requires a written agreement.

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

30           X. The department of public safety may issue certificates of firearms  
31 proficiency according to the Arizona peace officer standards and training  
32 board firearms qualification for the purposes of implementing the law

1 enforcement officers safety act of 2004 (P.L. 108-277; 118 Stat. 865; 18  
2 United States Code sections 926B and 926C). A law enforcement agency shall  
3 issue to a law enforcement officer who has honorably retired a photographic  
4 identification that states that the officer has honorably retired from the  
5 agency. The chief law enforcement officer shall determine whether an officer  
6 has honorably retired and the determination is not subject to review. A law  
7 enforcement agency has no obligation to revoke, alter or modify the honorable  
8 discharge photographic identification based on conduct that the agency  
9 becomes aware of or that occurs after the officer has separated from the  
10 agency.”

11 Renumber to conform

12 Page 20, between lines 33 and 34, insert:

13 “Sec. 15. Section 38-1102, Arizona Revised Statutes, is amended to  
14 read:

15 38-1102. Carrying of firearms by peace officers; exceptions;  
16 definitions

17 A. ~~This state, a county, a city or town or any other political~~  
18 ~~subdivision of this state shall not prohibit~~ NOTWITHSTANDING ANY OTHER LAW  
19 AND EXCEPT AS PROVIDED PURSUANT TO SUBSECTION B OF THIS SECTION, a peace  
20 officer SHALL NOT BE PROHIBITED from carrying a firearm if the peace officer  
21 is in compliance with the firearm requirements prescribed by the Arizona  
22 peace officer standards and training board.

23 B. A peace officer may be prohibited from carrying a firearm as  
24 follows:

- 25 1. In a jail, correctional facility or juvenile detention facility.
- 26 2. By order of:

27 (a) The presiding judge or justice when attending any court that is  
28 established pursuant to the constitution of this state or title 12, except if  
29 the peace officer is providing court security or responding to an emergency.

30 (b) A justice court when attending the justice court, except if the  
31 peace officer is providing court security or responding to an emergency.

1 (c) A municipal court when attending the municipal court, except if  
2 the peace officer is providing court security or responding to an emergency.

3 3. When the peace officer is relieved of ~~the peace officer's duties~~  
4 DUTY and is under a criminal or administrative investigation.

5 4. When in a secured police facility.

6 5. When consuming alcohol at a licensed liquor establishment operated  
7 by this state, a county, a city or town, or any other political subdivision  
8 of this state, except if the peace officer's employing agency authorizes the  
9 consumption of alcohol in the performance of the peace officer's duties.

10 6. In a location prohibited by federal law.

11 7. Pursuant to court order.

12 8. Pursuant to any state or federal law that makes the officer a  
13 prohibited possessor.

14 9. When in the judgment of the department head, or the department  
15 head's designee, the peace officer exhibits any impairment, including any  
16 physical or mental impairment that would cause concern for the well-being and  
17 safety of the officer, the officer's law enforcement agency, law enforcement  
18 agency employees or the community.

19 C. A law enforcement agency that employs a peace officer may establish  
20 rules that are consistent with this section. The law enforcement agency may  
21 determine the number, type, model, caliber and brand of firearm and the  
22 ammunition that is carried by its peace officers on or off duty.

23 D. This section does not create any civil liability for acting or  
24 failing to act.

25 E. For the purposes of this section:

26 1. "Firearm" has the same meaning prescribed in section 13-105.

27 2. "Peace officer" has the same meaning prescribed in section 1-215.

28 3. "Relieved of duty" means when a peace officer is no longer required  
29 to perform, either temporarily or permanently, the duties for which the  
30 officer was employed.

1           4. "Secured police facility" means a building or structure that is  
2 used primarily by a public agency and that is not accessible to the general  
3 public except by controlled access.

4           Sec. 16. Emergency

5           This act is an emergency measure that is necessary to preserve the  
6 public peace, health or safety and is operative immediately as provided by  
7 law."

8 Amend title to conform

RUSSELL PEARCE

6/5/09  
11:20 AM  
S: CEW/DPHtam