

REFERENCE TITLE: provisional concealed weapons permit

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

HB 2489

Introduced by
Representatives Wilmeth: Biasiucci, Bolick, Carroll, Diaz, Martinez,
Nguyen

AN ACT

**AMENDING SECTIONS 13-3102 AND 13-3112, ARIZONA REVISED STATUTES; AMENDING
TITLE 13, CHAPTER 31, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-3123;
AMENDING SECTION 41-1722, 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 13-3102, Arizona Revised Statutes, is amended to
3 read:
4 13-3102. Misconduct involving weapons; defenses;
5 classification; definitions
6 A. A person commits misconduct involving weapons by knowingly:
7 1. Carrying a deadly weapon except a pocket knife concealed on his
8 person or within his immediate control in or on a means of transportation:
9 (a) In the furtherance of a serious offense as defined in section
10 13-706, a violent crime as defined in section 13-901.03 or any other
11 felony offense; or
12 (b) When contacted by a law enforcement officer and failing to
13 accurately answer the officer if the officer asks whether the person is
14 carrying a concealed deadly weapon; or
15 2. Carrying a deadly weapon except a pocket knife concealed on his
16 person or concealed within his immediate control in or on a means of
17 transportation if the person is under twenty-one years of age; or
18 3. Manufacturing, possessing, transporting, selling or transferring
19 a prohibited weapon, except that if the violation involves dry ice, a
20 person commits misconduct involving weapons by knowingly possessing the
21 dry ice with the intent to cause injury to or death of another person or
22 to cause damage to the property of another person; or
23 4. Possessing a deadly weapon or prohibited weapon if such person
24 is a prohibited possessor; or
25 5. Selling or transferring a deadly weapon to a prohibited
26 possessor; or
27 6. Defacing a deadly weapon; or
28 7. Possessing a defaced deadly weapon knowing the deadly weapon was
29 defaced; or
30 8. Using or possessing a deadly weapon during the commission of any
31 felony offense included in chapter 34 of this title; or
32 9. Discharging a firearm at an occupied structure in order to
33 assist, promote or further the interests of a criminal street gang, a
34 criminal syndicate or a racketeering enterprise; or
35 10. Unless specifically authorized by law, entering any public
36 establishment or attending any public event and carrying a deadly weapon
37 on his person after a reasonable request by the operator of the
38 establishment or the sponsor of the event or the sponsor's agent to remove
39 his weapon and place it in the custody of the operator of the
40 establishment or the sponsor of the event for temporary and secure storage
41 of the weapon pursuant to section 13-3102.01; or
42 11. Unless specifically authorized by law, entering an election
43 polling place on the day of any election carrying a deadly weapon; or
44 12. Possessing a deadly weapon on school grounds; or

1 13. Unless specifically authorized by law, entering a nuclear or
2 hydroelectric generating station carrying a deadly weapon on his person or
3 within the immediate control of any person; or

4 14. Supplying, selling or giving possession or control of a firearm
5 to another person if the person knows or has reason to know that the other
6 person would use the firearm in the commission of any felony; or

7 15. Using, possessing or exercising control over a deadly weapon in
8 furtherance of any act of terrorism as defined in section 13-2301 or
9 possessing or exercising control over a deadly weapon knowing or having
10 reason to know that it will be used to facilitate any act of terrorism as
11 defined in section 13-2301; or

12 16. Trafficking in weapons or explosives for financial gain in order
13 to assist, promote or further the interests of a criminal street gang, a
14 criminal syndicate or a racketeering enterprise.

15 B. Subsection A, paragraph 2 of this section shall not apply to:

16 1. A person in his dwelling, on his business premises or on real
17 property owned or leased by that person or that person's parent,
18 grandparent or legal guardian.

19 2. A member of the sheriff's volunteer posse or reserve
20 organization who has received and passed firearms training that is
21 approved by the Arizona peace officer standards and training board and who
22 is authorized by the sheriff to carry a concealed weapon pursuant to
23 section 11-441.

24 3. A firearm that is carried in:

25 (a) A manner where any portion of the firearm or holster in which
26 the firearm is carried is visible.

27 (b) A holster that is wholly or partially visible.

28 (c) A scabbard or case designed for carrying weapons that is wholly
29 or partially visible.

30 (d) Luggage.

31 (e) A case, holster, scabbard, pack or luggage that is carried
32 within a means of transportation or within a storage compartment, map
33 pocket, trunk or glove compartment of a means of transportation.

34 4. A PERSON WHO POSSESSES A VALID PROVISIONAL CONCEALED WEAPONS
35 PERMIT ISSUED PURSUANT TO SECTION 13-3123.

36 C. Subsection A, paragraphs 2, 3, 7, 10, 11, 12 and 13 of this
37 section shall not apply to:

38 1. A peace officer or any person summoned by any peace officer to
39 assist and while actually assisting in the performance of official duties;
40 or

41 2. A member of the military forces of the United States or of any
42 state of the United States in the performance of official duties; or

1 3. A warden, deputy warden, community correctional officer,
2 detention officer, special investigator or correctional officer of the
3 state department of corrections or the department of juvenile corrections;
4 or

5 4. A person specifically licensed, authorized or permitted pursuant
6 to a statute of this state or of the United States.

