

PROPOSED AMENDMENT

SENATE AMENDMENTS TO S.B. 1243

(Reference to printed bill)

1 Page 1, between lines 1 and 2, insert:

2 "Section 1. Section 11-441, Arizona Revised Statutes, is amended to
3 read:

4 11-441. Powers and duties

5 A. The sheriff shall:

6 1. Preserve the peace.

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

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

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

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

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

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

1 office. The return of the sheriff is prima facie evidence of the facts
2 stated in the return.

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

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

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

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

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

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

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

1 H. NOTWITHSTANDING SECTION 13-3112, THE SHERIFF MAY AUTHORIZE MEMBERS
2 OF THE SHERIFF'S VOLUNTEER POSSE WHO HAVE RECEIVED FIREARMS TRAINING THAT IS
3 APPROVED BY THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD TO CARRY A
4 DEADLY WEAPON WITHOUT A PERMIT WHILE ON DUTY.”

5 Renumber to conform

6 Page 1, after line 27, insert:

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

9 13-3102. Misconduct involving weapons; defenses;
10 classification; definitions

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

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

14 2. Carrying a deadly weapon without a permit pursuant to section
15 13-3112 concealed within immediate control of any person in or on a means of
16 transportation; or

17 3. Manufacturing, possessing, transporting, selling or transferring a
18 prohibited weapon, except that if the violation involves dry ice, a person
19 commits misconduct involving weapons by knowingly possessing the dry ice with
20 the intent to cause injury to or death of another person or to cause damage
21 to the property of another person; or

22 4. Possessing a deadly weapon or prohibited weapon if such person is a
23 prohibited possessor; or

24 5. Selling or transferring a deadly weapon to a prohibited possessor;
25 or

26 6. Defacing a deadly weapon; or

27 7. Possessing a defaced deadly weapon knowing the deadly weapon was
28 defaced; or

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

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

4 10. Unless specifically authorized by law, entering any public
5 establishment or attending any public event and carrying a deadly weapon on
6 his person after a reasonable request by the operator of the establishment or
7 the sponsor of the event or the sponsor's agent to remove his weapon and
8 place it in the custody of the operator of the establishment or the sponsor
9 of the event for temporary and secure storage of the weapon pursuant to
10 section 13-3102.01; or

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

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

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

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

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

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

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

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

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

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

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

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

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

13 2. A PERSON WHO HAS HONORABLY SERVED AS A LAW ENFORCEMENT OFFICER IN
14 THE UNITED STATES FOR AT LEAST TEN CONSECUTIVE YEARS AND WHO POSSESSES A
15 PHOTOGRAPHIC IDENTIFICATION FROM A LAW ENFORCEMENT AGENCY THAT STATES THE
16 PERSON HAS SERVED FOR AT LEAST TEN CONSECUTIVE YEARS AS A LAW ENFORCEMENT
17 OFFICER IN THE UNITED STATES. ON REQUEST, THE LAW ENFORCEMENT AGENCY THAT
18 MOST RECENTLY EMPLOYED THE PERSON OR, IF THE PERSON WAS EMPLOYED OUTSIDE OF
19 THIS STATE, THE SHERIFF OF THE COUNTY IN WHICH THE PERSON RESIDES SHALL ISSUE
20 A PHOTOGRAPHIC IDENTIFICATION THAT VERIFIES THE PERSON MEETS THE REQUIREMENT
21 OF THIS PARAGRAPH.

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

24 1. The possessing, transporting, selling or transferring of weapons by
25 a museum as a part of its collection or an educational institution for
26 educational purposes or by an authorized employee of such museum or
27 institution, if:

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

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

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

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

7 ~~F.~~ F. Subsection A, paragraph 3 of this section shall not apply to
8 the merchandise of an authorized manufacturer of or dealer in prohibited
9 weapons, when such material is intended to be manufactured, possessed,
10 transported, sold or transferred solely for or to a dealer, a regularly
11 constituted or appointed state, county or municipal police department or
12 police officer, a detention facility, the military service of this or another
13 state or the United States, a museum or educational institution or a person
14 specifically licensed or permitted pursuant to federal or state law.

15 ~~F.~~ G. Subsection A, paragraph 1 of this section shall not apply to a
16 weapon or weapons carried in a belt holster that is wholly or partially
17 visible, ~~or~~ carried in a scabbard or case designed for carrying weapons that
18 is wholly or partially visible or carried in luggage. Subsection A,
19 paragraph 2 of this section shall not apply to a weapon or weapons carried in
20 a case, holster, scabbard, pack or luggage that is carried within a means of
21 transportation or within a storage compartment, map pocket, trunk or glove
22 compartment of a means of transportation.

