

REFERENCE TITLE: **concealed weapons permit; fee; applications**

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1124

Introduced by
Senator Rogers

AN ACT

AMENDING SECTION 13-3112, 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 13-3112, Arizona Revised Statutes, is amended to
3 read:

4 13-3112. Concealed weapons; qualification; application; permit
5 to carry; civil penalty; report; applicability

6 A. The department of public safety shall issue a permit to carry a
7 concealed weapon to a person who is qualified under this section. The
8 person shall carry the permit at all times when the person is in actual
9 possession of the concealed weapon and is required by section 4-229 or
10 4-244 to carry the permit. If the person is in actual possession of the
11 concealed weapon and is required by section 4-229 or 4-244 to carry the
12 permit, the person shall present the permit for inspection to any law
13 enforcement officer on request.

14 B. The permit of a person who is arrested or indicted for an
15 offense that would make the person unqualified under section 13-3101,
16 subsection A, paragraph 7 or this section shall be immediately suspended
17 and seized. The permit of a person who becomes unqualified on conviction
18 of that offense shall be revoked. The permit shall be restored on
19 presentation of documentation from the court if the permittee is found not
20 guilty or the charges are dismissed. The permit shall be restored on
21 presentation of documentation from the county attorney that the charges
22 against the permittee were dropped or dismissed.

23 C. A permittee who carries a concealed weapon, who is required by
24 section 4-229 or 4-244 to carry a permit and who fails to present the
25 permit for inspection on the request of a law enforcement officer commits
26 a violation of this subsection and is subject to a civil penalty of not
27 more than ~~three hundred dollars~~ \$300. The department of public safety
28 shall be notified of all violations of this subsection and shall
29 immediately suspend the permit. A permittee shall not be convicted of a
30 violation of this subsection if the permittee produces to the court a
31 legible permit that is issued to the permittee and that was valid at the
32 time the permittee failed to present the permit for inspection.

33 D. A law enforcement officer shall not confiscate or forfeit a
34 weapon that is otherwise lawfully possessed by a permittee whose permit is
35 suspended pursuant to subsection C of this section, except that a law
36 enforcement officer may take temporary custody of a firearm during an
37 investigatory stop of the permittee.

38 E. The department of public safety shall issue a permit to an
39 applicant who meets all of the following conditions:

40 1. Is a resident of this state or a United States citizen.

41 2. Is twenty-one years of age or older or is at least nineteen
42 years of age and provides evidence of current military service or proof of
43 honorable discharge or general discharge under honorable conditions from
44 the United States armed forces, the United States armed forces reserve or
45 a state national guard.

1 3. Is not under indictment for and has not been convicted in any
2 jurisdiction of a felony unless that conviction has been expunged, set
3 aside or vacated or the applicant's rights have been restored and the
4 applicant is currently not a prohibited possessor under state or federal
5 law.

6 4. Does not suffer from mental illness and has not been adjudicated
7 mentally incompetent or committed to a mental institution.

8 5. Is not unlawfully present in the United States.

9 6. Has ever demonstrated competence with a firearm as prescribed by
10 subsection N of this section and provides adequate documentation that the
11 person has satisfactorily completed a training program or demonstrated
12 competence with a firearm in any state or political subdivision in the
13 United States. For the purposes of this paragraph, "adequate
14 documentation" means:

15 (a) A current or expired permit issued by the department of public
16 safety pursuant to this section.

17 (b) An original or copy of a certificate, card or document that
18 shows the applicant has ever completed any course or class prescribed by
19 subsection N of this section or an affidavit from the instructor, school,
20 club or organization that conducted or taught the course or class
21 attesting to the applicant's completion of the course or class.

22 (c) An original or a copy of a United States department of defense
23 form 214 (DD-214) indicating an honorable discharge or general discharge
24 under honorable conditions, a certificate of completion of basic training
25 or any other document demonstrating proof of the applicant's current or
26 former service in the United States armed forces as prescribed by
27 subsection N, paragraph 5 of this section.

28 (d) An original or a copy of a concealed weapon, firearm or handgun
29 permit or a license as prescribed by subsection N, paragraph 6 of this
30 section.