7 D. Subsection A, paragraph 10 of this section does not apply to an
8 elected or appointed judicial officer in the court facility where the
9 judicial officer works if the judicial officer has demonstrated competence
10 with a firearm as prescribed in section 13-3112, subsection N, except that
11 the judicial officer shall comply with any rule or policy adopted by the
12 presiding judge of the superior court while in the court facility. For
13 the purposes of this subsection, appointed judicial officer does not
14 include a hearing officer or a judicial officer pro tempore who is not a
15 full-time officer.

16 E. Subsection A, paragraphs 3 and 7 of this section shall not apply
17 to:

18 1. The possessing, transporting, selling or transferring of weapons
19 by a museum as a part of its collection or an educational institution for
20 educational purposes or by an authorized employee of such museum or
21 institution, if:

22 (a) Such museum or institution is operated by the United States or
23 this state or a political subdivision of this state, or by an organization
24 described in 26 United States Code section 170(c) as a recipient of a
25 charitable contribution; and

26 (b) Reasonable precautions are taken with respect to theft or
27 misuse of such material.

28 2. The regular and lawful transporting as merchandise; or

29 3. Acquisition by a person by operation of law such as by gift,
30 devise or descent or in a fiduciary capacity as a recipient of the
31 property or former property of an insolvent, incapacitated or deceased
32 person.

33 F. Subsection A, paragraph 3 of this section shall not apply to the
34 merchandise of an authorized manufacturer of or dealer in prohibited
35 weapons, when such material is intended to be manufactured, possessed,
36 transported, sold or transferred solely for or to a dealer, a regularly
37 constituted or appointed state, county or municipal police department or
38 police officer, a detention facility, the military service of this or
39 another state or the United States, a museum or educational institution or
40 a person specifically licensed or permitted pursuant to federal or state
41 law.

42 G. Subsection A, paragraph 10 of this section shall not apply to
43 shooting ranges or shooting events, hunting areas or similar locations or
44 activities.

1 H. Subsection A, paragraph 12 of this section shall not apply to a
2 weapon if such weapon is possessed for the purposes of preparing for,
3 conducting or participating in hunter or firearm safety courses.

4 I. Subsection A, paragraph 12 of this section shall not apply to
5 the possession of a:

6 1. Firearm that is not loaded and that is carried within a means of
7 transportation under the control of an adult provided that if the adult
8 leaves the means of transportation the firearm shall not be visible from
9 the outside of the means of transportation and the means of transportation
10 shall be locked.

11 2. Firearm for use on the school grounds in a program approved by a
12 school.

13 3. Firearm by a person who possesses a certificate of firearms
14 proficiency pursuant to section 13-3112, subsection T and who is
15 authorized to carry a concealed firearm pursuant to the law enforcement
16 officers safety act of 2004 (P.L. 108-277; 118 Stat. 865; 18 United States
17 Code sections 926B and 926C).

18 J. Subsection A, paragraphs 2, 3, 7 and 13 of this section shall
19 not apply to commercial nuclear generating station armed nuclear security
20 guards during the performance of official duties or during any security
21 training exercises sponsored by the commercial nuclear generating station
22 or local, state or federal authorities.

23 K. The operator of the establishment or the sponsor of the event or
24 the employee of the operator or sponsor or the agent of the sponsor,
25 including a public entity or public employee, is not liable for acts or
26 omissions pursuant to subsection A, paragraph 10 of this section unless
27 the operator, sponsor, employee or agent intended to cause injury or was
28 grossly negligent.

29 L. If a law enforcement officer contacts a person who is in
30 possession of a firearm, the law enforcement officer may take temporary
31 custody of the firearm for the duration of that contact.

32 M. Misconduct involving weapons under subsection A, paragraph 15 of
33 this section is a class 2 felony. Misconduct involving weapons under
34 subsection A, paragraph 9, 14 or 16 of this section is a class 3 felony.
35 Misconduct involving weapons under subsection A, paragraph 3, 4, 8 or 13
36 of this section is a class 4 felony. Misconduct involving weapons under
37 subsection A, paragraph 12 of this section is a class 1 misdemeanor unless
38 the violation occurs in connection with conduct that violates section
39 13-2308, subsection A, paragraph 5, section 13-2312, subsection C, section
40 13-3409 or section 13-3411, in which case the offense is a class 6 felony.
41 Misconduct involving weapons under subsection A, paragraph 1, subdivision
42 (a) of this section or subsection A, paragraph 5, 6 or 7 of this section
43 is a class 6 felony. Misconduct involving weapons under subsection A,
44 paragraph 1, subdivision (b) of this section or subsection A, paragraph 10
45 or 11 of this section is a class 1 misdemeanor. Misconduct involving

1 weapons under subsection A, paragraph 2 of this section is a class 3
2 misdemeanor.