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

26 ~~H.~~ I. Subsection A, paragraph 3 of this section shall not apply to a
27 weapon described in section 13-3101, subsection A, paragraph 8, subdivision
28 (a), item (v), if such weapon is possessed for the purposes of preparing for,
29 conducting or participating in lawful exhibitions, demonstrations, contests
30 or athletic events involving the use of such weapon. Subsection A, paragraph
31 12 of this section shall not apply to a weapon if such weapon is possessed

1 for the purposes of preparing for, conducting or participating in hunter or
2 firearm safety courses.

3 ~~J.~~ J. Subsection A, paragraph 12 of this section shall not apply to
4 the possession of a:

5 1. Firearm that is not loaded and that is carried within a means of
6 transportation under the control of an adult provided that if the adult
7 leaves the means of transportation the firearm shall not be visible from the
8 outside of the means of transportation and the means of transportation shall
9 be locked.

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

12 ~~K.~~ K. The operator of the establishment or the sponsor of the event
13 or the employee of the operator or sponsor or the agent of the sponsor,
14 including a public entity or public employee, is not liable for acts or
15 omissions pursuant to subsection A, paragraph 10 of this section unless the
16 operator, sponsor, employee or agent intended to cause injury or was grossly
17 negligent.

18 ~~L.~~ L. MISCONDUCT INVOLVING WEAPONS UNDER SUBSECTION A, PARAGRAPH 15
19 OF THIS SECTION IS A CLASS 2 FELONY. Misconduct involving weapons under
20 subsection A, paragraph 9, ~~OR 14 or 15~~ of this section is a class 3
21 felony. Misconduct involving weapons under subsection A, paragraph 3, 4, 8
22 or 13 of this section is a class 4 felony. Misconduct involving weapons
23 under subsection A, paragraph 12 of this section is a class 1 misdemeanor
24 unless the violation occurs in connection with conduct that violates section
25 13-2308, subsection A, paragraph 5, section 13-2312, subsection C, section
26 13-3409 or section 13-3411, in which case the offense is a class 6 felony.
27 Misconduct involving weapons under subsection A, paragraph 5, 6 or 7 of this
28 section is a class 6 felony. Misconduct involving weapons under subsection
29 A, paragraph 1, 2, 10 or 11 of this section is a class 1 misdemeanor.

30 ~~M.~~ M. For the purposes of this section:

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

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

8 3. "School" means a public or nonpublic kindergarten program, common
9 school or high school.

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

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

12 13-3112. Concealed weapons; qualification; application; permit
13 to carry; certificate of firearms proficiency;
14 training program; program instructors; report;
15 applicability; violation; classification

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

21 B. A person who fails to carry the permit at all times that the person
22 is in actual possession of a concealed weapon may have the permit suspended.
23 The department of public safety shall be notified of all violations of this
24 section and shall immediately suspend the permit. The permittee shall
25 present the permit to the law enforcement agency or the court. On
26 notification of the presentation of the permit, the department shall restore
27 the permit.

28 C. The permit of a person who is arrested or indicted for an offense
29 that would make the person unqualified under section 13-3101, subsection A,
30 paragraph 7 or this section shall be immediately suspended and seized. The
31 permit of a person who becomes unqualified on conviction of that offense
32 shall be revoked. The permit shall be restored on presentation of

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

5 D. A permittee who carries a concealed weapon and who fails to present
6 a permit for inspection on the request of a law enforcement officer is guilty
7 of a petty offense. A permittee shall not be convicted of a violation of
8 this subsection if the permittee produces to the court a legible permit that
9 is issued to the permittee and that was valid at the time the violation of
10 this subsection occurred.

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

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

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

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

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

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

22 6. Has ever satisfactorily completed a firearms safety training
23 program authorized by the department of public safety pursuant to subsection
24 0 of this section and provides adequate documentation that the authorized
25 training program was satisfactorily completed. For the purposes of this
26 paragraph, "adequate documentation" means a certificate, card or document of
27 completion from ~~an authorized~~ A firearms safety training program AUTHORIZED
28 pursuant to subsection 0 of this section, dated not more than five years
29 earlier than the date of application, that has affixed to it the stamp,
30 signature or seal of the instructor or organization that conducted the
31 program, or a current or expired permit issued by the department of public
32 safety pursuant to this section. This paragraph does not apply to:

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

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

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

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

12 F. The application shall be completed on a form prescribed by the
13 department of public safety. The form shall not require the applicant to
14 disclose the type of firearm for which a permit is sought. The applicant
15 shall attest under penalty of perjury that all of the statements made by the
16 applicant are true. The applicant shall submit the application to the
17 department with a certificate of completion from an authorized firearms
18 safety training program, two sets of fingerprints and a reasonable fee
19 determined by the director of the department.

