

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
Second Regular Session  
2010

# HOUSE BILL 2543

AN ACT

AMENDING SECTION 13-3108, ARIZONA REVISED STATUTES; RELATING TO FIREARMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-3108, Arizona Revised Statutes, is amended to  
3 read:

4 13-3108. Firearms regulated by state; state preemption;  
5 violation; classification; definition

6 A. Except as provided in subsection ~~E~~ D of this section, a political  
7 subdivision of this state shall not enact any ordinance, rule or tax relating  
8 to the transportation, possession, carrying, sale, transfer, PURCHASE,  
9 ACQUISITION, GIFT, DEVISE, STORAGE, LICENSING, REGISTRATION, DISCHARGE or use  
10 of firearms or ammunition or any firearm or ammunition components OR RELATED  
11 ACCESSORIES in this state.

12 B. A political subdivision of this state shall not require the  
13 licensing or registration of firearms or ammunition or any firearm or  
14 ammunition components OR RELATED ACCESSORIES or prohibit the ownership,  
15 purchase, sale or transfer of firearms or ammunition or any firearm or  
16 ammunition components, OR RELATED ACCESSORIES.

17 C. A POLITICAL SUBDIVISION OF THIS STATE SHALL NOT ENACT ANY RULE OR  
18 ORDINANCE THAT RELATES TO FIREARMS AND IS MORE PROHIBITIVE THAN OR THAT HAS A  
19 PENALTY THAT IS GREATER THAN ANY STATE LAW PENALTY. A POLITICAL  
20 SUBDIVISION'S RULE OR ORDINANCE THAT RELATES TO FIREARMS AND THAT IS  
21 INCONSISTENT WITH OR MORE RESTRICTIVE THAN STATE LAW, WHETHER ENACTED BEFORE  
22 OR AFTER THE EFFECTIVE DATE OF THE AMENDMENT TO THIS SECTION, IS NULL AND  
23 VOID.

24 ~~E~~ D. This section does not prohibit a political subdivision of this  
25 state from enacting and enforcing any ordinance or rule pursuant to state  
26 law, ~~to implement or enforce state law~~ or relating to any of the following:

27 1. Imposing any privilege or use tax on the retail sale, lease or  
28 rental of, or the gross proceeds or gross income from the sale, lease or  
29 rental of, firearms or ammunition or any firearm or ammunition components at  
30 a rate that applies generally to other items of tangible personal property.

31 2. Prohibiting a minor who is unaccompanied by a parent, grandparent  
32 or guardian or a certified hunter safety instructor or certified firearms  
33 safety instructor acting with the consent of the minor's parent, grandparent  
34 or guardian from knowingly possessing or carrying on the minor's person,  
35 within the minor's immediate control or in or on a means of transportation a  
36 firearm in any place that is open to the public or on any street or highway  
37 or on any private property except private property that is owned or leased by  
38 the minor or the minor's parent, grandparent or guardian. Any ordinance or  
39 rule that is adopted pursuant to this paragraph shall not apply to a minor  
40 who is fourteen, fifteen, sixteen or seventeen years of age and who is  
41 engaged in any of the following:

42 (a) Lawful hunting or shooting events or marksmanship practice at  
43 established ranges or other areas where the discharge of a firearm is not  
44 prohibited.

1 (b) Lawful transportation of an unloaded firearm for the purpose of  
2 lawful hunting.

3 (c) Lawful transportation of an unloaded firearm ~~between the hours of~~  
4 ~~5:00 a.m. and 10:00 p.m.~~ for the purpose of ATTENDING shooting events or  
5 marksmanship practice at established ranges or other areas where the  
6 discharge of a firearm is not prohibited.

7 (d) Any activity that is related to the production of crops,  
8 livestock, poultry, livestock products, poultry products or ratites or  
9 storage of agricultural commodities.

10 3. The ~~use~~ REGULATION of land and structures, including a business  
11 relating to firearms or ammunition or their components or a shooting range in  
12 the same manner as other commercial businesses. Notwithstanding any other  
13 law, this paragraph does not authorize a political subdivision to regulate  
14 the sale or transfer of firearms on property it owns, leases, operates or  
15 controls in a manner that is different than or inconsistent with state  
16 law. For the purposes of this paragraph, a use permit or other contract that  
17 provides for the use of property owned, leased, operated or controlled by a  
18 political subdivision shall not be considered a sale, conveyance or  
19 disposition of property.

20 4. Regulating employees or independent contractors of the political  
21 subdivision who are acting within the course and scope of their employment or  
22 contract.

