

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2347

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 4-229, Arizona Revised Statutes, is amended to  
3 read:

4 4-229. Licenses: handguns: posting of notice

5 A. A person with a permit issued pursuant to section 13-3112 ~~or who~~  
6 ~~meets the criteria specified in section 13-3102, subsection D, paragraph 1~~  
7 ~~or 2~~ may carry a concealed handgun on the premises of a licensee who is an  
8 on-sale retailer unless the licensee posts a sign that clearly prohibits the  
9 possession of weapons on the licensed premises. The sign shall conform to  
10 the following requirements:

11 1. Be posted in a conspicuous location accessible to the general  
12 public and immediately adjacent to the liquor license posted on the licensed  
13 premises.

14 2. Contain a pictogram that shows a firearm within a red circle and a  
15 diagonal red line across the firearm.

16 3. Contain the words, "no firearms allowed pursuant to A.R.S. section  
17 4-229".

18 B. A person shall not carry a firearm on the licensed premises of an  
19 on-sale retailer if the licensee has posted the notice prescribed in  
20 subsection A of this section.

21 C. It is an affirmative defense to a violation of subsection B of this  
22 section if:

23 1. The person was not informed of the notice prescribed in  
24 subsection A of this section ~~prior to~~ BEFORE the violation.

25 2. Any one or more of the following ~~applies~~ APPLY:

26 (a) At the time of the violation the notice prescribed in subsection A  
27 of this section had fallen down.

1 (b) At the time of the violation the person was not a resident of this  
2 state.

3 (c) The licensee had posted the notice prescribed in subsection A of  
4 this section not more than thirty days ~~prior to~~ BEFORE the violation.

5 D. The department of liquor licenses and control shall prepare the  
6 signs required by this section and make them available at no cost to  
7 licensees.

8 E. The signs required by this section shall be composed of block,  
9 capital letters printed in black on white laminated paper at a minimum weight  
10 of one hundred ten pound index. The lettering and pictogram shall consume a  
11 space at least six inches by nine inches. The letters comprising the words  
12 "no firearms allowed" shall be at least three-fourths of a vertical inch and  
13 all other letters shall be at least one-half of a vertical inch.

14 F. This section does not prohibit a person who possesses a handgun  
15 from entering the licensed premises for a limited time for the specific  
16 purpose of either:

- 17 1. Seeking emergency aid.
- 18 2. Determining whether a sign has been posted pursuant to subsection A  
19 of this section.

20 Sec. 2. Section 13-405, Arizona Revised Statutes, is amended to read:

21 13-405. Justification: use of deadly physical force

22 A person is justified in threatening or using deadly physical force  
23 against another IF BOTH OF THE FOLLOWING APPLY:

- 24 1. If ~~such~~ THE person would be justified in threatening or using  
25 physical force against the other under section 13-404, ~~and~~ OR DEFENSIVELY  
26 DISPLAYING A FIREARM UNDER SECTION 13-421.

- 27 2. When and to the degree a reasonable person would believe that  
28 deadly physical force is immediately necessary to protect himself against the  
29 other's use or attempted use of unlawful deadly physical force.

1           Sec. 3. Section 13-415, Arizona Revised Statutes, is amended to read:

2           13-415. Justification; domestic violence

3           If there have been past acts of domestic violence as defined in section  
4           13-3601, subsection A against the defendant by the victim, the state of mind  
5           of a reasonable person under sections 13-404, 13-405, ~~and~~ 13-406 AND 13-421  
6           shall be determined from the perspective of a reasonable person who has been  
7           a victim of those past acts of domestic violence.

8           Sec. 4. Section 13-3102, Arizona Revised Statutes, is amended to 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 WITHIN HIS IMMEDIATE  
14           CONTROL IN OR ON A MEANS OF TRANSPORTATION IN THE COMMISSION OR ATTEMPTED  
15           COMMISSION OF A SERIOUS OFFENSE AS DEFINED IN SECTION 13-706 OR A VIOLENT  
16           OFFENSE AS DEFINED IN SECTION 13-901.03; or

17           2. Carrying a deadly weapon ~~without a permit pursuant to section~~  
18           ~~13-3112~~ EXCEPT A POCKET KNIFE concealed ON HIS PERSON OR within HIS immediate  
19           control ~~of any person~~ in or on a means of transportation IF THE PERSON IS  
20           UNDER TWENTY-ONE YEARS OF AGE; or

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

26           4. Possessing a deadly weapon or prohibited weapon if such person is a  
27           prohibited possessor; or

28           5. Selling or transferring a deadly weapon to a prohibited possessor;  
29           or

30           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 of any felony; or

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

29           B. Subsection A, paragraph ~~1~~ 2 of this section shall not apply to:

1           1. A person in his dwelling, on his business premises or on real  
2 property owned or leased by that person OR THAT PERSON'S PARENT, GRANDPARENT  
3 OR LEGAL GUARDIAN.

