

REFERENCE TITLE: **severe threat order of protection**

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

## **HB 2365**

Introduced by  
Representatives Longdon: Hernandez D

### **AN ACT**

AMENDING SECTION 8-202, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2021, CHAPTER 222, SECTION 1 AND CHAPTER 240, SECTION 1; REPEALING SECTION 8-202, ARIZONA REVISED STATUTES, AS AMENDED LAWS 2021, CHAPTER 435, SECTION 1; AMENDING SECTION 8-208, ARIZONA REVISED STATUTES; AMENDING TITLE 12, CHAPTER 10, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 5; AMENDING SECTIONS 13-2703 AND 13-3101, ARIZONA REVISED STATUTES; RELATING TO ORDERS OF PROTECTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 8-202, Arizona Revised Statutes, as amended by  
3 Laws 2021, chapter 222, section 1 and chapter 240, section 1, is amended  
4 to read:

5 8-202. Jurisdiction of juvenile court

6 A. The juvenile court has original jurisdiction over all  
7 delinquency proceedings brought under the authority of this title.

8 B. The juvenile court has exclusive original jurisdiction over all  
9 proceedings:

10 1. Brought under the authority of this title except for delinquency  
11 proceedings.

12 2. IN WHICH THE RESPONDENT TO A REQUEST FOR A SEVERE THREAT ORDER  
13 OF PROTECTION IS UNDER EIGHTEEN YEARS OF AGE.

14 C. The juvenile court may consolidate any matter, except that the  
15 juvenile court shall not consolidate any of the following:

16 1. A criminal proceeding that is filed in another division of  
17 superior court and that involves a child who is subject to the  
18 jurisdiction of the juvenile court.

19 2. A delinquency proceeding with any other proceeding that does not  
20 involve delinquency, unless the juvenile delinquency adjudication  
21 proceeding is not heard at the same time or in the same hearing as a  
22 nondelinquency proceeding.

23 D. The juvenile court has jurisdiction of proceedings to:

24 1. Obtain judicial consent to the marriage, employment or  
25 enlistment in the armed services of a child, if consent is required by  
26 law.

27 2. In an action in which parental rights are terminated pursuant to  
28 chapter 4, article 5 or 11 of this title, change the name of a minor child  
29 who is the subject of the action. If the minor child who is the subject  
30 of the action is twelve years of age or older, the court shall consider  
31 the wishes of the child with respect to the name change.

32 E. The juvenile court has jurisdiction over civil traffic  
33 violations, civil marijuana violations and offenses listed in section  
34 8-323, subsection B that are committed within the county by persons who  
35 are under eighteen years of age unless the presiding judge of the county  
36 declines jurisdiction of these cases. The presiding judge of the county  
37 may decline jurisdiction of civil traffic violations and civil marijuana  
38 violations committed within the county by juveniles if the presiding judge  
39 finds that the declination would promote the more efficient use of limited  
40 judicial and law enforcement resources located within the county. If the  
41 presiding judge declines jurisdiction, juvenile civil traffic violations  
42 and civil marijuana violations shall be processed, heard and disposed of  
43 in the same manner and with the same penalties as adult civil traffic  
44 violations.

1 F. The orders of the juvenile court under the authority of this  
2 chapter or chapter 3 or 4 of this title take precedence over any order of  
3 any other court of this state except ~~the court of appeals and the supreme~~  
4 ~~court to the extent that they are inconsistent with orders of other~~  
5 ~~courts.~~ FOR THE FOLLOWING:

6 1. AN ORDER ENTERED IN THE CRIMINAL COURT CONCERNING AN ONGOING  
7 CASE THAT GOVERNS A CRIMINAL DEFENDANT'S ABILITY TO CONTACT THE VICTIM,  
8 THE FAMILY OF THE VICTIM OR OTHER MINOR CHILDREN IF THE CRIMINAL COURT  
9 MAKES A FINDING THAT CONTACT WITH OTHER MINOR CHILDREN WOULD POSE A RISK  
10 OF HARM TO THOSE CHILDREN.

11 2. ORDERS BY THE COURT OF APPEALS AND THE SUPREME COURT TO THE  
12 EXTENT THEY ARE INCONSISTENT WITH ORDERS OF OTHER COURTS.

13 G. Except as provided in subsection H of this section, jurisdiction  
14 of a child that is obtained by the juvenile court in a proceeding under  
15 this chapter or chapter 3 or 4 of this title shall be retained by it, for  
16 the purposes of implementing the orders made and filed in that proceeding,  
17 until the child becomes eighteen years of age, unless terminated by order  
18 of the court before the child's eighteenth birthday.

19 H. At any time before an adjudication hearing or a proceeding in  
20 which a juvenile is admitting to an allegation in a petition that alleges  
21 the juvenile is delinquent, the state may file a notice of intent to  
22 retain jurisdiction over a juvenile who is seventeen years of age. If the  
23 state files a notice of intent to retain jurisdiction, the juvenile  
24 court's jurisdiction over a juvenile is retained on the filing of the  
25 notice and the court shall retain jurisdiction over the juvenile until the  
26 juvenile reaches nineteen years of age, unless before the juvenile's  
27 nineteenth birthday either:

28 1. Jurisdiction is terminated by order of the court.

29 2. The juvenile is discharged from the jurisdiction of the  
30 department of juvenile corrections pursuant to section 41-2820.

31 I. Persons who are under eighteen years of age shall be prosecuted  
32 in the same manner as adults if either:

33 1. The juvenile court transfers jurisdiction pursuant to section  
34 8-327.

35 2. The juvenile is charged as an adult with an offense listed in  
36 section 13-501.

37 J. The juvenile court shall retain jurisdiction after a juvenile's  
38 eighteenth birthday for the purpose of:

39 1. Designating an undesignated felony offense as a misdemeanor or  
40 felony, including after an adjudication is set aside pursuant to section  
41 8-348.

42 2. Modifying an outstanding monetary obligation imposed by the  
43 court except for victim restitution.

1           3. Implementing section 36-2862.

2           K. The juvenile court has jurisdiction to make the initial  
3 determination prescribed in section 8-829 whether the voluntary  
4 participation of a qualified young adult in an extended foster care  
5 program pursuant to section 8-521.02 is in the young adult's best  
6 interests.

