

REFERENCE TITLE: prohibited weapon; bump-fire device; accessory

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2304

Introduced by
Representative Dalessandro

AN ACT

AMENDING SECTION 13-3101, ARIZONA REVISED STATUTES; RELATING TO WEAPONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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
14 substitutes used for hand loading purposes.

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

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

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

31 7. "Prohibited possessor" means any person:

32 (a) Who has been found to constitute a danger to self or to others
33 or to have a persistent or acute disability or grave disability pursuant
34 to court order pursuant to section 36-540, and whose right to possess a
35 firearm has not been restored pursuant to section 13-925.

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

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

41 (d) Who is at the time of possession serving a term of probation
42 pursuant to a conviction for a domestic violence offense as defined in
43 section 13-3601 or a felony offense, parole, community supervision, work
44 furlough, home arrest or release on any other basis or who is serving a

1 term of probation or parole pursuant to the interstate compact under title
2 31, chapter 3, article 4.1.

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

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

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

14 (iii) Certain diplomats.

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

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

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

22 (g) Who is found guilty except insane.

23 8. "Prohibited weapon":

24 (a) Includes the following:

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

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

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

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

37 (v) A breakable container that contains a flammable liquid with a
38 flash point of one hundred fifty degrees Fahrenheit or less and that has a
39 wick or similar device capable of being ignited.

40 (vi) A chemical or combination of chemicals, compounds or
41 materials, including dry ice, that is possessed or manufactured for the
42 purpose of generating a gas to cause a mechanical failure, rupture or
43 bursting or an explosion or detonation of the chemical or combination of
44 chemicals, compounds or materials.

45 (vii) An improvised explosive device.

1 (viii) Any combination of parts or materials that is designed and
2 intended for use in making or converting a device into an item set forth
3 in item (i), (v) or (vii) of this subdivision.

4 (ix) A TRIGGER CRANK, A BUMP-FIRE DEVICE OR ANY PART, COMBINATION
5 OF PARTS, COMPONENT, DEVICE, ATTACHMENT OR ACCESSORY THAT IS DESIGNED OR
6 FUNCTIONS TO ACCELERATE THE RATE OF FIRE OF A SEMIAUTOMATIC RIFLE BUT THAT
7 DOES NOT CONVERT THE SEMIAUTOMATIC RIFLE INTO A MACHINE GUN. FOR THE
8 PURPOSES OF THIS ITEM, "MACHINE GUN" HAS THE SAME MEANING PRESCRIBED IN 26
9 UNITED STATES CODE SECTION 5845(b) AND "SEMIAUTOMATIC RIFLE" HAS THE SAME
10 MEANING PRESCRIBED IN 18 UNITED STATES CODE SECTION 921(a)(28).

11 (b) Does not include:

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

14 (ii) Any propellant, propellant actuated devices or propellant
15 actuated industrial tools that are manufactured, imported or distributed
16 for their intended purposes.

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

19 9. "Trafficking" means to sell, transfer, distribute, dispense or
20 otherwise dispose of a weapon or explosive to another person, or to buy,
21 receive, possess or obtain control of a weapon or explosive, with the
22 intent to sell, transfer, distribute, dispense or otherwise dispose of the
23 weapon or explosive to another person.

24 B. The items set forth in subsection A, paragraph 8, subdivision
25 (a), items (i), (ii), (iii) and (iv) of this section do not include any
26 firearms or devices that are possessed, manufactured or transferred in
27 compliance with federal law.