

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SENATE BILL 1334

AN ACT

AMENDING SECTIONS 13-3107 AND 13-3108, ARIZONA REVISED STATUTES; RELATING TO HUNTING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-3107, Arizona Revised Statutes, is amended to
3 read:

4 13-3107. Unlawful discharge of firearms; exceptions;
5 classification; definitions

6 A. A person who with criminal negligence discharges a firearm within
7 or into the limits of any municipality is guilty of a class 6 felony.

8 B. Notwithstanding the fact that the offense involves the discharge of
9 a deadly weapon, unless a dangerous offense is alleged and proven pursuant to
10 section 13-704, subsection L, section 13-604 applies to this offense.

11 C. This section does not apply if the firearm is discharged:

12 1. As allowed pursuant to chapter 4 of this title.

13 2. On a properly supervised range.

14 ~~3. In an area recommended as a hunting area by the Arizona game and~~
15 ~~fish department, approved and posted as required by the chief of police, but~~
16 ~~any such area may be closed when deemed unsafe by the chief of police or the~~
17 ~~director of the Arizona game and fish department.~~

18 3. TO LAWFULLY TAKE WILDLIFE DURING AN OPEN SEASON ESTABLISHED BY THE
19 ARIZONA GAME AND FISH COMMISSION AND SUBJECT TO THE LIMITATIONS PRESCRIBED BY
20 TITLE 17 AND ARIZONA GAME AND FISH COMMISSION RULES AND ORDERS. THIS
21 PARAGRAPH DOES NOT PREVENT A CITY, TOWN OR COUNTY FROM ADOPTING AN ORDINANCE
22 OR RULE RESTRICTING THE DISCHARGE OF A FIREARM WITHIN ONE-FOURTH MILE OF AN
23 OCCUPIED STRUCTURE. FOR PURPOSES OF THIS PARAGRAPH, "TAKE" HAS THE SAME
24 MEANING PRESCRIBED IN SECTION 17-101.

25 4. For the control of nuisance wildlife by permit from the Arizona
26 game and fish department or the United States fish and wildlife service.

27 5. By special permit of the chief of police of the municipality.

28 6. As required by an animal control officer in the performance of
29 duties as specified in section 9-499.04.

30 7. Using blanks.

31 8. More than one mile from any occupied structure as defined in
32 section 13-3101.

33 9. 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. For the purposes of this section:

38 1. "Municipality" means any city or town and includes any property
39 that is fully enclosed within the city or town.

40 2. "Properly supervised range" means a range that is any of the
41 following:

42 (a) Operated by a club affiliated with the national rifle association
43 of America, the amateur trapshooting association, the national skeet
44 association or any other nationally recognized shooting organization, or by
45 any public or private school.

1 (b) Approved by any agency of the federal government, this state or a
2 county or city within which the range is located.

3 (c) Operated with adult supervision for shooting air or carbon dioxide
4 gas operated guns, or for shooting in underground ranges on private or public
5 property.

6 Sec. 2. Section 13-3108, Arizona Revised Statutes, is amended to read:
7 13-3108. Firearms regulated by state; state preemption;
8 violation; classification; definition

9 A. Except as provided in subsection ~~E~~ F of this section, a political
10 subdivision of this state shall not enact any ordinance, rule or tax relating
11 to the transportation, possession, carrying, sale, transfer, purchase,
12 acquisition, gift, devise, storage, licensing, registration, discharge or use
13 of firearms or ammunition or any firearm or ammunition components or related
14 accessories in this state.

15 B. A political subdivision of this state shall not require the
16 licensing or registration of firearms or ammunition or any firearm or
17 ammunition components or related accessories or prohibit the ownership,
18 purchase, sale or transfer of firearms or ammunition or any firearm or
19 ammunition components, or related accessories.

20 C. A political subdivision of this state shall not require or maintain
21 a record in any form, whether permanent or temporary, including a list, log
22 or database, of any of the following:

23 1. Any identifying information of a person who leaves a weapon in
24 temporary storage at any public establishment or public event, except that
25 the operator of the establishment or the sponsor of the event may require
26 that a person provide a government issued identification or a reasonable copy
27 of a government issued identification for the purpose of establishing
28 ownership of the weapon. The operator or sponsor shall store any provided
29 identification with the weapon and shall return the identification to the
30 person when the weapon is retrieved. The operator or sponsor shall not
31 retain records or copies of any identification provided pursuant to this
32 paragraph after the weapon is retrieved.

