



ARIZONA STATE SENATE
Fiftieth Legislature, Second Regular Session

FACT SHEET FOR H.B. 2729

state regulation of firearms

Purpose

Modifies certain provisions in the firearms regulated by the state statute and prescribes criteria for limiting or prohibiting the possession of firearms on public property.

Background

Current law prohibits political subdivisions in Arizona from enacting ordinances, rules or taxes related to the ownership transportation, possession, sale, carrying, use or transfer of firearms, ammunition or their related components. Political subdivisions are further prohibited from requiring the registration or licensing of firearms and ammunition or their related components or accessories (A.R.S. § 13-3108).

However, political subdivisions are permitted to enact or enforce ordinances or rules related to firearms that are consistent with state law and include the ability to do the following: a) impose a privilege or use tax on the sale, lease or rental, or the proceeds thereof, on firearms, ammunition or related components at a rate that applies generally to other items of tangible personal property; b) prohibit an unaccompanied minor from possessing, controlling or transporting a firearm on public property, with certain exceptions; c) regulate the use of land and structures, including businesses relating to firearms, ammunition or shooting ranges in the same manner of commercial businesses; d) regulate employees or independent contractors of the political subdivision who are acting within the scope of their employment or contract; and e) limit the possession or discharge of firearms in parks and preserves under certain conditions (A.R.S. § 13-3108).

According to the Joint Legislative Budget Committee (JLBC), H.B. 2729 may increase agency costs if an agency chooses to ban firearms and add security personnel and screening devices. JLBC notes that, depending on whether personnel are already present, the security costs could range from \$5,000 to \$113,800 per public entrance in the first year with ongoing costs that could range from \$54,400 to \$108,800 per year.

Provisions

1. Adds *this state and any agency* of this state to certain prohibitions and exemptions related to the firearms regulated by the state statute, including:
 - a) enacting any ordinance, rule or tax relating to the transportation, possession, carrying, sale, transfer, purchase, acquisition, gift, devise, storage, licensing, registration, discharge or use of firearms or ammunition or any firearm or ammunition components or related accessories;

- b) requiring the licensing or registration of firearms, ammunition, any firearm or ammunition components or related accessories;
 - c) prohibiting the ownership, purchase, sale, or transfer of firearms, ammunition, any firearm or ammunition components or related accessories;
 - d) requiring or maintaining any permanent or temporary record , including a list, log or database of any of the following:
 - i. any identifying information of a person who leaves a weapon in temporary storage on any public property;
 - ii. any identifying information of a person who purchases, sells or transfers a firearm, with certain exceptions; or
 - iii. the description of a weapon that is left in temporary storage on any public property.
 - e) enacting any rule or ordinance related to firearms that is more prohibitive than or has a penalty greater than any state law; and,
 - f) enacting any ordinance, rule or regulation limiting the lawful taking of wildlife during an open season as established by the Arizona Game and Fish Commission, with certain exceptions.
2. Specifies that any rule or ordinance that relates to firearms and is inconsistent with or more restrictive than state law, whether enacted before or after July 29, 2010, is null and void and of no force or effect.
3. Allows this state or any agency or political subdivision of this state to enact or enforce ordinances or rules pursuant to state law related to the imposition of privilege or use tax, minor possession of firearms on public property, regulation of land and structures, regulation of employees or independent contractors, and limiting or prohibiting the discharge of firearms in parks and preserves.
4. Eliminates, from the misconduct involving weapons statute, language related to entering a public establishment or attending a public event while carrying a deadly weapon after a reasonable request by the operator of the establishment or event to remove the weapon and place it in temporary and secure storage.
5. Allows this state or any agency, or a political subdivision of the state to enact ordinances or rules in accordance with state law that limit or prohibit the possession of firearms on public property if all of the following apply:
 - a) the public property is a secured facility;
 - b) signs prohibiting the possession of firearms are conspicuously posted at all public entrances; and
 - c) there are secure firearm lockers within reasonable proximity to the main public entrance that are under the control of the operator of the property and that allow for the immediate retrieval of the firearm when exiting the property.
6. Permits a political subdivision of this state to enact any rule or ordinance that requires a business that obtains a secondhand firearm by purchase, trade or consignment to retain the firearm for a period of not more than ten days at the business location or other location approved by the applicable law enforcement agency.

7. Permits a person to file suit for declarative and injunctive relief and damages, if any ordinance, regulation, measure, directive, rule, enactment, order or policy is enacted or enforced in violation of the firearms regulated by the state statute.
8. Requires the court to award the prevailing party attorney fees and costs in the trial and appellate courts.
9. Directs the court to order an entity found to have knowingly violated the firearms regulated by the state statute to pay a civil penalty not to exceed \$5,000.
10. Permits this state, any agency or political subdivision of this state to be reimbursed for any public monies spent to defend any person found to have knowingly violated the firearms regulated by the state statute, except as required by the Sixth Amendment to the United States Constitution or Article II, Section 24 of the Arizona Constitution.
11. Specifies that the lawful transportation or lawful storage of any firearm is not prohibited.
12. Specifies that a private entity or operator of a multipurpose facility is permitted to limit or prohibit the possession of firearms on property owned, leased, used, operated, contracted or controlled by a private entity when not used by a governmental entity for a governmental purpose.
13. Permits the possession of firearms on public property, if the public property is a vehicle being used by a person acting in the capacity of an emergency medical care technician, for the purpose of transporting or moving a person in this state.
14. Classifies, as a class 1 misdemeanor, a violation of any ordinance enacted that limits or prohibits the possession of firearms on public property that meets specified requirements.
15. Repeals A.R.S. § 13-3118, relating to the possession and storage of firearms.
16. Repeals A.R.S. § 13-3102.01, relating to the storage of deadly weapons.
17. Removes the definitions of *public establishment* and *public event* from the misconduct involving weapons statute.
18. Defines *controlled access*, *governmental purpose*, *multipurpose facility*, *public property*, and *secured facility*.
19. Expands the definition of *political subdivision* to include municipalities, counties, special taxing districts, conservation districts, authorities, the governing body of a political subdivision and its members and officers in their official capacity.
20. Makes technical and conforming changes.
21. Becomes effective on the general effective date.

FACT SHEET

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House Action

MAPS	02/15/12	DPA	6-2-0-1
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Prepared by Senate Research

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