23 ~~5. Limiting firearms possession in parks or preserves of one square~~  
24 ~~mile or less in area to persons who possess a concealed weapons permit issued~~  
25 ~~pursuant to section 13-3112. The political subdivision shall post reasonable~~  
26 ~~notice at each park or preserve. The notice shall state the following:~~  
27 ~~"Carrying a firearm in this park is limited to persons who possess a permit~~  
28 ~~issued pursuant to section 13-3112." In parks or preserves that are more~~  
29 ~~than one square mile in area, a political subdivision may designate developed~~  
30 ~~or improved areas in which the political subdivision may limit firearms~~  
31 ~~possession to persons who possess a concealed weapons permit issued pursuant~~  
32 ~~to section 13-3112. The political subdivision shall post reasonable notice~~  
33 ~~at each designated developed or improved area. The notice shall state the~~  
34 ~~following: "Carrying a firearm in this developed or improved area is limited~~  
35 ~~to persons with a permit issued pursuant to section 13-3112." For the~~  
36 ~~purposes of this paragraph, "developed or improved area" means an area of~~  
37 ~~property developed for public recreation or family activity, including picnic~~  
38 ~~areas, concessions, playgrounds, amphitheaters, racquet courts, swimming~~  
39 ~~areas, golf courses, zoos, horseback riding facilities and boat landing and~~  
40 ~~docking facilities. Developed or improved area does not include campgrounds,~~  
41 ~~trails, paths or roadways except trails, paths and roadways directly~~  
42 ~~associated with and adjacent to designated developed or improved areas. Any~~  
43 ~~notice that is required by this paragraph shall be conspicuously posted at~~  
44 ~~all public entrances and at intervals of one-fourth mile or less where the~~  
45 ~~park, preserve or developed or improved area has an open perimeter. Any~~

1 ~~limitation imposed by a political subdivision pursuant to this paragraph~~  
2 ~~shall not apply to a person:~~

3 ~~(a) Engaged in a permitted firearms or hunter safety course conducted~~  
4 ~~in a park by a certified hunter safety instructor or certified firearms~~  
5 ~~safety instructor.~~

6 ~~(b) At a properly supervised range, as defined in section 13-3107, at~~  
7 ~~a permitted shooting event, at a permitted firearms show or in a permitted~~  
8 ~~hunting area.~~

9 ~~(c) Legally transporting, carrying, storing or possessing a firearm in~~  
10 ~~a vehicle.~~

11 ~~(d) Going directly to or from an area where the person is lawfully~~  
12 ~~engaged in hunting, marksmanship practice or recreational shooting.~~

13 ~~(e) Traversing a trailhead area in order to gain access to areas where~~  
14 ~~the possession of firearms is not limited.~~

15 ~~(f) Using trails, paths or roadways to go directly to or from an area~~  
16 ~~where the possession of firearms is not limited and where no reasonable~~  
17 ~~alternate means of access is available.~~

18 ~~6.~~ 5. Limiting or prohibiting the discharge of firearms in parks and  
19 preserves except:

20 (a) As allowed pursuant to chapter 4 of this title.

21 (b) On a properly supervised range as defined in section 13-3107.

22 (c) In an area ~~recommended~~ APPROVED as a hunting area by the Arizona  
23 game and fish department ~~and approved and posted as required by the political~~  
24 ~~subdivision's chief law enforcement officer.~~ Any such area may be closed  
25 when deemed unsafe by the ~~political subdivision's chief law enforcement~~  
26 ~~officer or the~~ director of the Arizona game and fish department.

27 (d) To control nuisance wildlife by permit from the Arizona game and  
28 fish department or the United States fish and wildlife service.

29 (e) By special permit of the chief law enforcement officer of the  
30 political subdivision.

31 (f) As required by an animal control officer in performing duties  
32 specified in section 9-499.04 and title 11, chapter 7, article 6.

33 (g) In self-defense or defense of another person against an animal  
34 attack if a reasonable person would believe that deadly physical force  
35 against the animal is immediately necessary and reasonable under the  
36 circumstances to protect oneself or the other person.

37 ~~D.~~ E. A violation of any ordinance established pursuant to subsection  
38 ~~C- D~~, paragraph ~~6- 5~~ of this section is a class 2 misdemeanor unless the  
39 political subdivision designates a lesser classification by ordinance.

40 F. FOR THE PURPOSES OF THIS SECTION, "POLITICAL SUBDIVISION" INCLUDES  
41 A POLITICAL SUBDIVISION ACTING IN ANY CAPACITY, INCLUDING UNDER POLICE POWER,  
42 IN A PROPRIETARY CAPACITY OR OTHERWISE.