3 N. For the purposes of this section:

4 1. "Contacted by a law enforcement officer" means a lawful traffic
5 or criminal investigation, arrest or detention or an investigatory stop by
6 a law enforcement officer that is based on reasonable suspicion that an
7 offense has been or is about to be committed.

8 2. "Public establishment" means a structure, vehicle or craft that
9 is owned, leased or operated by this state or a political subdivision of
10 this state.

11 3. "Public event" means a specifically named or sponsored event of
12 limited duration that is either conducted by a public entity or conducted
13 by a private entity with a permit or license granted by a public entity.
14 Public event does not include an unsponsored gathering of people in a
15 public place.

16 4. "School" means a public or nonpublic kindergarten program,
17 common school or high school.

18 5. "School grounds" means in, or on the grounds of, a school.

19 Sec. 2. Section 13-3112, Arizona Revised Statutes, is amended to
20 read:

21 13-3112. Concealed weapons; qualification; application; permit
22 to carry; civil penalty; report; applicability

23 A. The department of public safety shall issue a permit to carry a
24 concealed weapon to a person who is qualified under this section. The
25 person shall carry the permit at all times when the person is in actual
26 possession of the concealed weapon and is required by section 4-229 or
27 4-244 to carry the permit. If the person is in actual possession of the
28 concealed weapon and is required by section 4-229 or 4-244 to carry the
29 permit, the person shall present the permit for inspection to any law
30 enforcement officer on request.

31 B. The permit of a person who is arrested or indicted for an
32 offense that would make the person unqualified under section 13-3101,
33 subsection A, paragraph 7 or this section shall be immediately suspended
34 and seized. The permit of a person who becomes unqualified on conviction
35 of that offense shall be revoked. The permit shall be restored on
36 presentation of documentation from the court if the permittee is found not
37 guilty or the charges are dismissed. The permit shall be restored on
38 presentation of documentation from the county attorney that the charges
39 against the permittee were dropped or dismissed.

40 C. A permittee who carries a concealed weapon, who is required by
41 section 4-229 or 4-244 to carry a permit and who fails to present the
42 permit for inspection on the request of a law enforcement officer commits
43 a violation of this subsection and is subject to a civil penalty of not
44 more than ~~three hundred dollars~~ \$300. The department of public safety
45 shall be notified of all violations of this subsection and shall

1 immediately suspend the permit. A permittee shall not be convicted of a
2 violation of this subsection if the permittee produces to the court a
3 legible permit that is issued to the permittee and that was valid at the
4 time the permittee failed to present the permit for inspection.

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

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

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

13 2. Is twenty-one years of age or older or is at least nineteen
14 years of age and provides evidence of current military service or proof of
15 honorable discharge or general discharge under honorable conditions from
16 the United States armed forces, the United States armed forces reserve or
17 a state national guard.

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

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

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

26 6. Has ever demonstrated competence with a firearm as prescribed by
27 subsection N of this section and provides adequate documentation that the
28 person has satisfactorily completed a training program or demonstrated
29 competence with a firearm in any state or political subdivision in the
30 United States. For the purposes of this paragraph, "adequate
31 documentation" means:

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

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

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

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

4 F. The application shall be completed on a form prescribed by the
5 department of public safety. The form shall not require the applicant to
6 disclose the type of firearm for which a permit is sought. The applicant
7 shall attest under penalty of perjury that all of the statements made by
8 the applicant are true, that the applicant has been furnished a copy of
9 this chapter and chapter 4 of this title and that the applicant is
10 knowledgeable about the provisions contained in those chapters. The
11 applicant shall submit the application to the department with any
12 documentation prescribed by subsection E of this section, two sets of
13 fingerprints and a reasonable fee determined by the director of the
14 department.

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

20 H. The department of public safety shall complete all of the
21 required qualification checks within sixty days after ~~receipt of~~ RECEIVING
22 the application and shall issue a permit within fifteen working days after
23 completing the qualification checks if the applicant meets all of the
24 conditions specified in subsection E of this section. If a permit is
25 denied, the department of public safety shall notify the applicant in
26 writing within fifteen working days after ~~the completion of~~ COMPLETING all
27 of the required qualification checks and shall state the reasons why the
28 application was denied. On receipt of the notification of the denial, the
29 applicant has twenty days to submit any additional documentation to the
30 department. On receipt of the additional documentation, the department
31 shall reconsider its decision and inform the applicant within twenty days
32 of the result of the reconsideration. If denied, the applicant shall be
33 informed that the applicant may request a hearing pursuant to title 41,
34 chapter 6, article 10. For the purposes of this subsection, "~~receipt of~~
35 RECEIVING the application" means the first day that the department has
36 physical control of the application and that is presumed to be on the date
37 of delivery as evidenced by proof of delivery by the United States postal
38 service or a written receipt, which shall be provided by the department on
39 request of the applicant.