7           Sec. 2. Repeal

8           Section 8-202, Arizona Revised Statutes, as amended by Laws 2021,  
9 chapter 435, section 1, is repealed.

10          Sec. 3. Section 8-208, Arizona Revised Statutes, is amended to  
11 read:

12          8-208. Juvenile court records; public inspection; exceptions

13          A. The following records relating to a juvenile who is referred to  
14 juvenile court are open to public inspection:

15           1. Referrals involving delinquent acts, after the referrals have  
16 been made to the juvenile court or the county attorney has diverted the  
17 matter according to section 8-321.

18           2. Arrest records, after the juvenile is an accused as defined by  
19 section 13-501.

20           3. Delinquency hearings.

21           4. Disposition hearings.

22           5. A summary of delinquency, disposition and transfer hearings.

23           6. Revocation of probation hearings.

24           7. Appellate review.

25           8. Diversion proceedings involving delinquent acts.

26          B. On the request of an adult probation officer or state or local  
27 prosecutor, the juvenile court shall release to an adult probation  
28 department or prosecutor all information in its possession concerning a  
29 person who is charged with a criminal offense.

30          C. The juvenile court shall release all information in its  
31 possession concerning a person who is arrested for a criminal offense to  
32 superior court programs or departments, other court divisions or judges or  
33 as authorized by the superior court for the purpose of assisting in the  
34 determination of release from custody, bond and pretrial supervision.

35          D. On request by the appropriate jail authorities for the purpose  
36 of determining classification, treatment and security, the juvenile court  
37 shall release all information in its possession concerning persons who are  
38 under eighteen years of age, who have been transferred from juvenile court  
39 for criminal prosecution and who are being held in a county jail pending  
40 trial.

41          E. The court shall edit the records to protect the identity of the  
42 victim or the immediate family of the victim if the victim has died as a  
43 result of the alleged offense.

1 F. Except as otherwise provided by law, the records of an adoption,  
2 severance or dependency proceeding shall not be open to public inspection.

3 G. The court may order that the records be kept confidential and  
4 withheld from public inspection if the court determines that the subject  
5 matter of any record involves a clear public interest in confidentiality.

6 H. The disclosure of educational records received pursuant to  
7 section 15-141 shall comply with the family educational RIGHTS and privacy  
8 rights act of 1974 (20 United States Code section 1232g).

9 I. A PETITION FOR A SEVERE THREAT ORDER OF PROTECTION AND THE ORDER  
10 ISSUED MAY BE DISCLOSED ONLY IF THE COURT ISSUES THE SEVERE THREAT ORDER  
11 OF PROTECTION. AFTER A SHOWING OF THE NEED FOR THE INFORMATION AND THAT  
12 APPROPRIATE MEASURES WILL BE TAKEN TO LIMIT FURTHER DISCLOSURE OF THE  
13 INFORMATION, THE PETITION AND THE ORDER MAY BE PROVIDED ONLY TO THE PARENT  
14 OR LEGAL GUARDIAN OF THE MINOR RESPONDENT, LAW ENFORCEMENT, A JUVENILE  
15 PROBATION OFFICER, A BEHAVIORAL HEALTH PROFESSIONAL, A SCHOOL OR SCHOOL  
16 DISTRICT THAT THE MINOR RESPONDENT IS ATTENDING OR HAS ATTENDED IN THE  
17 YEAR PRECEDING THE DATE OF THE ORDER AND A PERSON WHO HAS BEEN THE NAMED  
18 TARGET OF THREATS OR ACTS COMMITTED BY THE MINOR RESPONDENT.

19 Sec. 4. Title 12, chapter 10, Arizona Revised Statutes, is amended  
20 by adding article 5, to read:

21 ARTICLE 5. SEVERE THREAT ORDER OF PROTECTION

22 12-1881. Definitions

23 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

24 1. "CRUEL MISTREATMENT OF AN ANIMAL":

25 (a) MEANS TO TORTURE OR OTHERWISE INFLICT UNNECESSARY SERIOUS  
26 PHYSICAL INJURY ON OR DEATH TO AN ANIMAL OR TO KILL AN ANIMAL IN A MANNER  
27 THAT CAUSES PROTRACTED SUFFERING TO THE ANIMAL.

28 (b) DOES NOT INCLUDE ACTIVITIES THAT ARE REGULATED BY THE ARIZONA  
29 GAME AND FISH DEPARTMENT OR THE ARIZONA DEPARTMENT OF AGRICULTURE.

30 2. "FAMILY MEMBER" MEANS, WITH RESPECT TO AN INDIVIDUAL, A SPOUSE,  
31 CHILD, STEPCCHILD, PARENT, STEPPARENT, SIBLING, GRANDCHILD OR GRANDPARENT  
32 OF THE INDIVIDUAL, A PERSON WITH WHOM THE INDIVIDUAL SHARES A CHILD IN  
33 COMMON OR THE LEGAL GUARDIAN OF THE INDIVIDUAL.

34 3. "FIREARM" INCLUDES AMMUNITION FOR A FIREARM.

35 4. "HOUSEHOLD MEMBER" MEANS WITH RESPECT TO AN INDIVIDUAL, A PERSON  
36 WHO COHABITATES OR HAS COHABITATED WITH THE INDIVIDUAL WITHIN THE PREVIOUS  
37 YEAR.

38 5. "PETITIONER" MEANS A PERSON WHO IS AT LEAST EIGHTEEN YEARS OF  
39 AGE AND WHO IS A FAMILY MEMBER, HOUSEHOLD MEMBER, SIGNIFICANT OTHER,  
40 PROBATION OFFICER, BEHAVIORAL HEALTH PROFESSIONAL OR PEACE OFFICER.

41 6. "RESPONSIBLE CUSTODIAN" MEANS A PERSON WHO MAY LAWFULLY POSSESS  
42 A FIREARM, WHO DOES NOT COHABITATE WITH A PERSON WHO IS SUBJECT TO A  
43 SEVERE THREAT ORDER OF PROTECTION AND WHO IS APPROVED BY A COURT TO TAKE  
44 POSSESSION OF A FIREARM THAT IS SURRENDERED BY A PERSON WHO IS SUBJECT TO  
45 A SEVERE THREAT ORDER OF PROTECTION.