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

8           3. A FIREARM THAT IS CARRIED IN:

9           (a) A MANNER WHERE ANY PORTION OF THE FIREARM OR HOLSTER IN WHICH  
10 THE FIREARM IS CARRIED IS VISIBLE.

11           (b) A HOLSTER THAT IS WHOLLY OR PARTIALLY VISIBLE.

12           (c) A SCABBARD OR CASE DESIGNED FOR CARRYING WEAPONS THAT IS WHOLLY  
13 OR PARTIALLY VISIBLE.

14           (d) LUGGAGE.

15           (e) A CASE, HOLSTER, SCABBARD, PACK OR LUGGAGE THAT IS CARRIED WITHIN A  
16 MEANS OF TRANSPORTATION OR WITHIN A STORAGE COMPARTMENT, MAP POCKET, TRUNK OR  
17 GLOVE COMPARTMENT OF A MEANS OF TRANSPORTATION.

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

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

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

24           3. A warden, deputy warden, community correctional officer, detention  
25 officer, special investigator or correctional officer of the state department  
26 of corrections or the department of juvenile corrections; or

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

29           ~~D. Subsection A, paragraphs 1 and 2 of this section shall not apply~~  
30 ~~to:~~

1           ~~1. A member of a sheriff's volunteer posse or reserve organization who~~  
2           ~~has received and passed firearms training that is approved by the Arizona~~  
3           ~~peace officer standards and training board and who is authorized by the~~  
4           ~~sheriff to carry a 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 or a letter from a law enforcement agency that~~  
8           ~~states the person has served for at least ten consecutive years as a law~~  
9           ~~enforcement officer in the United States. On request, the law enforcement~~  
10           ~~agency that most recently employed the person or, if the person was employed~~  
11           ~~outside of this state, the sheriff of the county in which the person resides~~  
12           ~~shall issue a photographic identification or a letter that verifies the~~  
13           ~~person meets the requirement of this paragraph.~~

14           ~~E. D.~~ Subsection A, paragraphs 3 and 7 of this section shall not apply  
15 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           ~~F. E.~~ Subsection A, paragraph 3 of this section shall not apply to the  
31 merchandise of an authorized manufacturer of or dealer in prohibited weapons,

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

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

15 ~~H.~~ F. Subsection A, paragraph 10 of this section shall not apply to:  
16 1. Shooting ranges or shooting events, hunting areas or similar  
17 locations or activities.

18 2. A PERSON WHO POSSESSES A PERMIT ISSUED PURSUANT TO SECTION 13-3112  
19 UNLESS THE ESTABLISHMENT IS A SECURED FACILITY.

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

28 ~~J.~~ H. Subsection A, paragraph 12 of this section shall not apply to  
29 the possession of a:

30 1. Firearm that is not loaded and that is carried within a means of  
31 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 3. FIREARM BY A PERSON WHO POSSESSES A CERTIFICATE OF FIREARMS  
7 PROFICIENCY PURSUANT TO SECTION 13-3112, SUBSECTION X AND WHO IS AUTHORIZED  
8 TO CARRY A CONCEALED FIREARM PURSUANT TO THE LAW ENFORCEMENT OFFICERS SAFETY  
9 ACT OF 2004 (P.L. 108-277; 118 STAT. 865; 18 UNITED STATES CODE SECTIONS 926B  
10 AND 926C).

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

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



1 ~~M.~~ K. For the purposes of this section:

2 1. "CONTROLLED ACCESS" MEANS ACCESS TO A PUBLIC FACILITY THAT IS  
3 CONTROLLED OR RESTRICTED BY THE PRESENCE OF AT LEAST TWO OF THE FOLLOWING:

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

5 (b) A UNIFORMED SECURITY OFFICER.

6 (c) METAL DETECTION, X-RAY, SCREENING OR OTHER WEAPON DETECTION  
7 EQUIPMENT.

8 (d) VIDEO SURVEILLANCE EQUIPMENT.