31 F. The application shall be completed on a form prescribed by the
32 department of public safety. The form shall not require the applicant to
33 disclose the type of firearm for which a permit is sought. The applicant
34 shall attest under penalty of perjury that all of the statements made by
35 the applicant are true, that the applicant has been furnished a copy of
36 this chapter and chapter 4 of this title and that the applicant is
37 knowledgeable about the provisions contained in those chapters. The
38 applicant shall submit the application to the department with any
39 documentation prescribed by subsection E of this section, two sets of
40 fingerprints and a reasonable fee determined by the director of the
41 department. **THE DIRECTOR OF THE DEPARTMENT SHALL NOT CHARGE AN INITIAL
42 FEE OR RENEWAL APPLICATION FEE TO A PERSON WHO HAS BEEN A RESIDENT OF THIS
43 STATE FOR AT LEAST ONE YEAR BEFORE THE DATE OF THE APPLICATION AND WHO IS
44 CURRENTLY SERVING IN THE ARMED FORCES OF THE UNITED STATES, IS A VETERAN
45 WITH AN HONORABLE DISCHARGE OR GENERAL DISCHARGE UNDER HONORABLE**

1 CONDITIONS OR IS A CURRENT OR RETIRED PEACE OFFICER IN THIS STATE. A
2 PERSON WHO IS CURRENTLY SERVING IN THE ARMED FORCES OF THE UNITED STATES
3 MAY RESIDE IN ANOTHER STATE IF THE PERSON IS PERMANENTLY STATIONED IN THIS
4 STATE.

5 G. On receipt of a concealed weapon permit application, the
6 department of public safety shall conduct a check of the applicant's
7 criminal history record pursuant to section 41-1750. The department of
8 public safety may exchange fingerprint card information with the federal
9 bureau of investigation for federal criminal history record checks.

10 H. The department of public safety shall complete all of the
11 required qualification checks within sixty days after receipt of the
12 application and shall issue a permit within fifteen working days after
13 completing the qualification checks if the applicant meets all of the
14 conditions specified in subsection E of this section. THE DEPARTMENT
15 SHALL EXPEDITE AN APPLICATION THAT IT RECEIVES FROM A PERSON WHO IS
16 CURRENTLY SERVING IN THE ARMED FORCES OF THE UNITED STATES, IS A VETERAN
17 WITH AN HONORABLE DISCHARGE OR GENERAL DISCHARGE UNDER HONORABLE
18 CONDITIONS OR IS A CURRENT OR RETIRED PEACE OFFICER IN THIS STATE. If a
19 permit is denied, the department of public safety shall notify the
20 applicant in writing within fifteen working days after ~~the completion of~~
21 COMPLETING all of the required qualification checks and shall state the
22 reasons why the application was denied. On ~~receipt of~~ RECEIVING the
23 notification of the denial, the applicant has twenty days to submit any
24 additional documentation to the department. On ~~receipt of~~ RECEIVING the
25 additional documentation, the department shall reconsider its decision and
26 inform the applicant within twenty days of the result of the
27 reconsideration. If denied, the applicant shall be informed that the
28 applicant may request a hearing pursuant to title 41, chapter 6, article
29 10. For the purposes of this subsection, "receipt of the application"
30 means the first day that the department has physical control of the
31 application and that is presumed to be on the date of delivery as
32 evidenced by proof of delivery by the United States postal service or a
33 written receipt, which shall be provided by the department on request of
34 the applicant.

35 I. On issuance, a permit is valid for five years, except a permit
36 that is held by a member of the United States armed forces, including a
37 member of the Arizona national guard or a member of the reserves of any
38 military establishment of the United States, who is on federal active duty
39 and who is deployed overseas shall be extended until ninety days after the
40 end of the member's overseas deployment.

41 J. The department of public safety shall maintain a computerized
42 permit record system that is accessible to criminal justice agencies for
43 the purpose of confirming the permit status of any person who is contacted
44 by a law enforcement officer and who claims to hold a valid permit issued
45 by this state. This information and any other records that are maintained

1 regarding applicants, permit holders or instructors shall not be available
2 to any other person or entity except on an order from a state or federal
3 court. A criminal justice agency shall not use the computerized permit
4 record system to conduct inquiries on whether a person is a concealed
5 weapons permit holder unless the criminal justice agency has reasonable
6 suspicion to believe the person is carrying a concealed weapon and the
7 person is subject to a lawful criminal investigation, arrest, detention or
8 ~~an~~ investigatory stop.

9 K. A permit issued pursuant to this section is renewable every five
10 years. Before a permit may be renewed, a criminal history records check
11 shall be conducted pursuant to section 41-1750 within sixty days after
12 receipt of the application for renewal. For the purposes of permit
13 renewal, the permit holder is not required to submit additional
14 fingerprints.