1           7. "SERIOUS PHYSICAL INJURY" HAS THE SAME MEANING PRESCRIBED IN  
2 SECTION 13-105.

3           8. "SIGNIFICANT OTHER" MEANS, WITH RESPECT TO AN INDIVIDUAL, A  
4 PERSON WITH WHOM THE INDIVIDUAL HAS BEEN INVOLVED IN A SUBSTANTIAL AND  
5 ONGOING ROMANTIC RELATIONSHIP WITHIN THE PREVIOUS YEAR.

6           12-1882. Severe threat order of protection; ex parte  
7                                   temporary severe threat order of protection;  
8                                   requirements; service; request for hearing;  
9                                   notice; law enforcement notification; civil  
10                                   liability

11           A. A PETITIONER MAY FILE A VERIFIED PETITION IN THE SUPERIOR COURT  
12 OR A MUNICIPAL COURT REQUESTING THE COURT TO ISSUE A SEVERE THREAT ORDER  
13 OF PROTECTION. AN EX PARTE TEMPORARY SEVERE THREAT ORDER OF PROTECTION  
14 AND A SEVERE THREAT ORDER OF PROTECTION PROHIBIT A RESPONDENT FROM  
15 POSSESSING A FIREARM BASED ON THE RESPONDENT'S MAKING A CREDIBLE THREAT OF  
16 DEATH OR SERIOUS PHYSICAL INJURY OR COMMITTING OR ATTEMPTING TO COMMIT AN  
17 ACT OF VIOLENCE THAT RESULTED IN OR WAS INTENDED TO RESULT IN DEATH OR  
18 SERIOUS PHYSICAL INJURY TO SELF OR OTHERS OR CRUEL MISTREATMENT OF AN  
19 ANIMAL.

20           B. THE PETITION FOR A SEVERE THREAT ORDER OF PROTECTION MUST  
21 INCLUDE ALL OF THE FOLLOWING:

22           1. THE PETITIONER'S NAME. THE PETITIONER'S ADDRESS SHALL BE  
23 DISCLOSED TO THE COURT FOR PURPOSES OF SERVICE. IF THE ADDRESS OF THE  
24 PETITIONER IS UNKNOWN TO THE RESPONDENT, THE PETITIONER MAY REQUEST THAT  
25 THE ADDRESS BE PROTECTED. ON THE PETITIONER'S REQUEST, THE ADDRESS SHALL  
26 NOT BE LISTED ON THE PETITION. WHETHER OR NOT THE COURT ISSUES A SEVERE  
27 THREAT ORDER OF PROTECTION, THE PROTECTED ADDRESS SHALL BE MAINTAINED IN A  
28 SEPARATE DOCUMENT OR ELECTRONICALLY AND IS NOT SUBJECT TO RELEASE OR  
29 DISCLOSURE BY THE COURT OR TO ANY FORM OF PUBLIC ACCESS EXCEPT AS ORDERED  
30 BY THE COURT.

31           2. THE RESPONDENT'S NAME AND ADDRESS, IF KNOWN, OR, IF THE  
32 RESPONDENT IS BELIEVED TO BE HOMELESS, THE CROSS STREETS OF THE AREA WHERE  
33 THE RESPONDENT MAY BE LOCATED.

34           3. A SPECIFIC STATEMENT, INCLUDING DATES, LOCATIONS AND APPROXIMATE  
35 TIMES, OF ANY OF THE FOLLOWING ACTS:

36           (a) A CREDIBLE THREAT OF DEATH OR SERIOUS PHYSICAL INJURY, AN ACT  
37 OF VIOLENCE THAT RESULTED IN DEATH OR SERIOUS PHYSICAL INJURY OR AN  
38 ATTEMPTED ACT OF VIOLENCE THAT WAS INTENDED TO CAUSE DEATH OR SERIOUS  
39 PHYSICAL INJURY AGAINST SELF OR OTHERS OR CRUEL MISTREATMENT OF AN ANIMAL  
40 THAT OCCURRED WITHIN THE PRECEDING SIX MONTHS.

41           (b) A SPECIFIC BEHAVIOR OR ACT THAT JUSTIFIES THE REASONABLE BELIEF  
42 THAT THE RESPONDENT IS A DANGER TO SELF OR OTHERS.

1           4. THE RELATIONSHIP BETWEEN THE PARTIES AND WHETHER THERE IS OR HAS  
2 BEEN A SEVERE THREAT ORDER OF PROTECTION, A DOMESTIC VIOLENCE ORDER OF  
3 PROTECTION, AN INJUNCTION AGAINST HARASSMENT OR AN INJUNCTION AGAINST  
4 WORKPLACE HARASSMENT IN PLACE BETWEEN THE PARTIES.

5           5. WHETHER THE PETITIONER KNOWS IF THE RESPONDENT IS CURRENTLY OR  
6 WAS PREVIOUSLY THE SUBJECT OF A SEVERE THREAT ORDER OF PROTECTION, A  
7 DOMESTIC VIOLENCE ORDER OF PROTECTION, AN INJUNCTION AGAINST HARASSMENT OR  
8 AN INJUNCTION AGAINST WORKPLACE HARASSMENT.

9           6. THE NAME OF THE COURT IN WHICH ANY PREVIOUS OR PENDING  
10 PROCEEDING OR ORDER WAS SOUGHT OR ISSUED CONCERNING THE RESPONDENT OR OF  
11 WHICH THE PETITIONER IS AWARE.

12           7. A STATEMENT THAT, BASED ON THE INFORMATION REQUIRED IN THE  
13 PETITION, THE PETITIONER REASONABLY BELIEVES A SEVERE THREAT ORDER OF  
14 PROTECTION IS NECESSARY BECAUSE THE RESPONDENT POSES A SIGNIFICANT DANGER  
15 OF IMMINENTLY CAUSING DEATH OR SERIOUS PHYSICAL INJURY TO SELF OR OTHERS.