9 (e) BIOMETRIC ENTRY LOCKING DEVICES.

10 ~~1.~~ 2. "Public establishment" means a structure, vehicle or craft that  
11 is owned, leased or operated by this state or a political subdivision of this  
12 state.

13 ~~2.~~ 3. "Public event" means a specifically named or sponsored event of  
14 limited duration that is either conducted by a public entity or conducted by  
15 a private entity with a permit or license granted by a public entity. Public  
16 event does not include an unsponsored gathering of people in a public place.

17 ~~3.~~ 4. "School" means a public or nonpublic kindergarten program,  
18 common school or high school.

19 ~~4.~~ 5. "School grounds" means in, or on the grounds of, a school.

20 6. "SECURED FACILITY" MEANS A BUILDING OR STRUCTURE OR A PORTION OF A  
21 BUILDING OR STRUCTURE THAT IS USED PRIMARILY BY A PUBLIC AGENCY AND THAT IS  
22 NOT ACCESSIBLE TO THE GENERAL PUBLIC EXCEPT BY CONTROLLED ACCESS.

23 Sec. 5. Section 13-3105, Arizona Revised Statutes, is amended to read:

24 13-3105. Forfeiture of weapons and explosives

25 A. ~~Upon~~ ON the conviction of any person for ~~the~~ A violation of any  
26 felony in this state in which a deadly weapon, dangerous instrument or  
27 explosive was used, displayed or unlawfully possessed by ~~such~~ THE person, the  
28 court shall order the article forfeited and sold, ~~TO ANY BUSINESS THAT IS~~  
29 AUTHORIZED TO RECEIVE AND DISPOSE OF THE ARTICLE UNDER FEDERAL, STATE AND  
30 LOCAL LAW AND THAT SHALL SELL THE ARTICLE TO THE PUBLIC ACCORDING TO FEDERAL  
31 AND STATE LAW, UNLESS THE ARTICLE IS OTHERWISE PROHIBITED FROM BEING SOLD

1 UNDER FEDERAL OR STATE LAW, IN WHICH CASE IT SHALL BE destroyed or otherwise  
2 properly disposed.

3 B. ~~Upon~~ ON the conviction of any person for ~~the A~~ violation of section  
4 13-2904, subsection A, paragraph 6 or section 13-3102, subsection A,  
5 paragraph 1, ~~2,~~ OR 8 ~~or 10~~, the court may order the forfeiture of the deadly  
6 weapon or dangerous instrument involved in the offense.

7 C. If at any time the court finds pursuant to rule 11 of the Arizona  
8 rules of criminal procedure that a person who is charged with a violation of  
9 this title is incompetent, the court shall order that any deadly weapon,  
10 dangerous instrument or explosive used, displayed or unlawfully possessed by  
11 the person during the commission of the alleged offense be forfeited and  
12 sold; ~~TO ANY BUSINESS THAT IS AUTHORIZED TO RECEIVE AND DISPOSE OF THE~~  
13 ~~ARTICLE UNDER FEDERAL, STATE AND LOCAL LAW AND THAT SHALL SELL THE ARTICLE TO~~  
14 ~~THE PUBLIC ACCORDING TO FEDERAL AND STATE LAW, UNLESS THE ARTICLE IS~~  
15 ~~OTHERWISE PROHIBITED FROM BEING SOLD UNDER FEDERAL OR STATE LAW, IN WHICH~~  
16 ~~CASE IT SHALL BE destroyed or otherwise properly disposed.~~

17 Sec. 6. Section 13-3112, Arizona Revised Statutes, is amended to read:

18 13-3112. Concealed weapons; qualification; application; permit  
19 to carry; training program; program instructors;  
20 report; applicability; violation; classification

21 A. The department of public safety shall issue a permit to carry a  
22 concealed weapon to a person who is qualified under this section. The person  
23 shall carry the permit at all times when the person is in actual possession  
24 of the concealed weapon and IS REQUIRED BY ANY OTHER LAW TO CARRY THE PERMIT.  
25 IF THE PERSON IS IN ACTUAL POSSESSION OF THE CONCEALED WEAPON AND IS REQUIRED  
26 BY ANY OTHER LAW TO CARRY THE PERMIT, THE PERSON shall present the permit for  
27 inspection to any law enforcement officer on request.