33 2. Except in the course of a law enforcement investigation, any
34 identifying information of a person who purchases, sells or transfers a
35 firearm, unless the transaction involves a federally licensed firearms
36 dealer.

37 3. The description, including the serial number, of a weapon that is
38 left in temporary storage at any public establishment or public event.

39 D. A political subdivision of this state shall not enact any rule or
40 ordinance that relates to firearms and is more prohibitive than or that has a
41 penalty that is greater than any state law penalty. A political
42 subdivision's rule or ordinance that relates to firearms and that is
43 inconsistent with or more restrictive than state law, whether enacted before
44 or after the effective date of the amendment to this section, is null and
45 void.

1 E. A POLITICAL SUBDIVISION OF THIS STATE SHALL NOT ENACT ANY
2 ORDINANCE, RULE OR REGULATION LIMITING THE LAWFUL TAKING OF WILDLIFE DURING
3 AN OPEN SEASON ESTABLISHED BY THE ARIZONA GAME AND FISH COMMISSION UNLESS THE
4 ORDINANCE, RULE OR REGULATION IS CONSISTENT WITH TITLE 17 AND RULES AND
5 ORDERS ADOPTED BY THE ARIZONA GAME AND FISH COMMISSION. THIS SUBSECTION DOES
6 NOT PREVENT A POLITICAL SUBDIVISION FROM ADOPTING AN ORDINANCE OR RULE
7 RESTRICTING THE DISCHARGE OF A FIREARM WITHIN ONE-FOURTH MILE OF AN OCCUPIED
8 STRUCTURE. FOR PURPOSES OF THIS SUBSECTION, "TAKE" HAS THE SAME MEANING
9 PRESCRIBED IN SECTION 17-101.

10 ~~E.~~ F. This section does not prohibit a political subdivision of this
11 state from enacting and enforcing any ordinance or rule pursuant to state law
12 or relating to any of the following:

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

17 2. Prohibiting a minor who is unaccompanied by a parent, grandparent
18 or guardian or a certified hunter safety instructor or certified firearms
19 safety instructor acting with the consent of the minor's parent, grandparent
20 or guardian from knowingly possessing or carrying on the minor's person,
21 within the minor's immediate control or in or on a means of transportation a
22 firearm in any place that is open to the public or on any street or highway
23 or on any private property except private property that is owned or leased by
24 the minor or the minor's parent, grandparent or guardian. Any ordinance or
25 rule that is adopted pursuant to this paragraph shall not apply to a minor
26 who is fourteen, fifteen, sixteen or seventeen years of age and who is
27 engaged in any of the following:

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

31 (b) Lawful transportation of an unloaded firearm for the purpose of
32 lawful hunting.

33 (c) Lawful transportation of an unloaded firearm for the purpose of
34 attending shooting events or marksmanship practice at established ranges or
35 other areas where the discharge of a firearm is not prohibited.

36 (d) Any activity that is related to the production of crops,
37 livestock, poultry, livestock products, poultry products or ratites or
38 storage of agricultural commodities.

39 3. The regulation of land and structures, including a business
40 relating to firearms or ammunition or their components or a shooting range in
41 the same manner as other commercial businesses. Notwithstanding any other
42 law, this paragraph does not authorize a political subdivision to regulate
43 the sale or transfer of firearms on property it owns, leases, operates or
44 controls in a manner that is different than or inconsistent with state
45 law. For the purposes of this paragraph, a use permit or other contract that

1 provides for the use of property owned, leased, operated or controlled by a
2 political subdivision shall not be considered a sale, conveyance or
3 disposition of property.

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

7 5. Limiting or prohibiting the discharge of firearms in parks and
8 preserves except:

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

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

11 (c) In an area approved as a hunting area by the Arizona game and fish
12 department. Any such area may be closed when deemed unsafe by the director
13 of the Arizona game and fish department.

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

16 (e) By special permit of the chief law enforcement officer of the
17 political subdivision.

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

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

24 ~~F.~~ G. A violation of any ordinance established pursuant to subsection
25 ~~E- F~~, paragraph 5 of this section is a class 2 misdemeanor unless the
26 political subdivision designates a lesser classification by ordinance.

27 ~~G.~~ H. For the purposes of this section, "political subdivision"
28 includes a political subdivision acting in any capacity, including under
29 police power, in a proprietary capacity or otherwise.