16           C. THE COURT SHALL REVIEW THE PETITION, ANY OTHER PLEADINGS ON FILE  
17 AND ANY EVIDENCE OFFERED BY THE PETITIONER, INCLUDING ANY EVIDENCE OF:

18           1. A RECENT CREDIBLE THREAT TO CAUSE DEATH OR SERIOUS PHYSICAL  
19 INJURY OR AN ACT OR ATTEMPTED ACT CAUSING DEATH OR SERIOUS PHYSICAL INJURY  
20 BY THE RESPONDENT AGAINST SELF OR OTHERS.

21           2. A PATTERN OF THREATS TO CAUSE DEATH OR SERIOUS PHYSICAL INJURY  
22 OR ACTS OR ATTEMPTED ACTS CAUSING DEATH OR SERIOUS PHYSICAL INJURY BY THE  
23 RESPONDENT WITHIN THE PRECEDING SIX MONTHS. EVIDENCE THAT THE RESPONDENT  
24 HAS VIOLATED AN ORDER OF PROTECTION OR AN INJUNCTION AGAINST HARASSMENT  
25 MAY BE USED TO DEMONSTRATE A PATTERN FOR THE PURPOSES OF THIS PARAGRAPH.

26           3. THE RESPONDENT'S CRUEL MISTREATMENT OF AN ANIMAL.

27           4. KNOWN DANGEROUS MENTAL HEALTH ISSUES OF THE RESPONDENT.

28           5. THE RESPONDENT'S HAVING PREVIOUSLY BEEN SUBJECT TO OR CURRENTLY  
29 BEING SUBJECT TO A SEVERE THREAT ORDER OF PROTECTION.

30           6. A CONVICTION FOR A VIOLENT CRIME COMMITTED BY THE RESPONDENT.

31           7. A CONVICTION FOR AN OFFENSE INVOLVING UNLAWFUL USE, THREATENING  
32 DISPLAY OR BRANDISHING OF A FIREARM BY THE RESPONDENT IN VIOLATION OF  
33 TITLE 13, CHAPTER 31 OR A CONVICTION FOR AN OFFENSE IN ANOTHER  
34 JURISDICTION THAT IF COMMITTED IN THIS STATE WOULD BE A VIOLATION OF TITLE  
35 13, CHAPTER 31.

36           8. THE RESPONDENT'S HISTORY OF USE, ATTEMPTED USE OR THREATENED USE  
37 OF PHYSICAL FORCE AGAINST ANOTHER PERSON OR STALKING ANOTHER PERSON.

38           9. THE RESPONDENT'S RECURRING ABUSE OF CONTROLLED SUBSTANCES OR  
39 ALCOHOL IF THE EVIDENCE DEMONSTRATES THAT THE ABUSE IS A CONTRIBUTING  
40 FACTOR TO THE RESPONDENT'S DANGEROUSNESS OR VIOLENCE.

41           D. THE COURT SHALL EITHER ISSUE AN EX PARTE TEMPORARY SEVERE THREAT  
42 ORDER OF PROTECTION ON THE DAY THE COURT RECEIVES THE PETITION OR THE DAY  
43 AFTER THE COURT RECEIVES THE PETITION, OR THE COURT MAY SCHEDULE A HEARING  
44 ON THE PETITION WITHIN FOURTEEN DAYS AFTER THE COURT RECEIVES THE PETITION  
45 AND PROVIDE NOTICE TO THE RESPONDENT OF THE HEARING DATE. THE COURT MAY

1 ORDER A MENTAL HEALTH EVALUATION OF THE RESPONDENT AT NO COST TO THE  
2 RESPONDENT. THE EVALUATION AGENCY SHALL PROVIDE THE EVALUATION RESULTS TO  
3 THE COURT BEFORE THE HEARING DATE. THE COURT SHALL ISSUE AN EX PARTE  
4 TEMPORARY SEVERE THREAT ORDER OF PROTECTION IF THE COURT DETERMINES THAT,  
5 BASED ON THE FACTORS ENUMERATED IN THIS SECTION, THERE IS PROBABLE CAUSE  
6 TO BELIEVE THAT THE RESPONDENT POSES A DANGER TO SELF OR OTHERS AND THAT,  
7 FOR THE SAFETY OF THE RESPONDENT AND OTHERS, THE RESPONDENT SHOULD NOT  
8 POSSESS A FIREARM FOR THE DURATION OF THE ORDER. AN EX PARTE TEMPORARY  
9 SEVERE THREAT ORDER OF PROTECTION AND A SEVERE THREAT ORDER OF PROTECTION  
10 REQUIRE THE RESPONDENT TO SURRENDER ALL FIREARMS THAT ARE OWNED OR  
11 POSSESSED BY THE RESPONDENT TO A SPECIFIC LAW ENFORCEMENT AGENCY.

12 E. THE COURT SHALL IMMEDIATELY TRANSMIT THE PETITION AND THE EX  
13 PARTE TEMPORARY SEVERE THREAT ORDER OF PROTECTION OR THE SEVERE THREAT  
14 ORDER OF PROTECTION TO THE COUNTY SHERIFF OR LOCAL LAW ENFORCEMENT AGENCY  
15 FOR THE JURISDICTION IN WHICH THE PERSON WHO IS SUBJECT TO THE ORDER  
16 RESIDES. THE PERSON WHO IS SUBJECT TO THE ORDER SHALL BE SERVED WITH A  
17 COPY OF THE PETITION AND THE EX PARTE TEMPORARY SEVERE THREAT ORDER OF  
18 PROTECTION. THE RETURN OF SERVICE MUST BE FILED WITHIN TWENTY-FOUR HOURS  
19 AFTER SERVICE WITH THE CLERK OF THE ISSUING COURT.

20 F. AN EX PARTE TEMPORARY SEVERE THREAT ORDER OF PROTECTION EXPIRES  
21 IN FOURTEEN DAYS. THE COURT SHALL HOLD A HEARING WITHIN FOURTEEN DAYS  
22 EITHER AFTER ISSUING AN EX PARTE TEMPORARY SEVERE THREAT ORDER OF  
23 PROTECTION OR RECEIVING THE PETITION IF THE COURT DID NOT ISSUE AN EX  
24 PARTE TEMPORARY SEVERE THREAT ORDER OF PROTECTION.