28 ~~B. A person who fails to carry the permit at all times that the person~~  
29 ~~is in actual possession of a concealed weapon may have the permit suspended.~~  
30 ~~The department of public safety shall be notified of all violations of this~~  
31 ~~section and shall immediately suspend the permit. The permittee shall~~

1 ~~present the permit to the law enforcement agency or the court. On~~  
2 ~~notification of the presentation of the permit, the department shall restore~~  
3 ~~the permit.~~

4 ~~C.~~ B. The permit of a person who is arrested or indicted for an  
5 offense that would make the person unqualified under section 13-3101,  
6 subsection A, paragraph 7 or this section shall be immediately suspended and  
7 seized. The permit of a person who becomes unqualified on conviction of that  
8 offense shall be revoked. The permit shall be restored on presentation of  
9 documentation from the court if the permittee is found not guilty or the  
10 charges are dismissed. The permit shall be restored on presentation of  
11 documentation from the county attorney that the charges against the permittee  
12 were dropped or dismissed.

13 ~~D. A permittee who carries a concealed weapon and who fails to present~~  
14 ~~a permit for inspection on the request of a law enforcement officer is guilty~~  
15 ~~of a petty offense. A permittee shall not be convicted of a violation of~~  
16 ~~this subsection if the permittee produces to the court a legible permit that~~  
17 ~~is issued to the permittee and that was valid at the time the violation of~~  
18 ~~this subsection occurred.~~

19 C. THE PERMIT OF A PERMITTEE WHO CARRIES A CONCEALED WEAPON AND WHO  
20 FAILS TO PRESENT THE PERMIT FOR INSPECTION ON THE REQUEST OF A LAW  
21 ENFORCEMENT OFFICER MAY BE SUSPENDED. THE DEPARTMENT OF PUBLIC SAFETY SHALL  
22 BE NOTIFIED OF ALL VIOLATIONS OF THIS SECTION AND SHALL IMMEDIATELY SUSPEND  
23 THE PERMIT. IF A PERMITTEE'S PERMIT IS SUSPENDED AND THE PERMITTEE PRODUCES  
24 TO THE LAW ENFORCEMENT AGENCY A LEGIBLE PERMIT THAT IS ISSUED TO THE  
25 PERMITTEE AND THAT WAS VALID AT THE TIME THE PERMITTEE FAILED TO PRESENT THE  
26 PERMIT FOR INSPECTION, THE DEPARTMENT OF PUBLIC SAFETY SHALL RESTORE THE  
27 PERMIT IMMEDIATELY.

28 D. A PERMITTEE WHOSE PERMIT IS SUSPENDED PURSUANT TO SUBSECTION C OF  
29 THIS SECTION AND WHO, WITHIN SIXTY DAYS AFTER THE SUSPENSION, FAILS TO  
30 PRESENT TO THE DEPARTMENT OF PUBLIC SAFETY A LEGIBLE PERMIT FOR INSPECTION

1           COMMITTS A VIOLATION OF THIS SECTION AND IS SUBJECT TO A CIVIL PENALTY OF NOT  
2           MORE THAN THREE HUNDRED DOLLARS.

3           E. A LAW ENFORCEMENT OFFICER SHALL NOT CONFISCATE OR FORFEIT A WEAPON  
4           THAT IS OTHERWISE LAWFULLY POSSESSED BY A PERMITTEE WHOSE PERMIT IS SUSPENDED  
5           PURSUANT TO SUBSECTION C OF THIS SECTION, EXCEPT THAT A LAW ENFORCEMENT  
6           OFFICER MAY TAKE TEMPORARY CUSTODY OF A FIREARM DURING AN INVESTIGATORY STOP  
7           OF THE PERMITTEE.

8           ~~E.~~ F. The department of public safety shall issue a permit to an  
9           applicant who meets all of the following conditions:

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

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

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

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

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

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

30           ~~(a) A person who is an active duty Arizona peace officer standards and  
31           training board certified or federally credentialed peace officer or who is~~

1 ~~honorably retired as a federal, state or local peace officer with a minimum~~  
2 ~~of ten years of service.~~

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

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

7 ~~(d) A person who is an Arizona peace officer standards and training~~  
8 ~~board certified full authority peace officer and who volunteers in a law~~  
9 ~~enforcement agency's reserve program.~~

