

COMMITTEE ON JUDICIARY
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2446
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 13-3101, Arizona Revised Statutes, is amended to
3 read:

4 13-3101. Definitions

5 A. In this chapter, unless the context otherwise requires:

6 1. "Deadly weapon" means anything that is designed for lethal use.
7 The term includes a firearm.

8 2. "Deface" means to remove, alter or destroy the manufacturer's
9 serial number.

10 3. "Explosive" means any dynamite, nitroglycerine, black powder, or
11 other similar explosive material, including plastic explosives. Explosive
12 does not include ammunition or ammunition components such as primers,
13 percussion caps, smokeless powder, black powder and black powder substitutes
14 used for hand loading purposes.

15 4. "Firearm" means any loaded or unloaded handgun, pistol, revolver,
16 rifle, shotgun or other weapon that will expel, is designed to expel or may
17 readily be converted to expel a projectile by the action of an explosive.
18 Firearm does not include a firearm in permanently inoperable condition.

19 5. "Improvised explosive device" means a device that incorporates
20 explosives or destructive, lethal, noxious, pyrotechnic or incendiary
21 chemicals and that is designed to destroy, disfigure, terrify or harass.

22 6. "Occupied structure" means any building, object, vehicle,
23 watercraft, aircraft or place with sides and a floor that is separately
24 securable from any other structure attached to it, that is used for lodging,
25 business, transportation, recreation or storage and in which one or more
26 human beings either are or are likely to be present or so near as to be in
27 equivalent danger at the time the discharge of a firearm occurs. Occupied

1 structure includes any dwelling house, whether occupied, unoccupied or
2 vacant.

3 7. "Prohibited possessor" means any person:

4 (a) Who has been found to constitute a danger to self or to others or
5 to have A persistent or acute ~~disabilities~~ DISABILITY or grave ~~disabilities~~
6 DISABILITY pursuant to court order pursuant to section 36-540, and whose
7 right to possess a firearm has not been restored pursuant to section 13-925.

8 (b) Who has been convicted within or without this state of a felony or
9 who has been adjudicated delinquent for a felony and whose civil right to
10 possess or carry a gun or firearm has not been restored.

11 (c) Who is at the time of possession serving a term of imprisonment in
12 any correctional or detention facility.

13 (d) Who is at the time of possession serving a term of probation
14 pursuant to a conviction for a domestic violence offense as defined in
15 section 13-3601 or a felony offense, parole, community supervision, work
16 furlough, home arrest or release on any other basis or who is serving a term
17 of probation or parole pursuant to the interstate compact under title 31,
18 chapter 3, article 4.1.

19 (e) Who is an undocumented alien or a nonimmigrant alien traveling
20 with or without documentation in this state for business or pleasure or who
21 is studying in this state and who maintains a foreign residence abroad. This
22 subdivision does not apply to:

23 (i) Nonimmigrant aliens who possess a valid hunting license or permit
24 that is lawfully issued by a state in the United States.

25 (ii) Nonimmigrant aliens who enter the United States to participate in
26 a competitive target shooting event or to display firearms at a sports or
27 hunting trade show that is sponsored by a national, state or local firearms
28 trade organization devoted to the competitive use or other sporting use of
29 firearms.

30 (iii) Certain diplomats.

31 (iv) Officials of foreign governments or distinguished foreign
32 visitors who are designated by the United States department of state.

33 (v) Persons who have received a waiver from the United States attorney
34 general.

35 (f) Who has been found incompetent pursuant to rule 11, Arizona rules
36 of criminal procedure, and who subsequently has not been found competent.

37 (g) Who is found guilty except insane.

1 8. "Prohibited weapon":

2 (a) Includes the following:

3 (i) An item that is a bomb, grenade, rocket having a propellant charge
4 of more than four ounces or mine and that is explosive, incendiary or poison
5 gas.

6 (ii) A device that is designed, made or adapted to muffle the report
7 of a firearm.

8 (iii) A firearm that is capable of shooting more than one shot
9 automatically, without manual reloading, by a single function of the trigger.

10 (iv) A rifle with a barrel length of less than sixteen inches, or
11 shotgun with a barrel length of less than eighteen inches, or any firearm
12 that is made from a rifle or shotgun and that, as modified, has an overall
13 length of less than twenty-six inches.

14 (v) An instrument, including a nunchaku, that consists of two or more
15 sticks, clubs, bars or rods to be used as handles, connected by a rope, cord,
16 wire or chain, in the design of a weapon used in connection with the practice
17 of a system of self-defense.

18 (vi) A breakable container that contains a flammable liquid with a
19 flash point of one hundred fifty degrees Fahrenheit or less and that has a
20 wick or similar device capable of being ignited.

21 (vii) A chemical or combination of chemicals, compounds or materials,
22 including dry ice, that is possessed or manufactured for the purpose of
23 generating a gas to cause a mechanical failure, rupture or bursting or an
24 explosion or detonation of the chemical or combination of chemicals,
25 compounds or materials.

26 (viii) An improvised explosive device.

27 (ix) Any combination of parts or materials that is designed and
28 intended for use in making or converting a device into an item set forth in
29 item (i), (vi) or (viii) of this subdivision.

30 (b) Does not include:

31 (i) Any fireworks that are imported, distributed or used in compliance
32 with state laws or local ordinances.

33 (ii) Any propellant, propellant actuated devices or propellant
34 actuated industrial tools that are manufactured, imported or distributed for
35 their intended purposes.

36 (iii) A device that is commercially manufactured primarily for the
37 purpose of illumination.

1 9. "Trafficking" means to sell, transfer, distribute, dispense or
2 otherwise dispose of a weapon or explosive to another person, or to buy,
3 receive, possess or obtain control of a weapon or explosive, with the intent
4 to sell, transfer, distribute, dispense or otherwise dispose of the weapon or
5 explosive to another person.

6 B. The items set forth in subsection A, paragraph 8, subdivision (a),
7 items (i), (ii), (iii) and (iv) of this section do not include any firearms
8 or devices that are ~~registered in the national firearms registry and transfer~~
9 ~~records of the United States treasury department or any firearm that has been~~
10 ~~classified as a curio or relic by the United States treasury department~~
11 **POSSESSED, MANUFACTURED OR TRANSFERRED IN COMPLIANCE WITH FEDERAL LAW."**

12 Amend title to conform

and, as so amended, it do pass

EDDIE FARNSWORTH
CHAIRMAN

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02/10/2016
11:41 AM
H: SP/rca