25 G. AT THE HEARING, THE RESPONDENT MAY PRESENT EVIDENCE AND, IF A  
26 MENTAL HEALTH EVALUATION WAS CONDUCTED, THE COURT SHALL CONSIDER THE  
27 EVALUATION RESULTS. THE COURT SHALL ISSUE A SEVERE THREAT ORDER OF  
28 PROTECTION IF THE COURT DETERMINES AFTER THE HEARING THAT, BASED ON THE  
29 FACTORS ENUMERATED IN THIS SECTION, CLEAR AND CONVINCING EVIDENCE EXISTS  
30 TO BELIEVE THE RESPONDENT POSES A DANGER TO SELF OR OTHERS AND THAT, FOR  
31 THE SAFETY OF THE RESPONDENT AND OTHERS, THE RESPONDENT SHOULD NOT POSSESS  
32 A FIREARM FOR THE DURATION OF THE ORDER. A SEVERE THREAT ORDER OF  
33 PROTECTION EXPIRES ONE YEAR AFTER THE DATE THE ORDER IS SERVED ON THE  
34 RESPONDENT.

35 H. THE RESPONDENT TO AN EX PARTE TEMPORARY SEVERE THREAT ORDER OF  
36 PROTECTION AND A SEVERE THREAT ORDER OF PROTECTION MAY CONSULT AN ATTORNEY  
37 BEFORE A HEARING IS CONDUCTED PURSUANT TO THIS SECTION AND MAY HAVE AN  
38 ATTORNEY PRESENT AT ANY HEARING HELD PURSUANT TO THIS ARTICLE. IF THE  
39 PERSON WHO IS SUBJECT TO THE ORDER IS A MINOR, THE PARENT OR LEGAL  
40 GUARDIAN OF THE MINOR SHALL BE IMMEDIATELY NOTIFIED THAT THE MINOR MAY  
41 CONSULT AND HAVE AN ATTORNEY PRESENT AT ANY HEARING THAT IS HELD PURSUANT  
42 TO THIS ARTICLE. IF THE RESPONDENT IS A MINOR, THE MINOR SHALL BE  
43 APPOINTED A GUARDIAN AD LITEM FOR THE PENDENCY OF THE PROCEEDINGS.



1 I. WITHIN NINETY DAYS AFTER A SEVERE THREAT ORDER OF PROTECTION IS  
2 ISSUED, THE RESPONDENT WHO IS SUBJECT TO THE ORDER IS ENTITLED TO ONE  
3 HEARING ON WRITTEN REQUEST IN ORDER TO QUASH THE ORDER. AT THE HEARING,  
4 THE RESPONDENT HAS THE BURDEN OF PROVING BY CLEAR AND CONVINCING EVIDENCE  
5 THAT THE RESPONDENT NO LONGER POSES A DANGER TO SELF OR OTHERS. A FEE MAY  
6 NOT BE CHARGED FOR REQUESTING A HEARING. A HEARING THAT IS REQUESTED BY  
7 THE RESPONDENT WHO IS SUBJECT TO A SEVERE THREAT ORDER OF PROTECTION SHALL  
8 BE HELD AT THE EARLIEST POSSIBLE TIME BUT NOT LATER THAN TEN DAYS AFTER  
9 THE DATE OF THE REQUEST UNLESS THE COURT FINDS GOOD CAUSE TO CONTINUE THE  
10 HEARING. AN ORDER THAT IS ISSUED PURSUANT TO THIS SECTION SHALL STATE  
11 THAT THE RESPONDENT WHO IS SUBJECT TO THE ORDER IS ENTITLED TO A HEARING  
12 ON WRITTEN REQUEST AND THAT THE RESPONDENT MAY CONSULT AND HAVE AN  
13 ATTORNEY PRESENT AT THE HEARING. THE ORDER SHALL INCLUDE THE NAME AND  
14 ADDRESS OF THE CLERK OF THE COURT WHERE THE REQUEST MAY BE FILED AND THE  
15 NAME OF THE JUDICIAL OFFICER WHO ISSUED THE ORDER.

16 J. WITHIN TWENTY-FOUR HOURS AFTER A COURT ISSUES AN EX PARTE  
17 TEMPORARY SEVERE THREAT ORDER OF PROTECTION OR A SEVERE THREAT ORDER OF  
18 PROTECTION THE COURT MUST FORWARD A COPY OF THE ORDER AND PROOF OF  
19 SERVICE, IF APPLICABLE, TO THE SHERIFF'S OFFICE IN THE COUNTY IN WHICH THE  
20 ORDER WAS ISSUED FOR REGISTRATION BY THE SHERIFF IN A CENTRAL REPOSITORY.  
21 THE SHERIFF SHALL REGISTER THE ORDER WITH THE NATIONAL CRIME INFORMATION  
22 CENTER AND SHALL INDICATE ON THE FILE THAT THE RESPONDENT IS SUBJECT TO  
23 FIREARM RESTRICTIONS. EACH COUNTY SHERIFF SHALL MAINTAIN A CENTRAL  
24 REPOSITORY TO VERIFY THE EXISTENCE AND VALIDITY OF A SEVERE THREAT ORDER  
25 OF PROTECTION.

26 K. WITHIN TWENTY-FOUR HOURS AFTER A COURT MODIFIES, EXTENDS OR  
27 QUASHES AN EX PARTE TEMPORARY SEVERE THREAT ORDER OF PROTECTION OR A  
28 SEVERE THREAT ORDER OF PROTECTION, THE COURT SHALL SEND A WRITTEN ORDER  
29 THAT MODIFIES, EXTENDS OR QUASHES THE EX PARTE TEMPORARY SEVERE THREAT  
30 ORDER OF PROTECTION OR SEVERE THREAT ORDER OF PROTECTION TO THE SHERIFF IN  
31 THE COUNTY WHERE THE ORIGINAL ORDER WAS REGISTERED. THE SHERIFF SHALL  
32 ENSURE THAT THE NATIONAL CRIME INFORMATION CENTER IS UPDATED WITH THIS  
33 INFORMATION.