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

1 J. The department of public safety shall maintain a computerized
2 permit record system that is accessible to criminal justice agencies for
3 the purpose of confirming the permit status of any person who is contacted
4 by a law enforcement officer and who claims to hold a valid permit issued
5 by this state. This information and any other records that are maintained
6 regarding applicants, permit holders or instructors shall not be available
7 to any other person or entity except on an order from a state or federal
8 court. A criminal justice agency shall not use the computerized permit
9 record system to conduct inquiries on whether a person is a concealed
10 weapons permit holder unless the criminal justice agency has reasonable
11 suspicion to believe the person is carrying a concealed weapon and the
12 person is subject to a lawful criminal investigation, arrest, detention or
13 ~~an~~ investigatory stop.

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

20 L. Applications for renewal shall be accompanied by a fee
21 determined by the director of the department of public safety.

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

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

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

36 2. Completion of any hunter education or hunter safety course
37 approved by the Arizona game and fish department or a similar agency of
38 another state.

39 3. Completion of any national rifle association firearms safety or
40 training course.

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

1 5. Evidence of current military service or proof of honorable
2 discharge or general discharge under honorable conditions from the United
3 States armed forces.

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

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

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

14 0. The department of public safety shall maintain information
15 comparing the number of permits requested, the number of permits issued
16 and the number of permits denied. The department shall annually report
17 this information electronically to the governor and the legislature.

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

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

26 1. The permit or license is recognized as valid in the issuing
27 state.

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

29 (a) Legally present in this state.

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

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

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

1 T. The department of public safety may issue certificates of
2 firearms proficiency according to the Arizona peace officer standards and
3 training board firearms qualification for the purposes of implementing the
4 law enforcement officers safety act of 2004 (P.L. 108-277; 118 Stat. 865;
5 18 United States Code sections 926B and 926C). A law enforcement or
6 prosecutorial agency shall issue to a qualified retired law enforcement
7 officer who has honorably retired a photographic identification that
8 states that the officer has honorably retired from the agency. A person
9 who was a municipal, county or state prosecutor is deemed to meet the
10 qualifications of 18 United States Code section 926C(c)(2). The chief law
11 enforcement officer shall determine whether an officer has honorably
12 retired and the determination is not subject to review. A law enforcement
13 or prosecutorial agency has no obligation to revoke, alter or modify the
14 honorable discharge photographic identification based on conduct that the
15 agency becomes aware of or that occurs after the officer has separated
16 from the agency. For the purposes of this subsection, "qualified retired
17 law enforcement officer" has the same meaning prescribed in 18 United
18 States Code section 926C.

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

22 V. ON THE TWENTY-FIRST BIRTHDAY OF A PERSON WHO POSSESSES A VALID
23 PROVISIONAL CONCEALED WEAPONS PERMIT ISSUED PURSUANT TO SECTION 13-3123,
24 THE DEPARTMENT SHALL ISSUE A PERMIT TO CARRY A CONCEALED WEAPON PURSUANT
25 TO THIS SECTION TO THE PERSON. THE DEPARTMENT MAY NOT CHARGE AN
26 ADDITIONAL FEE OR REQUIRE ADDITIONAL INFORMATION FROM THE PERSON BEFORE
27 ISSUING A PERMIT PURSUANT TO THIS SUBSECTION. A PERMIT ISSUED PURSUANT TO
28 THIS SUBSECTION IS VALID FOR FIVE YEARS AND IS SUBJECT TO ALL OTHER
29 CONDITIONS AND REQUIREMENTS PRESCRIBED IN THIS SECTION.

30 Sec. 3. Title 13, chapter 31, Arizona Revised Statutes, is amended
31 by adding section 13-3123, to read:

32 13-3123. Provisional concealed weapons permit;
33 qualifications; application; civil penalty;
34 report; applicability

35 A. THE DEPARTMENT OF PUBLIC SAFETY SHALL ISSUE A PROVISIONAL
36 CONCEALED WEAPONS PERMIT TO CARRY A CONCEALED WEAPON TO A PERSON WHO IS AT
37 LEAST EIGHTEEN YEARS OF AGE AND UNDER TWENTY-ONE YEARS OF AGE AND WHO IS
38 QUALIFIED UNDER THIS SECTION. THE PERSON SHALL CARRY THE PROVISIONAL
39 PERMIT AT ALL TIMES WHEN THE PERSON IS IN ACTUAL POSSESSION OF THE
40 CONCEALED WEAPON AND SHALL PRESENT THE PROVISIONAL PERMIT FOR INSPECTION
41 TO ANY LAW ENFORCEMENT OFFICER ON REQUEST.

42 B. THE DEPARTMENT SHALL ISSUE A CONCEALED WEAPONS PERMIT PURSUANT
43 TO SECTION 13-3112 ON THE TWENTY-FIRST BIRTHDAY OF A PERSON WHO HAS A
44 VALID PROVISIONAL CONCEALED WEAPONS PERMIT.