10 6. HAS EVER SATISFACTORILY COMPLETED A FIREARMS SAFETY TRAINING  
11 PROGRAM AUTHORIZED BY THE DEPARTMENT OF PUBLIC SAFETY PURSUANT TO SUBSECTION  
12 0, PARAGRAPH 1 OF THIS SECTION OR HAS EVER DEMONSTRATED COMPETENCE WITH A  
13 FIREARM AS PRESCRIBED BY SUBSECTION 0, PARAGRAPH 2, 3, 4, 5, 6, 7, 8 OR 9 OF  
14 THIS SECTION AND PROVIDES ADEQUATE DOCUMENTATION THAT THE PERSON HAS  
15 SATISFACTORILY COMPLETED A TRAINING PROGRAM OR DEMONSTRATED COMPETENCE WITH A  
16 FIREARM IN ANY STATE OR POLITICAL SUBDIVISION IN THE UNITED STATES. FOR THE  
17 PURPOSES OF THIS PARAGRAPH, "ADEQUATE DOCUMENTATION" MEANS:

18 (a) A CERTIFICATE, CARD OR DOCUMENT OF COMPLETION FROM A FIREARMS  
19 SAFETY TRAINING PROGRAM AUTHORIZED PURSUANT TO SUBSECTION 0, PARAGRAPH 1 OF  
20 THIS SECTION, DATED NOT MORE THAN FIVE YEARS EARLIER THAN THE DATE OF  
21 APPLICATION, THAT HAS AFFIXED TO IT THE STAMP, SIGNATURE OR SEAL OF THE  
22 INSTRUCTOR OR ORGANIZATION THAT CONDUCTED THE PROGRAM, OR A CURRENT OR  
23 EXPIRED PERMIT ISSUED BY THE DEPARTMENT OF PUBLIC SAFETY PURSUANT TO THIS  
24 SECTION.

25 (b) AN ORIGINAL OR COPY OF A CERTIFICATE, CARD OR DOCUMENT THAT SHOWS  
26 THE APPLICANT HAS COMPLETED ANY COURSE OR CLASS PRESCRIBED BY SUBSECTION 0,  
27 PARAGRAPH 2, 3, 4, 5, 8 OR 9 OF THIS SECTION OR AN AFFIDAVIT FROM THE  
28 INSTRUCTOR, SCHOOL, CLUB OR ORGANIZATION THAT CONDUCTED OR TAUGHT THE COURSE  
29 OR CLASS ATTESTING TO THE APPLICANT'S COMPLETION OF THE COURSE OR CLASS.

30 (c) AN ORIGINAL OR A COPY OF A UNITED STATES DEPARTMENT OF DEFENSE  
31 FORM 214 (dd-214) INDICATING AN HONORABLE DISCHARGE OR GENERAL DISCHARGE

1 UNDER HONORABLE CONDITIONS, A CERTIFICATE OF COMPLETION OF BASIC TRAINING, OR  
2 ANY OTHER DOCUMENT DEMONSTRATING PROOF OF THE APPLICANT'S CURRENT OR FORMER  
3 SERVICE IN THE UNITED STATES ARMED FORCES AS PRESCRIBED BY SUBSECTION O,  
4 PARAGRAPH 6 OF THIS SECTION.

5 (d) AN ORIGINAL OR A COPY OF A CONCEALED WEAPON, FIREARM OR HANDGUN  
6 PERMIT OR A LICENSE AS PRESCRIBED BY SUBSECTION O, PARAGRAPH 7.

7 ~~F.~~ G. The application shall be completed on a form prescribed by the  
8 department of public safety. The form shall not require the applicant to  
9 disclose the type of firearm for which a permit is sought. The applicant  
10 shall attest under penalty of perjury that all of the statements made by the  
11 applicant are true, THAT THE APPLICANT HAS BEEN FURNISHED A COPY OF CHAPTERS  
12 4 AND 31 OF THIS TITLE AND THAT THE APPLICANT IS KNOWLEDGEABLE ABOUT THE  
13 PROVISIONS CONTAINED IN THOSE CHAPTERS. The applicant shall submit the  
14 application to the department with ~~a certificate of completion from an~~  
15 ~~authorized firearms safety training program~~ ANY DOCUMENTATION PRESCRIBED BY  
16 SUBSECTION F OF THIS SECTION, two sets of fingerprints and a reasonable fee  
17 determined by the director of the department.