34 L. A PERSON WHO ACTS PURSUANT TO THIS ARTICLE IN GOOD FAITH ON  
35 EITHER ACTUAL KNOWLEDGE OR RELIABLE INFORMATION IS NOT SUBJECT TO CIVIL  
36 LIABILITY FOR THAT ACT.

37 M. IF THE COURT DOES NOT FIND THE PERSON WHO IS SUBJECT TO AN EX  
38 PARTE TEMPORARY SEVERE THREAT ORDER OF PROTECTION TO BE AN IMMEDIATE  
39 DANGER TO SELF OR OTHERS, THE COURT SHALL NOTIFY THE PETITIONER WITHIN  
40 TWENTY-FOUR HOURS AFTER THAT DETERMINATION IS MADE.

41 12-1883. Severe threat order of protection extension

42 A. WITHIN FORTY-FIVE DAYS BEFORE A SEVERE THREAT ORDER OF  
43 PROTECTION EXPIRES, A PETITIONER MAY FILE A VERIFIED PETITION IN THE  
44 SUPERIOR COURT OR A MUNICIPAL COURT REQUESTING THAT THE ORDER BE EXTENDED  
45 FOR ONE YEAR UNLESS THE PERSON WHO IS SUBJECT TO THE ORDER PROVIDES CLEAR

1 AND CONVINCING EVIDENCE THAT THE PERSON IS NOT A DANGER TO SELF OR OTHERS  
2 BASED ON THE FACTORS PRESCRIBED IN SECTION 12-1882.

3 B. IF THE COURT DETERMINES THAT THE PERSON WHO IS SUBJECT TO THE  
4 ORDER HAS FAILED TO APPEAR OR RESPOND TO A PETITION TO EXTEND A SEVERE  
5 THREAT ORDER OF PROTECTION AFTER BEING PERSONALLY SERVED AND GIVEN THE  
6 OPPORTUNITY FOR A HEARING ON THE REQUESTED EXTENSION AND UNLESS THE PERSON  
7 WHO IS SUBJECT TO THE ORDER HAS PROVIDED CLEAR AND CONVINCING EVIDENCE  
8 THAT THE PERSON WHO IS SUBJECT TO THE ORDER IS NOT A DANGER TO SELF OR  
9 OTHERS BASED ON THE FACTORS PRESCRIBED IN SECTION 12-1882, THE COURT SHALL  
10 EXTEND THE SEVERE THREAT ORDER OF PROTECTION FOR ONE YEAR.

11 C. IF THE COURT DETERMINES THAT THE PERSON WHO IS SUBJECT TO THE  
12 ORDER IS NOT A DANGER TO SELF OR OTHERS AFTER REVIEWING ANY EVALUATION  
13 RESULTS AND THE FACTORS PRESCRIBED IN SECTION 12-1882, THE COURT SHALL  
14 ALLOW THE SEVERE THREAT ORDER OF PROTECTION TO EXPIRE AND FOLLOW THE  
15 PROCEDURES PRESCRIBED IN SECTIONS 12-1882 AND 12-1885.

16 12-1884. Applicability to minors; juvenile court transfer

17 IF THE RESPONDENT TO A PETITION FOR A SEVERE THREAT ORDER OF  
18 PROTECTION IS A MINOR, THE PETITION SHALL BE TRANSFERRED TO THE JUVENILE  
19 COURT.

20 12-1885. Prohibited possession of a firearm; firearm seizure;  
21 violation; classification

22 A. A PERSON WHO IS SUBJECT TO AN EX PARTE TEMPORARY SEVERE THREAT  
23 ORDER OF PROTECTION OR A SEVERE THREAT ORDER OF PROTECTION MAY NOT POSSESS  
24 OR PURCHASE A FIREARM AFTER THE ORDER HAS BEEN SERVED. A PERSON WHO  
25 VIOLATES THIS SECTION IS GUILTY OF A CLASS 4 FELONY.

26 B. IF THE PERSON WHO IS SUBJECT TO AN EX PARTE TEMPORARY SEVERE  
27 THREAT ORDER OF PROTECTION OR A SEVERE THREAT ORDER OF PROTECTION IS A  
28 MINOR AND A PARENT, LEGAL GUARDIAN OR HOUSEHOLD MEMBER OWNS A FIREARM, THE  
29 PARENT OR LEGAL GUARDIAN SHALL ATTEST TO THE COURT UNDER OATH AS PART OF  
30 THE SEVERE THREAT ORDER OF PROTECTION PROCEEDINGS THAT THE FIREARM IS  
31 SECURED AND THAT THE MINOR WHO IS SUBJECT TO THE ORDER CANNOT ACCESS THE  
32 FIREARM.

33 C. A LAW ENFORCEMENT OFFICER WHO IS SERVING AN EX PARTE TEMPORARY  
34 SEVERE THREAT ORDER OF PROTECTION OR A SEVERE THREAT ORDER OF PROTECTION  
35 MAY TAKE TEMPORARY CUSTODY OF ANY FIREARM THAT IS IN PLAIN SIGHT OR  
36 DISCOVERED PURSUANT TO A CONSENSUAL OR OTHER LAWFUL SEARCH AND THAT IS  
37 NECESSARY FOR THE PROTECTION OF THE LAW ENFORCEMENT OFFICER OR OTHER  
38 PERSONS PRESENT AS PROVIDED IN SECTION 13-3102, SUBSECTION L.

39 D. IF A FIREARM IS SEIZED AND REMOVED FROM THE LOCATION PURSUANT TO  
40 THIS SECTION, THE LAW ENFORCEMENT OFFICER SHALL PROVIDE THE OWNER OR  
41 POSSESSOR OF THE FIREARM WITH A RECEIPT FOR EACH SEIZED FIREARM. THE  
42 RECEIPT MUST INCLUDE THE IDENTIFICATION OR SERIAL NUMBER OR ANOTHER  
43 IDENTIFYING CHARACTERISTIC OF EACH SEIZED FIREARM. EACH SEIZED FIREARM  
44 SHALL BE HELD SAFELY AND WITHOUT BEING DAMAGED FOR THE DURATION OF THE  
45 SEVERE THREAT ORDER OF PROTECTION OR UNTIL THE FIREARM IS TRANSFERRED TO A

1 RESPONSIBLE CUSTODIAN PURSUANT TO SUBSECTION F OF THIS SECTION. THE  
2 FIREARM MAY BE DISPOSED OF ONLY IN ACCORDANCE WITH SECTION 12-941.