1 C. THE PROVISIONAL PERMIT OF A PERSON WHO IS ARRESTED OR INDICTED
2 FOR AN OFFENSE THAT WOULD MAKE THE PERSON UNQUALIFIED UNDER SECTION
3 13-3101, SUBSECTION A, PARAGRAPH 7 OR THIS SECTION SHALL BE IMMEDIATELY
4 SUSPENDED AND SEIZED. THE PROVISIONAL PERMIT OF A PERSON WHO BECOMES
5 UNQUALIFIED ON CONVICTION OF THAT OFFENSE SHALL BE REVOKED. THE
6 PROVISIONAL PERMIT SHALL BE RESTORED ON PRESENTATION OF DOCUMENTATION FROM
7 THE COURT IF THE PERMITTEE IS FOUND NOT GUILTY OR THE CHARGES ARE
8 DISMISSED. THE PROVISIONAL PERMIT SHALL BE RESTORED ON PRESENTATION OF
9 DOCUMENTATION FROM THE COUNTY ATTORNEY THAT THE CHARGES AGAINST THE
10 PERMITTEE WERE DROPPED OR DISMISSED.

11 D. A PERMITTEE WHO CARRIES A CONCEALED WEAPON AND WHO FAILS TO
12 PRESENT THE PROVISIONAL PERMIT FOR INSPECTION ON THE REQUEST OF A LAW
13 ENFORCEMENT OFFICER COMMITS A VIOLATION OF THIS SUBSECTION AND IS SUBJECT
14 TO A CIVIL PENALTY OF NOT MORE THAN \$300. THE DEPARTMENT OF PUBLIC SAFETY
15 SHALL BE NOTIFIED OF ALL VIOLATIONS OF THIS SUBSECTION AND SHALL
16 IMMEDIATELY SUSPEND THE PROVISIONAL PERMIT. A PERMITTEE MAY NOT BE
17 CONVICTED OF A VIOLATION OF THIS SUBSECTION IF THE PERMITTEE PRODUCES TO
18 THE COURT A LEGIBLE PROVISIONAL PERMIT THAT IS ISSUED TO THE PERMITTEE AND
19 THAT WAS VALID AT THE TIME THE PERMITTEE FAILED TO PRESENT THE PROVISIONAL
20 PERMIT FOR INSPECTION.

21 E. A LAW ENFORCEMENT OFFICER MAY NOT CONFISCATE OR FORFEIT A WEAPON
22 THAT IS OTHERWISE LAWFULLY POSSESSED BY A PERMITTEE WHOSE PROVISIONAL
23 PERMIT IS SUSPENDED PURSUANT TO SUBSECTION D OF THIS SECTION, EXCEPT THAT
24 A LAW ENFORCEMENT OFFICER MAY TAKE TEMPORARY CUSTODY OF A FIREARM DURING
25 AN INVESTIGATORY STOP OF THE PERMITTEE.

26 F. THE DEPARTMENT OF PUBLIC SAFETY SHALL ISSUE A PROVISIONAL PERMIT
27 TO AN APPLICANT WHO MEETS ALL OF THE FOLLOWING CONDITIONS:

- 28 1. IS A RESIDENT OF THIS STATE OR A UNITED STATES CITIZEN.
- 29 2. IS AT LEAST EIGHTEEN YEARS OF AGE AND UNDER TWENTY-ONE YEARS OF
30 AGE.
- 31 3. IS NOT UNDER INDICTMENT FOR AND HAS NOT BEEN CONVICTED IN ANY
32 JURISDICTION OF A FELONY UNLESS THAT CONVICTION HAS BEEN EXPUNGED, SET
33 ASIDE OR VACATED OR THE APPLICANT'S RIGHTS HAVE BEEN RESTORED AND THE
34 APPLICANT IS CURRENTLY NOT A PROHIBITED POSSESSOR UNDER STATE OR FEDERAL
35 LAW.
- 36 4. DOES NOT SUFFER FROM MENTAL ILLNESS AND HAS NOT BEEN ADJUDICATED
37 MENTALLY INCOMPETENT OR COMMITTED TO A MENTAL INSTITUTION.
- 38 5. IS NOT UNLAWFULLY PRESENT IN THE UNITED STATES.
- 39 6. HAS DEMONSTRATED COMPETENCE WITH A FIREARM AS PRESCRIBED BY
40 SUBSECTION M OF THIS SECTION AND PROVIDES ADEQUATE DOCUMENTATION THAT THE
41 PERSON HAS SATISFACTORILY COMPLETED A TRAINING PROGRAM OR DEMONSTRATED
42 COMPETENCE WITH A FIREARM IN ANY STATE OR POLITICAL SUBDIVISION IN THE
43 UNITED STATES. FOR THE PURPOSES OF THIS PARAGRAPH, "ADEQUATE
44 DOCUMENTATION" MEANS:

1 (a) AN ORIGINAL OR COPY OF A CERTIFICATE, CARD OR DOCUMENT THAT
2 SHOWS THE APPLICANT HAS COMPLETED ANY COURSE OR CLASS PRESCRIBED BY
3 SUBSECTION M OF THIS SECTION OR AN AFFIDAVIT FROM THE INSTRUCTOR, SCHOOL,
4 CLUB OR ORGANIZATION THAT CONDUCTED OR TAUGHT THE COURSE OR CLASS
5 ATTESTING TO THE APPLICANT'S COMPLETION OF THE COURSE OR CLASS.