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

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

1 twenty days to submit any additional documentation to the department. On  
2 receipt of the additional documentation, the department shall reconsider its  
3 decision and inform the applicant within twenty days of the result of the  
4 reconsideration. If denied, the applicant shall be informed that the  
5 applicant may request a hearing pursuant to title 41, chapter 6, article 10.  
6 FOR THE PURPOSES OF THIS SUBSECTION, "RECEIPT OF THE APPLICATION" MEANS THE  
7 FIRST DAY THAT THE DEPARTMENT HAS PHYSICAL CONTROL OF THE APPLICATION AND  
8 THAT IS PRESUMED TO BE ON THE DATE OF DELIVERY AS EVIDENCED BY PROOF OF  
9 DELIVERY BY THE UNITED STATES POSTAL SERVICE OR A WRITTEN RECEIPT, WHICH  
10 SHALL BE PROVIDED BY THE DEPARTMENT ON REQUEST OF THE APPLICANT.

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

17 ~~J.~~ K. The department of public safety shall maintain a computerized  
18 permit record system that is accessible to criminal justice agencies for the  
19 purpose of confirming the permit status of any person who IS CONTACTED BY A  
20 LAW ENFORCEMENT OFFICER AND WHO claims to hold a valid permit issued by this  
21 state. This information and any other records that are maintained regarding  
22 applicants, permit holders or instructors shall not be available to any other  
23 person or entity except on an order from a state or federal court. A  
24 CRIMINAL JUSTICE AGENCY OR OTHER ENTITY SHALL NOT USE THE COMPUTERIZED PERMIT  
25 RECORD SYSTEM TO CONDUCT RANDOM INQUIRIES ON WHETHER A PERSON IS A CONCEALED  
26 WEAPONS PERMIT HOLDER UNLESS THE CRIMINAL JUSTICE AGENCY OR OTHER ENTITY HAS  
27 REASONABLE SUSPICION TO BELIEVE THE PERSON IS CARRYING A CONCEALED WEAPON AND  
28 THE PERSON IS SUBJECT TO A LAWFUL CRIMINAL INVESTIGATION, ARREST, DETENTION  
29 OR AN INVESTIGATORY STOP.

30 ~~K. Notwithstanding subsection J of this section, it is a defense to~~  
31 ~~any charge for carrying a deadly weapon without a permit by a member of the~~

~~United States armed forces, including a member of the Arizona national guard or a member of the reserves of any military establishment of the United States, if the member was on federal active duty at the time the permit expired and the member presents documentation indicating release from active duty or reassignment from overseas deployment within the preceding ninety days.~~

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

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

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

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

~~1. Is at least eight hours in length.~~

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

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

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

~~(b) Weapon care and maintenance.~~

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

~~(d) Safe handling and storage of weapons.~~



1           ~~(e) Marksmanship.~~

2           ~~(f) Judgmental shooting.~~

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

8           0. AN APPLICANT SHALL DEMONSTRATE COMPETENCE WITH A FIREARM THROUGH  
9 ANY OF THE FOLLOWING:

10           1. COMPLETION OF ANY FIREARMS TRAINING PROGRAM THAT IS APPROVED BY THE  
11 DEPARTMENT OF PUBLIC SAFETY AND THAT IS CONDUCTED BY INSTRUCTORS WHO ARE  
12 AUTHORIZED BY THE DEPARTMENT OF PUBLIC SAFETY OR WHO POSSESS CURRENT NATIONAL  
13 RIFLE ASSOCIATION INSTRUCTOR CERTIFICATIONS IN PISTOL AND PERSONAL PROTECTION  
14 AND WHO SUBMIT TO A BACKGROUND INVESTIGATION, INCLUDING A CHECK FOR WARRANTS  
15 AND A CRIMINAL HISTORY RECORDS CHECK.

16           2. COMPLETION OF ANY FIREARMS SAFETY OR TRAINING COURSE OR CLASS THAT  
17 IS AVAILABLE TO THE GENERAL PUBLIC, THAT IS OFFERED BY A LAW ENFORCEMENT  
18 AGENCY, A JUNIOR COLLEGE, A COLLEGE OR A PRIVATE OR PUBLIC INSTITUTION,  
19 ACADEMY, ORGANIZATION OR FIREARMS TRAINING SCHOOL AND THAT IS APPROVED BY THE  
20 DEPARTMENT OF PUBLIC SAFETY.

21           3. COMPLETION OF ANY HUNTER EDUCATION OR HUNTER SAFETY COURSE APPROVED  
22 BY THE ARIZONA GAME AND FISH DEPARTMENT OR A SIMILAR AGENCY OF ANOTHER STATE.