3 E. IF A FIREARM IS SEIZED AND REMOVED FROM THE LOCATION PURSUANT TO  
4 THIS SECTION, THE PETITIONER SHALL BE NOTIFIED BY THE LAW ENFORCEMENT  
5 AGENCY THAT SEIZED THE FIREARM BEFORE THE FIREARM IS RELEASED.

6 F. IF A PERSON IS SUBJECT TO AN EX PARTE TEMPORARY SEVERE THREAT  
7 ORDER OF PROTECTION OR A SEVERE THREAT ORDER OF PROTECTION, THE COURT  
8 SHALL ORDER THE PERSON TO TURN OVER ANY FIREARMS THAT ARE OWNED OR  
9 POSSESSED BY THE PERSON TO A LAW ENFORCEMENT AGENCY. THE LAW ENFORCEMENT  
10 AGENCY SHALL NOTIFY THE COURT OF THE PERSON'S COMPLIANCE WITH THIS  
11 SUBSECTION WITHIN TWENTY-FOUR HOURS AFTER THE ORDER IS SERVED. AT ANY  
12 TIME AFTER THE LAW ENFORCEMENT AGENCY NOTIFIES THE COURT OF THE PERSON'S  
13 COMPLIANCE WITH THIS SUBSECTION, THE PERSON WHO IS SUBJECT TO THE ORDER  
14 MAY SUBMIT THE NAME OF A RESPONSIBLE CUSTODIAN TO THE COURT FOR APPROVAL.  
15 IF APPROVED BY THE COURT THE RESPONSIBLE CUSTODIAN SHALL TAKE POSSESSION  
16 OF THE PERSON'S FIREARMS AFTER PROVIDING THE LAW ENFORCEMENT AGENCY AN  
17 AFFIRMATION STATING THAT THE PERSON WHO IS SUBJECT TO THE ORDER WILL NOT  
18 HAVE ACCESS TO THE FIREARM FOR THE DURATION OF THE ORDER AND THAT THE  
19 FIREARM WILL BE SAFELY HELD AND NOT DAMAGED. IF A PERSON WHO IS SUBJECT  
20 TO A SEVERE THREAT ORDER OF PROTECTION DOES NOT OWN OR POSSESS A FIREARM,  
21 THE PERSON SHALL ATTEST TO THE COURT UNDER OATH WITHIN TWENTY-FOUR HOURS  
22 AFTER BEING SERVED WITH THE ORDER THAT THE PERSON DOES NOT OWN OR POSSESS  
23 A FIREARM.

24 G. A LAW ENFORCEMENT AGENCY OR RESPONSIBLE CUSTODIAN WHO KNOWINGLY  
25 OR NEGLIGENTLY FAILS TO MAINTAIN THE SURRENDERED FIREARM IN THE SAME  
26 CONDITION THAT THE FIREARM WAS IN WHEN SURRENDERED IS LIABLE FOR ANY  
27 DAMAGES TO THE FIREARM.

28 H. IF A PERSON WHO IS SUBJECT TO A SEVERE THREAT ORDER OF  
29 PROTECTION THAT PROHIBITS THE POSSESSION OF A FIREARM DOES NOT SUBMIT  
30 EVIDENCE OF THE PERSON'S COMPLIANCE WITH SUBSECTION F OF THIS SECTION TO A  
31 LAW ENFORCEMENT AGENCY WITHIN TWENTY-FOUR HOURS AFTER THE ORDER, THE  
32 PETITIONER OR A LAW ENFORCEMENT OFFICER MAY REQUEST THAT THE COURT ISSUE A  
33 SEARCH WARRANT TO ALLOW A LAW ENFORCEMENT OFFICER TO SEARCH FOR AND SEIZE  
34 ANY FIREARM THAT IS IN THE PERSON'S POSSESSION.

35 I. AFTER AN ORDER EXPIRES OR IS QUASHED, THE COURT SHALL PROVIDE  
36 THE PERSON WHO IS SUBJECT TO THE ORDER WITH DOCUMENTATION THAT STATES THAT  
37 THE ORDER HAS EXPIRED OR HAS BEEN QUASHED AND IS NO LONGER IN EFFECT. A  
38 LAW ENFORCEMENT AGENCY THAT HAS CUSTODY OF A FIREARM SHALL RELEASE THE  
39 FIREARM WITHIN FORTY-EIGHT HOURS, EXCLUDING WEEKENDS AND HOLIDAYS, AFTER  
40 THE RECEIPT OF THE EVIDENCE THAT THE ORDER HAS EXPIRED OR BEEN QUASHED OR  
41 RECEIPT OF A COURT DOCUMENT EVIDENCING THAT THE PERSON IS NOT PROHIBITED  
42 FROM POSSESSING A FIREARM.

1 J. IF A FIREARM IS NOT OWNED OR POSSESSED BY THE PERSON WHO IS  
2 SUBJECT TO THE ORDER BUT IS OWNED OR POSSESSED BY A MINOR OR HOUSEHOLD  
3 MEMBER, THE PARENT OR LEGAL GUARDIAN SHALL SUBMIT AN AFFIDAVIT TO THE  
4 COURT STATING THAT APPROPRIATE MEASURES HAVE BEEN TAKEN TO ENSURE THAT THE  
5 PERSON WHO IS SUBJECT TO THE ORDER WILL NOT HAVE ACCESS TO THE FIREARM.  
6 APPROPRIATE MEASURES INCLUDE SECURING THE FIREARM AT ANOTHER LOCATION,  
7 SECURING THE FIREARM IN AN APPROPRIATE SAFE OR OTHER MEASURES THAT WILL  
8 ENSURE THE PERSON WHO IS SUBJECT TO THE ORDER CANNOT ACCESS THE FIREARM.