6 (b) AN ORIGINAL OR A COPY OF A UNITED STATES DEPARTMENT OF DEFENSE
7 FORM 214 (DD-214) INDICATING AN HONORABLE DISCHARGE OR GENERAL DISCHARGE
8 UNDER HONORABLE CONDITIONS, A CERTIFICATE OF COMPLETION OF BASIC TRAINING
9 OR ANY OTHER DOCUMENT DEMONSTRATING PROOF OF THE APPLICANT'S CURRENT OR
10 FORMER SERVICE IN THE UNITED STATES ARMED FORCES AS PRESCRIBED BY
11 SUBSECTION M, PARAGRAPH 5 OF THIS SECTION.

12 (c) AN ORIGINAL OR A COPY OF A CONCEALED WEAPON, FIREARM OR HANDGUN
13 PERMIT OR A LICENSE AS PRESCRIBED BY SUBSECTION M, PARAGRAPH 6 OF THIS
14 SECTION.

15 G. THE APPLICATION SHALL BE COMPLETED ON A FORM PRESCRIBED BY THE
16 DEPARTMENT OF PUBLIC SAFETY. THE FORM MAY NOT REQUIRE THE APPLICANT TO
17 DISCLOSE THE TYPE OF FIREARM FOR WHICH A PROVISIONAL PERMIT IS SOUGHT.
18 THE APPLICANT SHALL ATTEST UNDER PENALTY OF PERJURY THAT ALL OF THE
19 STATEMENTS MADE BY THE APPLICANT ARE TRUE, THAT THE APPLICANT HAS BEEN
20 FURNISHED A COPY OF THIS CHAPTER AND CHAPTER 4 OF THIS TITLE AND THAT THE
21 APPLICANT IS KNOWLEDGEABLE ABOUT THE PROVISIONS CONTAINED IN THOSE
22 CHAPTERS. THE APPLICANT SHALL SUBMIT THE APPLICATION TO THE DEPARTMENT
23 WITH ANY DOCUMENTATION PRESCRIBED BY SUBSECTION F OF THIS SECTION, TWO
24 SETS OF FINGERPRINTS AND A REASONABLE FEE DETERMINED BY THE DIRECTOR OF
25 THE DEPARTMENT.

26 H. ON RECEIPT OF A PROVISIONAL CONCEALED WEAPONS PERMIT
27 APPLICATION, THE DEPARTMENT OF PUBLIC SAFETY SHALL CONDUCT A CHECK OF THE
28 APPLICANT'S CRIMINAL HISTORY RECORD PURSUANT TO SECTION 41-1750. THE
29 DEPARTMENT OF PUBLIC SAFETY MAY EXCHANGE FINGERPRINT CARD INFORMATION WITH
30 THE FEDERAL BUREAU OF INVESTIGATION FOR FEDERAL CRIMINAL HISTORY RECORD
31 CHECKS.

32 I. THE DEPARTMENT OF PUBLIC SAFETY SHALL COMPLETE ALL OF THE
33 REQUIRED QUALIFICATION CHECKS WITHIN SIXTY CALENDAR DAYS AFTER RECEIVING
34 THE APPLICATION AND SHALL ISSUE A PROVISIONAL PERMIT WITHIN FIFTEEN
35 WORKING DAYS AFTER COMPLETING THE QUALIFICATION CHECKS IF THE APPLICANT
36 MEETS ALL OF THE CONDITIONS SPECIFIED IN SUBSECTION F OF THIS SECTION. IF
37 A PROVISIONAL PERMIT IS DENIED, THE DEPARTMENT OF PUBLIC SAFETY SHALL
38 NOTIFY THE APPLICANT IN WRITING WITHIN FIFTEEN WORKING DAYS AFTER
39 COMPLETING ALL OF THE REQUIRED QUALIFICATION CHECKS AND SHALL STATE THE
40 REASONS WHY THE APPLICATION WAS DENIED. ON RECEIPT OF THE NOTIFICATION OF
41 THE DENIAL, THE APPLICANT HAS TWENTY CALENDAR DAYS TO SUBMIT ANY
42 ADDITIONAL DOCUMENTATION TO THE DEPARTMENT. ON RECEIPT OF THE ADDITIONAL
43 DOCUMENTATION, THE DEPARTMENT SHALL RECONSIDER ITS DECISION AND INFORM THE
44 APPLICANT WITHIN TWENTY CALENDAR DAYS AFTER THE RESULT OF THE
45 RECONSIDERATION. IF DENIED, THE APPLICANT SHALL BE INFORMED THAT THE

1 APPLICANT MAY REQUEST A HEARING PURSUANT TO TITLE 41, CHAPTER 6, ARTICLE
2 10. FOR THE PURPOSES OF THIS SUBSECTION, "RECEIVING THE APPLICATION"
3 MEANS THE FIRST DAY THAT THE DEPARTMENT HAS PHYSICAL CONTROL OF THE
4 APPLICATION AND THAT IS PRESUMED TO BE ON THE DATE OF DELIVERY AS
5 EVIDENCED BY PROOF OF DELIVERY BY THE UNITED STATES POSTAL SERVICE OR A
6 WRITTEN RECEIPT, WHICH SHALL BE PROVIDED BY THE DEPARTMENT ON REQUEST OF
7 THE APPLICANT.