15 L. EXCEPT AS PROVIDED IN SUBSECTION F OF THIS SECTION, applications
16 for renewal shall be accompanied by a fee determined by the director of
17 the department of public safety.

18 M. The department of public safety shall suspend or revoke a permit
19 issued under this section if the permit holder becomes ineligible pursuant
20 to subsection E of this section. The department of public safety shall
21 notify the permit holder in writing within fifteen working days after the
22 revocation or suspension and shall state the reasons for the revocation or
23 suspension.

24 N. An applicant shall demonstrate competence with a firearm through
25 any of the following:

26 1. Completion of any firearms safety or training course or class
27 that is available to the general public, that is offered by a law
28 enforcement agency, a junior college, a college or a private or public
29 institution, academy, organization or firearms training school and that is
30 approved by the department of public safety or that uses instructors who
31 are certified by the national rifle association.

32 2. Completion of any hunter education or hunter safety course
33 approved by the Arizona game and fish department or a similar agency of
34 another state.

35 3. Completion of any national rifle association firearms safety or
36 training course.

37 4. Completion of any law enforcement firearms safety or training
38 course or class that is offered for security guards, investigators,
39 special deputies or other divisions or subdivisions of law enforcement or
40 security enforcement and that is approved by the department of public
41 safety.

42 5. Evidence of current military service or proof of honorable
43 discharge or general discharge under honorable conditions from the United
44 States armed forces.

1 6. A valid current or expired concealed weapon, firearm or handgun
2 permit or license that is issued by another state or a political
3 subdivision of another state and that has a training or testing
4 requirement for initial issuance.

5 7. Completion of any governmental police agency firearms training
6 course and qualification to carry a firearm in the course of normal police
7 duties.

8 8. Completion of any other firearms safety or training course or
9 class that is conducted by a department of public safety approved or
10 national rifle association certified firearms instructor.

11 O. The department of public safety shall maintain information
12 comparing the number of permits requested, the number of permits issued
13 and the number of permits denied. The department shall annually report
14 this information electronically to the governor and the legislature.

15 P. The director of the department of public safety shall adopt
16 rules for the purpose of implementing and administering this section
17 including fees relating to permits that are issued pursuant to this
18 section.

19 Q. This state and any political subdivision of this state shall
20 recognize a concealed weapon, firearm or handgun permit or license that is
21 issued by another state or a political subdivision of another state if
22 both:

23 1. The permit or license is recognized as valid in the issuing
24 state.

25 2. The permit or license holder is all of the following:

26 (a) Legally present in this state.

27 (b) Not legally prohibited from possessing a firearm in this state.

28 R. For the purpose of establishing mutual permit or license
29 recognition with other states, the department of public safety shall enter
30 into a written agreement if another state requires a written agreement.
31 The department of public safety shall submit an electronic report to the
32 governor and the legislature each year that includes any changes that were
33 made in the previous year to a written agreement with another state.

34 S. Notwithstanding the provisions of this section, a person with a
35 concealed weapons permit from another state may not carry a concealed
36 weapon in this state if the person is under twenty-one years of age or is
37 under indictment for, or has been convicted of, a felony offense in any
38 jurisdiction, unless that conviction is expunged, set aside or vacated or
39 the person's rights have been restored and the person is currently not a
40 prohibited possessor under state or federal law.

41 T. The department of public safety may issue certificates of
42 firearms proficiency according to the Arizona peace officer standards
43 and training board firearms qualification for the purposes of implementing
44 the law enforcement officers safety act of 2004 (P.L. 108-277; 118 Stat.
45 865; 18 United States Code sections 926B and 926C). A law enforcement or

1 prosecutorial agency shall issue to a qualified retired law enforcement
2 officer who has honorably retired a photographic identification that
3 states that the officer has honorably retired from the agency. A person
4 who was a municipal, county or state prosecutor is deemed to meet the
5 qualifications of 18 United States Code section 926C(c)(2). The chief law
6 enforcement officer shall determine whether an officer has honorably
7 retired and the determination is not subject to review. A law enforcement
8 or prosecutorial agency has no obligation to revoke, alter or modify the
9 honorable discharge photographic identification based on conduct that the
10 agency becomes aware of or that occurs after the officer has separated
11 from the agency. For the purposes of this subsection, "qualified retired
12 law enforcement officer" has the same meaning prescribed in 18 United
13 States Code section 926C.

14 U. The initial and renewal application fees collected pursuant to
15 this section shall be deposited, pursuant to sections 35-146 and 35-147,
16 in the concealed weapons permit fund established by section 41-1722.