9 K. IF A PERSON HAS BEEN FOUND TO CONSTITUTE A DANGER TO SELF OR  
10 OTHERS AND THE COURT ENTERS A SEVERE THREAT ORDER OF PROTECTION PURSUANT  
11 TO SECTION 12-1882 OR 12-1883, THE COURT SHALL FOLLOW THE PROCEDURES  
12 PRESCRIBED IN SECTION 12-1882. THE SUPERIOR COURT MAY ACCESS THE  
13 INFORMATION OF A PERSON WHO IS SUBJECT TO A SEVERE THREAT ORDER OF  
14 PROTECTION TO ENFORCE OR FACILITATE AN ORDER.

15 L. ON REQUEST, THE CLERK OF THE COURT SHALL PROVIDE CERTIFIED  
16 COPIES OF THE ORDER TO A LAW ENFORCEMENT OR PROSECUTING AGENCY THAT IS  
17 INVESTIGATING OR PROSECUTING A PROHIBITED POSSESSOR AS DEFINED IN SECTION  
18 13-3101.

19 M. A PERSON IS GUILTY OF A CLASS 4 FELONY IF THE PERSON BOTH:

20 1. INTENTIONALLY OR KNOWINGLY ALLOWS ACCESS TO A FIREARM BY A  
21 PERSON WHO IS SUBJECT TO AN EX PARTE TEMPORARY SEVERE THREAT ORDER OF  
22 PROTECTION OR A SEVERE THREAT ORDER OF PROTECTION.

23 2. KNOWS THE PERSON IS PROHIBITED FROM POSSESSING A FIREARM.

24 Sec. 5. Section 13-2703, Arizona Revised Statutes, is amended to  
25 read:

26 13-2703. False swearing; classification

27 A. A person commits false swearing by making a false sworn  
28 statement, believing it to be false.

29 B. False swearing is a class 6 felony, EXCEPT THAT IT IS A CLASS 5  
30 FELONY IF THE PERSON MAKES THE FALSE SWORN STATEMENT FOR THE PURPOSE OF  
31 OBTAINING A SEVERE THREAT ORDER OF PROTECTION.

32 Sec. 6. Section 13-3101, Arizona Revised Statutes, is amended to  
33 read:

34 13-3101. Definitions

35 A. In this chapter, unless the context otherwise requires:

36 1. "Deadly weapon" means anything that is designed for lethal use.  
37 The term includes a firearm.

38 2. "Deface" means to remove, alter or destroy the manufacturer's  
39 serial number.

40 3. "Explosive" means any dynamite, nitroglycerine, black powder, or  
41 other similar explosive material, including plastic explosives. Explosive  
42 does not include ammunition or ammunition components such as primers,  
43 percussion caps, smokeless powder, black powder and black powder  
44 substitutes used for hand loading purposes.

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

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

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

17           7. "Prohibited possessor" means any person:

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

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

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

27           (d) Who is at the time of possession serving a term of probation  
28 pursuant to a conviction for a domestic violence offense as defined in  
29 section 13-3601 or a felony offense, parole, community supervision, work  
30 furlough, home arrest or release on any other basis or who is serving a  
31 term of probation or parole pursuant to the interstate compact under title  
32 31, chapter 3, article 4.1.

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

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

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

- 1 (iii) Certain diplomats.  
2 (iv) Officials of foreign governments or distinguished foreign  
3 visitors who are designated by the United States department of state.  
4 (v) Persons who have received a waiver from the United States  
5 attorney general.  
6 (f) Who has been found incompetent pursuant to rule 11, Arizona  
7 rules of criminal procedure, and who subsequently has not been found  
8 competent.  
9 (g) Who is found guilty except insane.  
10 (h) WHO IS SUBJECT TO A VALID EX PARTE TEMPORARY SEVERE THREAT  
11 ORDER OF PROTECTION OR A SEVERE THREAT ORDER OF PROTECTION IF THE PERSON  
12 WAS PERSONALLY SERVED WITH THE ORDER.  
13 8. "Prohibited weapon":  
14 (a) Includes the following:  
15 (i) An item that is a bomb, grenade, rocket having a propellant  
16 charge of more than four ounces or mine and that is explosive, incendiary  
17 or poison gas.  
18 (ii) A device that is designed, made or adapted to muffle the  
19 report of a firearm.  
20 (iii) A firearm that is capable of shooting more than one shot  
21 automatically, without manual reloading, by a single function of the  
22 trigger.  
23 (iv) A rifle with a barrel length of less than sixteen inches, or  
24 shotgun with a barrel length of less than eighteen inches, or any firearm  
25 that is made from a rifle or shotgun and that, as modified, has an overall  
26 length of less than twenty-six inches.  
27 (v) A breakable container that contains a flammable liquid with a  
28 flash point of one hundred fifty degrees Fahrenheit or less and that has a  
29 wick or similar device capable of being ignited.  
30 (vi) A chemical or combination of chemicals, compounds or  
31 materials, including dry ice, that is possessed or manufactured for the  
32 purpose of generating a gas to cause a mechanical failure, rupture or  
33 bursting or an explosion or detonation of the chemical or combination of  
34 chemicals, compounds or materials.  
35 (vii) An improvised explosive device.  
36 (viii) Any combination of parts or materials that is designed and  
37 intended for use in making or converting a device into an item set forth  
38 in item (i), (v) or (vii) of this subdivision.  
39 (b) Does not include:  
40 (i) Any fireworks that are imported, distributed or used in  
41 compliance with state laws or local ordinances.  
42 (ii) Any propellant, propellant actuated devices or propellant  
43 actuated industrial tools that are manufactured, imported or distributed  
44 for their intended purposes.

1           (iii) A device that is commercially manufactured primarily for the  
2 purpose of illumination.  
3           9. "Trafficking" means to sell, transfer, distribute, dispense or  
4 otherwise dispose of a weapon or explosive to another person, or to buy,  
5 receive, possess or obtain control of a weapon or explosive, with the  
6 intent to sell, transfer, distribute, dispense or otherwise dispose of the  
7 weapon or explosive to another person.  
8           B. The items set forth in subsection A, paragraph 8, subdivision  
9 (a), items (i), (ii), (iii) and (iv) of this section do not include any  
10 firearms or devices that are possessed, manufactured or transferred in  
11 compliance with federal law.