8 J. ON ISSUANCE, A PROVISIONAL PERMIT IS VALID FOR THREE YEARS.

9 K. THE DEPARTMENT OF PUBLIC SAFETY SHALL MAINTAIN A COMPUTERIZED
10 PROVISIONAL PERMIT RECORD SYSTEM THAT IS ACCESSIBLE TO CRIMINAL JUSTICE
11 AGENCIES FOR THE PURPOSE OF CONFIRMING THE PROVISIONAL PERMIT STATUS OF
12 ANY PERSON WHO IS CONTACTED BY A LAW ENFORCEMENT OFFICER AND WHO CLAIMS TO
13 HOLD A VALID PROVISIONAL PERMIT ISSUED BY THIS STATE. THIS INFORMATION
14 AND ANY OTHER RECORDS THAT ARE MAINTAINED REGARDING APPLICANTS,
15 PROVISIONAL PERMIT HOLDERS OR INSTRUCTORS IS NOT AVAILABLE TO ANY OTHER
16 PERSON OR ENTITY EXCEPT ON AN ORDER FROM A STATE OR FEDERAL COURT. A
17 CRIMINAL JUSTICE AGENCY MAY NOT USE THE COMPUTERIZED PROVISIONAL PERMIT
18 RECORD SYSTEM TO CONDUCT INQUIRIES ON WHETHER A PERSON IS A PROVISIONAL
19 CONCEALED WEAPONS PERMIT HOLDER UNLESS THE CRIMINAL JUSTICE AGENCY HAS
20 REASONABLE SUSPICION TO BELIEVE THE PERSON IS CARRYING A CONCEALED WEAPON
21 AND THE PERSON IS SUBJECT TO A LAWFUL CRIMINAL INVESTIGATION, ARREST,
22 DETENTION OR INVESTIGATORY STOP.

23 L. THE DEPARTMENT OF PUBLIC SAFETY SHALL SUSPEND OR REVOKE A
24 PROVISIONAL PERMIT ISSUED UNDER THIS SECTION IF THE PROVISIONAL PERMIT
25 HOLDER BECOMES INELIGIBLE PURSUANT TO SUBSECTION F OF THIS SECTION. THE
26 DEPARTMENT OF PUBLIC SAFETY SHALL NOTIFY THE PROVISIONAL PERMIT HOLDER IN
27 WRITING WITHIN FIFTEEN WORKING DAYS AFTER THE REVOCATION OR SUSPENSION AND
28 SHALL STATE THE REASONS FOR THE REVOCATION OR SUSPENSION.

29 M. AN APPLICANT SHALL DEMONSTRATE COMPETENCE WITH A FIREARM THROUGH
30 ANY OF THE FOLLOWING:

31 1. COMPLETION OF ANY FIREARMS SAFETY OR TRAINING COURSE OR CLASS
32 THAT IS AVAILABLE TO THE GENERAL PUBLIC, THAT IS OFFERED BY A LAW
33 ENFORCEMENT AGENCY, A JUNIOR COLLEGE, A COLLEGE OR A PRIVATE OR PUBLIC
34 INSTITUTION, ACADEMY, ORGANIZATION OR FIREARMS TRAINING SCHOOL AND THAT IS
35 APPROVED BY THE DEPARTMENT OF PUBLIC SAFETY OR THAT USES INSTRUCTORS WHO
36 ARE CERTIFIED BY THE NATIONAL RIFLE ASSOCIATION.

37 2. COMPLETION OF ANY HUNTER EDUCATION OR HUNTER SAFETY COURSE
38 APPROVED BY THE ARIZONA GAME AND FISH DEPARTMENT OR A SIMILAR AGENCY OF
39 ANOTHER STATE.

40 3. COMPLETION OF ANY NATIONAL RIFLE ASSOCIATION FIREARMS SAFETY OR
41 TRAINING COURSE.

42 4. COMPLETION OF ANY LAW ENFORCEMENT FIREARMS SAFETY OR TRAINING
43 COURSE OR CLASS THAT IS OFFERED FOR SECURITY GUARDS, INVESTIGATORS,
44 SPECIAL DEPUTIES OR OTHER DIVISIONS OR SUBDIVISIONS OF LAW ENFORCEMENT OR

1 SECURITY ENFORCEMENT AND THAT IS APPROVED BY THE DEPARTMENT OF PUBLIC
2 SAFETY.

3 5. EVIDENCE OF CURRENT MILITARY SERVICE OR PROOF OF HONORABLE
4 DISCHARGE OR GENERAL DISCHARGE UNDER HONORABLE CONDITIONS FROM THE UNITED
5 STATES ARMED FORCES.

6 6. A VALID CURRENT OR EXPIRED CONCEALED WEAPON, FIREARM OR HANDGUN
7 PERMIT OR LICENSE THAT IS ISSUED BY ANOTHER STATE OR A POLITICAL
8 SUBDIVISION OF ANOTHER STATE AND THAT HAS A TRAINING OR TESTING
9 REQUIREMENT FOR INITIAL ISSUANCE.

