

COMMITTEE ON JUDICIARY
SENATE AMENDMENTS TO S.B. 1270
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 13-3102, Arizona Revised Statutes, is amended to
3 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 **IN THE COMMISSION OR**
9 **ATTEMPTED COMMISSION OF A SERIOUS OFFENSE AS DEFINED IN SECTION 13-706 OR A**
10 **VIOLENT CRIME AS DEFINED IN SECTION 13-901.03. ;-or**

11 2. Carrying a deadly weapon ~~without a permit pursuant to section~~
12 ~~13-3112~~ concealed within immediate control of any person in or on a means of
13 transportation **IN THE COMMISSION OR ATTEMPTED COMMISSION OF A SERIOUS OFFENSE**
14 **AS DEFINED IN SECTION 13-706 OR A VIOLENT CRIME AS DEFINED IN SECTION**
15 **13-901.03. ;-or**

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

21 4. Possessing a deadly weapon, ~~or~~ **A prohibited weapon OR AMMUNITION** if
22 such person is a prohibited possessor. ;-or

23 5. Selling, **SUPPLYING** or transferring a deadly weapon to **EITHER:**

24 (a) A prohibited possessor. ;-or

25 (b) **ANOTHER PERSON THAT THE PERSON KNOWS OR HAS REASON TO KNOW INTENDS**
26 **TO TRANSPORT THE DEADLY WEAPON ACROSS THE BORDER BETWEEN THIS STATE AND**
27 **MEXICO WITHOUT A SPECIFIC AUTHORIZATION, LICENSE OR PERMIT ISSUED BY THIS**
28 **STATE OR THE UNITED STATES.**

29 6. Defacing a deadly weapon. ;-or

1 7. Possessing a defaced deadly weapon knowing the deadly weapon was
2 defaced. ~~;~~~~or~~

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

5 9. Discharging a firearm at an occupied structure in order to assist,
6 promote or further the interests of a criminal street gang, a criminal
7 syndicate or a racketeering enterprise. ~~;~~~~or~~

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

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

17 12. Possessing a deadly weapon on school grounds. ~~;~~~~or~~

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

21 14. Supplying, selling or giving possession or control of a firearm to
22 another person if the person knows or has reason to know that the other
23 person would use the firearm in the commission **OR ATTEMPTED COMMISSION** of any
24 felony. ~~;~~~~or~~

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

30 **16. POSSESSING A FIREARM AND INTENTIONALLY TRANSPORTING THE FIREARM**
31 **ACROSS THE BORDER BETWEEN THIS STATE AND MEXICO.**

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

4 ~~C.~~ B. Subsection A, paragraphs ~~1, 2,~~ 3, 7, 10, 11, 12, ~~and~~ 13 AND 16
5 of this section shall not apply to:

6 1. A peace officer or any person summoned by any peace officer to
7 assist and while actually assisting in the performance of official duties. ~~;~~
8 ~~or~~

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

11 3. A warden, deputy warden, COUNTY DETENTION OFFICER, COMMUNITY
12 CORRECTIONAL OFFICER, SPECIAL INVESTIGATOR or correctional officer of the
13 state department of corrections; ~~or~~ THE DEPARTMENT OF JUVENILE CORRECTIONS
14 WHO IS WEAPONS QUALIFIED.

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

17 ~~D.~~ C. Subsection A, paragraphs 3 and 7 of this section shall not
18 apply to:

19 1. The possessing, transporting, selling or transferring of weapons by
20 a museum as a part of its collection or an educational institution for
21 educational purposes or by an authorized employee of such museum or
22 institution, if BOTH OF THE FOLLOWING APPLY:

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

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

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

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

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

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

17 ~~G.~~ E. Subsection A, paragraph 10 of this section shall not apply to:
18 1. Shooting ranges or shooting events, hunting areas or similar
19 locations or activities.

20 2. A PERSON WHO POSSESSES A VALID PERMIT PURSUANT TO SECTION 13-3112
21 UNLESS THE PUBLIC ESTABLISHMENT OR PUBLIC EVENT IS A SECURED POLICE FACILITY.

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

30 ~~I.~~ G. Subsection A, paragraph 12 of this section shall not apply to
31 the possession of a:

32 1. Firearm that is not loaded and that is carried within a means of
33 transportation under the control of an adult provided that if the adult

1 leaves the means of transportation the firearm shall not be visible from the
2 outside of the means of transportation and the means of transportation shall
3 be locked.

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

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

12 ~~I.~~ I. Misconduct involving weapons under subsection A, paragraph 9,
13 14 or 15 of this section is a class 3 felony. Misconduct involving weapons
14 under subsection A, paragraph 3, 4, 8 or 13 of this section is a class 4
15 felony. Misconduct involving weapons under subsection A, paragraph 12 of
16 this section is a class 1 misdemeanor unless the violation occurs in
17 connection with conduct that violates section 13-2308, subsection A,
18 paragraph 5, section 13-2312, subsection C, section 13-3409 or section
19 13-3411, in which case the offense is a class 6 felony. Misconduct involving
20 weapons under subsection A, paragraph 1, 2, 5, 6, ~~or~~ 7 OR 16 of this section
21 is a class 6 felony. Misconduct involving weapons under subsection A,
22 paragraph ~~1, 2,~~ 10 or 11 of this section is a class 1 misdemeanor.

23 ~~J.~~ J. For the purposes of this section:

24 1. "AMMUNITION" MEANS LOADED CARTRIDGES DESIGNED FOR USE IN ANY
25 FIREARM EXCEPT A FIREARM THAT IS DESIGNED FOR USE WITH BLACK POWDER OR ITS
26 MODERN EQUIVALENT.

27 2. "CONTROLLED ACCESS" MEANS ACCESS TO A PUBLIC FACILITY THAT IS
28 CONTROLLED OR RESTRICTED BY THE PRESENCE OF AT LEAST TWO OR MORE OF THE
29 FOLLOWING:

30 (a) A STATE OR FEDERAL CERTIFIED LAW ENFORCEMENT OFFICER.

31 (b) A UNIFORMED SECURITY OFFICER.

32 (c) METAL DETECTION, X-RAY, SCREENING OR OTHER WEAPON DETECTION
33 EQUIPMENT.

1 (d) VIDEO SURVEILLANCE EQUIPMENT.

2 (e) BIOMETRIC ENTRY LOCKING DEVICES.

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

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

10 ~~3.~~ 5. "School" means a public or nonpublic kindergarten program,
11 common school or high school.

12 ~~4.~~ 6. "School grounds" means in, or on the grounds of, a school.

13 7. "SECURED POLICE FACILITY" MEANS A BUILDING OR STRUCTURE OR A
14 PORTION OF A BUILDING OR STRUCTURE THAT IS USED PRIMARILY BY A PUBLIC AGENCY
15 AND THAT IS NOT ACCESSIBLE TO THE GENERAL PUBLIC EXCEPT BY CONTROLLED
16 ACCESS."

17 Amend title to conform

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06/17/2009
11:42 AM
~~6: sp~~

6/19/09
5:30 PM
rbc