23           4. COMPLETION OF ANY NATIONAL RIFLE ASSOCIATION FIREARMS SAFETY OR  
24 TRAINING COURSE.

25           5. COMPLETION OF ANY LAW ENFORCEMENT FIREARMS SAFETY OR TRAINING  
26 COURSE OR CLASS THAT IS OFFERED FOR SECURITY GUARDS, INVESTIGATORS, SPECIAL  
27 DEPUTIES OR OTHER DIVISIONS OR SUBDIVISIONS OF LAW ENFORCEMENT OR SECURITY  
28 ENFORCEMENT AND THAT IS APPROVED BY THE DEPARTMENT OF PUBLIC SAFETY.

29           6. EVIDENCE OF CURRENT MILITARY SERVICE OR PROOF OF HONORABLE  
30 DISCHARGE FROM THE UNITED STATES ARMED FORCES.

1           7. A VALID CURRENT OR EXPIRED CONCEALED WEAPON, FIREARM OR HANDGUN  
2 PERMIT OR LICENSE THAT IS ISSUED BY ANOTHER STATE OR A POLITICAL SUBDIVISION  
3 OF ANOTHER STATE AND THAT HAS A TRAINING OR TESTING REQUIREMENT FOR INITIAL  
4 ISSUANCE.

5           8. COMPLETION OF ANY GOVERNMENTAL POLICE AGENCY FIREARMS TRAINING  
6 COURSE AND QUALIFICATION TO CARRY A FIREARM IN THE COURSE OF NORMAL POLICE  
7 DUTIES.

8           9. COMPLETION OF ANY OTHER FIREARMS TRAINING THAT THE DEPARTMENT OF  
9 PUBLIC SAFETY DEEMS ACCEPTABLE.

10           P. If authorized pursuant to subsection 0, PARAGRAPH 1 of this  
11 section, the organization on behalf of each of its instructors shall submit  
12 to the department of public safety two sets of fingerprints and a fee to be  
13 determined by the director of the department of public safety. On receipt of  
14 the fingerprints and fee, the department of public safety shall conduct a  
15 check of each instructor's criminal history record pursuant to section  
16 41-1750. The department of public safety may exchange this fingerprint card  
17 information with the federal bureau of investigation for federal criminal  
18 history record checks.

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

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

26           S. The department of public safety shall maintain information  
27 comparing the number of permits requested, the number of permits issued and  
28 the number of permits denied. The department shall annually report this  
29 information to the governor and the legislature.

1           T. The director of the department of public safety shall adopt rules  
2 for the purpose of implementing and administering ~~the concealed weapons~~  
3 ~~permit program~~ THIS SECTION including fees relating to permits and  
4 certificates that are issued pursuant to this section.

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

8           1. The permit or license is recognized as valid in the issuing state.

9           2. The permit or license holder is all of the following:

10          ~~(a) Not a resident of this state.~~

11          ~~(b)~~ (a) Legally present in this state.

12          ~~(c)~~ (b) Not legally prohibited from possessing a firearm in this  
13 state.

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

17           W. Notwithstanding the provisions of this section, a person with a  
18 concealed weapons permit from another state may not carry a concealed weapon  
19 in this state if the person is under twenty-one years of age or is under  
20 indictment for, or has been convicted of, a felony offense in any  
21 jurisdiction, ~~unless the person's rights have been restored and the~~ THAT  
22 conviction is expunged, set aside or vacated OR THE PERSON'S RIGHTS HAVE BEEN  
23 RESTORED and the applicant PERSON is currently not a prohibited possessor  
24 under state or federal law.

25           X. The department of public safety may issue certificates of firearms  
26 proficiency according to the Arizona peace officer standards and training  
27 board firearms qualification for the purposes of implementing the law  
28 enforcement officers safety act of 2004 (P.L. 108-277; 118 Stat. 865; 18  
29 United States Code sections 926B and 926C). A law enforcement agency shall  
30 issue to a law enforcement officer who has honorably retired a photographic  
31 identification that states that the officer has honorably retired from the

1           agency. The chief law enforcement officer shall determine whether an officer  
2           has honorably retired and the determination is not subject to review. A law  
3           enforcement agency has no obligation to revoke, alter or modify the honorable  
4           discharge photographic identification based on conduct that the agency  
5           becomes aware of or that occurs after the officer has separated from the  
6           agency."

7 Amend title to conform

JERRY P. WEIERS

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02/01/2010  
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C: sp