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

25 H. The department of public safety shall complete all of the required
26 qualification checks within sixty days after receipt of the application and
27 shall issue a permit within fifteen working days after completing the
28 qualification checks if the applicant meets all of the conditions specified
29 in subsection E of this section. If a permit is denied, the department of
30 public safety shall notify the applicant in writing within fifteen working
31 days after the completion of all of the required qualification checks and
32 shall state the reasons why the application was denied. On receipt of the

1 notification of the denial, the applicant has twenty days to submit any
2 additional documentation to the department. On receipt of the additional
3 documentation, the department shall reconsider its decision and inform the
4 applicant within twenty days of the result of the reconsideration. If
5 denied, the applicant shall be informed that the applicant may request a
6 hearing pursuant to title 41, chapter 6, article 10.

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

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

20 K. Notwithstanding subsection J of this section, it is a defense to
21 any charge for carrying a deadly weapon without a permit by a member of the
22 United States armed forces, including a member of the Arizona national guard
23 or a member of the reserves of any military establishment of the United
24 States, if the member was on federal active duty at the time the permit
25 expired and the member presents documentation indicating release from active
26 duty or reassignment from overseas deployment within the preceding ninety
27 days.

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

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

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

8 O. An organization shall apply to the department of public safety for
9 authorization to provide firearms safety training. The department shall
10 authorize an organization to provide firearms safety training if the training
11 meets the following requirements:

- 12 1. Is at least eight hours in length.
- 13 2. Is conducted on a pass or fail basis.
- 14 3. Addresses all of the following topics in a format approved by the
15 director of the department:
 - 16 (a) Legal issues relating to the use of deadly force.
 - 17 (b) Weapon care and maintenance.
 - 18 (c) Mental conditioning for the use of deadly force.
 - 19 (d) Safe handling and storage of weapons.
 - 20 (e) Marksmanship.
 - 21 (f) Judgmental shooting.
- 22 4. Is conducted by instructors who are authorized by the department of
23 public safety or who possess current national rifle association instructor
24 certifications in pistol and personal protection and who submit to a
25 background investigation, including a check for warrants and a criminal
26 history records check.

27 P. If authorized pursuant to subsection O of this section, the
28 organization on behalf of each of its instructors shall submit to the
29 department of public safety two sets of fingerprints and a fee to be
30 determined by the director of the department of public safety. On receipt of
31 the fingerprints and fee, the department of public safety shall conduct a
32 check of each instructor's criminal history record pursuant to section

1 41-1750. The department of public safety may exchange this fingerprint card
2 information with the federal bureau of investigation for federal criminal
3 history record checks.

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

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

11 S. The department of public safety shall maintain information
12 comparing the number of permits requested, the number of permits issued and
13 the number of permits denied. The department shall annually report this
14 information to the governor and the legislature.

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

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

- 22 1. The permit or license is recognized as valid in the issuing state.
23 2. The permit or license holder is all of the following:
24 (a) Not a resident of this state.
25 (b) Legally present in this state.
26 (c) Not legally prohibited from possessing a firearm in this state.

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

30 W. Notwithstanding the provisions of this section, a person with a
31 concealed weapons permit from another state may not carry a concealed weapon
32 in this state if the person is under twenty-one years of age or is under

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

5 X. The department of public safety may issue certificates of firearms
6 proficiency according to the Arizona peace officer standards and training
7 board firearms qualification for the purposes of implementing the law
8 enforcement officers safety act of 2004 (P.L. 108-277; 118 Stat. 865; 18
9 United States Code sections 926B and 926C). A law enforcement agency shall
10 issue to a law enforcement officer who has honorably retired a photographic
11 identification that states that the officer has honorably retired from the
12 agency. The chief law enforcement officer shall determine whether an officer
13 has honorably retired and the determination is not subject to review. A law
14 enforcement agency has no obligation to revoke, alter or modify the honorable
15 discharge photographic identification based on conduct that the agency
16 becomes aware of or that occurs after the officer has separated from the
17 agency.

18 Sec. 5. Section 38-1102, Arizona Revised Statutes, is amended to read:

19 38-1102. Carrying of firearms by peace officers; exceptions;
20 definitions

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

27 B. A peace officer may be prohibited from carrying a firearm as
28 follows:

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

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

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

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

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

10 4. When in a secured police facility.

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

15 6. In a location prohibited by federal law.

16 7. Pursuant to court order.

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

19 9. When in the judgment of the department head, or the department
20 head's designee, the peace officer exhibits any impairment, including any
21 physical or mental impairment that would cause concern for the well-being and
22 safety of the officer, the officer's law enforcement agency, law enforcement
23 agency employees or the community.

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

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

30 E. For the purposes of this section:

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

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

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

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

7 Sec. 6. Emergency

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

11 Amend title to conform

RUSSELL PEARCE

6/5/09
3:56 pm
S: DPH/tam