10 7. COMPLETION OF ANY GOVERNMENTAL POLICE AGENCY FIREARMS TRAINING
11 COURSE AND QUALIFICATION TO CARRY A FIREARM IN THE COURSE OF NORMAL POLICE
12 DUTIES.

13 8. COMPLETION OF ANY OTHER FIREARMS SAFETY OR TRAINING COURSE OR
14 CLASS THAT IS CONDUCTED BY A DEPARTMENT OF PUBLIC SAFETY APPROVED OR
15 NATIONAL RIFLE ASSOCIATION CERTIFIED FIREARMS INSTRUCTOR.

16 N. THE DEPARTMENT OF PUBLIC SAFETY SHALL MAINTAIN INFORMATION
17 COMPARING THE NUMBER OF PROVISIONAL PERMITS REQUESTED, THE NUMBER OF
18 PROVISIONAL PERMITS ISSUED AND THE NUMBER OF PROVISIONAL PERMITS
19 DENIED. THE DEPARTMENT SHALL ANNUALLY REPORT THIS INFORMATION
20 ELECTRONICALLY TO THE GOVERNOR AND THE LEGISLATURE.

21 O. THE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY SHALL ADOPT
22 RULES FOR THE PURPOSE OF IMPLEMENTING AND ADMINISTERING THIS SECTION,
23 INCLUDING FEES RELATING TO PROVISIONAL PERMITS THAT ARE ISSUED PURSUANT TO
24 THIS SECTION.

25 P. THIS STATE AND ANY POLITICAL SUBDIVISION OF THIS STATE SHALL
26 RECOGNIZE A PROVISIONAL CONCEALED WEAPON, FIREARM OR HANDGUN PERMIT OR
27 LICENSE THAT IS ISSUED BY ANOTHER STATE OR A POLITICAL SUBDIVISION OF
28 ANOTHER STATE IF BOTH:

29 1. THE PROVISIONAL PERMIT OR LICENSE IS RECOGNIZED AS VALID IN THE
30 ISSUING STATE.

31 2. THE PROVISIONAL PERMIT OR LICENSE HOLDER IS ALL OF THE
32 FOLLOWING:

33 (a) LEGALLY PRESENT IN THIS STATE.

34 (b) NOT LEGALLY PROHIBITED FROM POSSESSING A FIREARM IN THIS STATE.

35 Q. FOR THE PURPOSE OF ESTABLISHING MUTUAL PROVISIONAL PERMIT OR
36 LICENSE RECOGNITION WITH OTHER STATES, THE DEPARTMENT OF PUBLIC SAFETY
37 SHALL ENTER INTO A WRITTEN AGREEMENT IF ANOTHER STATE REQUIRES A WRITTEN
38 AGREEMENT. THE DEPARTMENT OF PUBLIC SAFETY SHALL SUBMIT AN ELECTRONIC
39 REPORT TO THE GOVERNOR AND THE LEGISLATURE EACH YEAR THAT INCLUDES ANY
40 CHANGES THAT WERE MADE IN THE PREVIOUS YEAR TO A WRITTEN AGREEMENT WITH
41 ANOTHER STATE.

42 R. NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, A PERSON WITH A
43 PROVISIONAL CONCEALED WEAPONS PERMIT FROM ANOTHER STATE MAY NOT CARRY A
44 CONCEALED WEAPON IN THIS STATE IF THE PERSON IS UNDER EIGHTEEN YEARS OF
45 AGE OR IS UNDER INDICTMENT FOR, OR HAS BEEN CONVICTED OF, A FELONY OFFENSE

1 IN ANY JURISDICTION, UNLESS THAT CONVICTION IS EXPUNGED, SET ASIDE OR
2 VACATED OR THE PERSON'S RIGHTS HAVE BEEN RESTORED AND THE PERSON IS
3 CURRENTLY NOT A PROHIBITED POSSESSOR UNDER STATE OR FEDERAL LAW.

4 S. THE INITIAL APPLICATION FEE COLLECTED PURSUANT TO THIS SECTION
5 SHALL BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147, IN THE
6 CONCEALED WEAPONS PERMIT FUND ESTABLISHED BY SECTION 41-1722.

7 Sec. 4. Section 41-1722, Arizona Revised Statutes, is amended to
8 read:

9 41-1722. Concealed weapons permit fund

10 A. The concealed weapons permit fund is established consisting of
11 fees collected pursuant to ~~section~~ SECTIONS 13-3112 AND 13-3123.

12 B. The department shall administer the fund. Monies deposited in
13 the fund are subject to legislative appropriation and must only be used by
14 the department to:

15 1. Administer the concealed weapons permit process established by
16 section 13-3112 and all matters related to that section.

17 2. ADMINISTER THE PROVISIONAL CONCEALED WEAPONS PERMIT PROCESS
18 ESTABLISHED BY SECTION 13-3123 AND ALL MATTERS RELATED TO THAT SECTION.

19 ~~2.~~ 3. