

REFERENCE TITLE: unlawful securing; firearm; minors

State of Arizona  
Senate  
Fifty-fourth Legislature  
Second Regular Session  
2020

## **SB 1627**

Introduced by  
Senators Alston: Bradley, Contreras, Dalessandro, Gonzales, Mendez,  
Navarrete, Otondo, Peshlakai, Quezada, Rios, Steele

AN ACT

AMENDING TITLE 13, CHAPTER 31, ARIZONA REVISED STATUTES, BY ADDING SECTION  
13-3123; 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. Title 13, chapter 31, Arizona Revised Statutes, is  
3 amended by adding section 13-3123, to read:

4 13-3123. Unlawful securing of a firearm; affirmative defense;  
5 classification; definitions

6 A. A PERSON COMMITS UNLAWFUL SECURING OF A FIREARM IF A MINOR  
7 OBTAINS ACCESS TO A READILY DISCHARGEABLE FIREARM BECAUSE THE PERSON WITH  
8 CRIMINAL NEGLIGENCE:

9 1. FAILS TO TAKE STEPS THAT A REASONABLE PERSON WOULD TAKE TO  
10 PREVENT A MINOR FROM ACCESSING THE FIREARM, INCLUDING PLACING THE FIREARM  
11 IN A LOCKED CONTAINER OR TEMPORARILY RENDERING THE FIREARM INOPERABLE BY A  
12 TRIGGER LOCK OR OTHER MEANS.

13 2. LEAVES THE FIREARM IN A PLACE TO WHICH THE PERSON KNOWS OR  
14 SHOULD KNOW THAT THE MINOR WOULD GAIN ACCESS.

15 B. IT IS AN AFFIRMATIVE DEFENSE TO A PROSECUTION FOR A VIOLATION OF  
16 THIS SECTION IF THE MINOR:

17 1. USES THE FIREARM WHILE BEING SUPERVISED BY A PERSON WHO IS  
18 EIGHTEEN YEARS OF AGE OR OLDER AND THE USE IS FOR HUNTING, SPORTING OR  
19 ANOTHER LAWFUL PURPOSE.

20 2. USES THE FIREARM IN THE LAWFUL DEFENSE OF A PERSON OR PROPERTY.

21 3. OBTAINS THE FIREARM BY ENTERING INTO ANOTHER PERSON'S PROPERTY  
22 IN VIOLATION OF THIS TITLE.

23 4. USES THE FIREARM WHILE THE PERSON IS ENGAGING IN AN AGRICULTURAL  
24 ENTERPRISE.

25 5. USES THE FIREARM WHILE ENGAGING IN AN ACTIVITY INCLUDED IN  
26 SECTION 13-3111, SUBSECTION B.

27 C. A PERSON MAY NOT BE ARRESTED FOR A VIOLATION OF THIS SECTION  
28 UNTIL SEVEN DAYS AFTER THE DAY THAT THE PERSON COMMITTED THE OFFENSE IF:

29 1. THE PERSON IS THE MINOR'S FAMILY MEMBER.

30 2. THE MINOR'S DISCHARGE OF THE FIREARM CAUSED THE DEATH OF OR  
31 SERIOUS PHYSICAL INJURY TO THE MINOR.

32 D. A VIOLATION OF THIS SECTION IS A CLASS 6 FELONY, EXCEPT THAT IF  
33 THE MINOR DISCHARGES THE FIREARM AND CAUSES THE DEATH OF OR SERIOUS  
34 PHYSICAL INJURY TO THE MINOR OR ANOTHER PERSON IT IS A CLASS 4 FELONY.

35 E. FOR THE PURPOSES OF THIS SECTION:

36 1. "FAMILY MEMBER" MEANS ANY PERSON WHO:

37 (a) IS RELATED BY BLOOD, MARRIAGE OR ADOPTION TO THE MINOR.

38 (b) IS THE MINOR'S CURRENT OR FORMER DATING PARTNER.

39 (c) IS ACTING OR HAS ACTED AS THE MINOR'S LEGAL GUARDIAN.

40 (d) HAS REGULARLY RESIDED IN THE SAME HOUSEHOLD AS THE MINOR WITHIN  
41 THE PREVIOUS YEAR.

42 2. "MINOR" MEANS A PERSON WHO IS UNDER SEVENTEEN YEARS OF AGE.

43 3. "READILY DISCHARGEABLE FIREARM" MEANS A FIREARM THAT IS LOADED  
44 WITH AMMUNITION, WHETHER OR NOT A ROUND OF AMMUNITION IS IN THE CHAMBER.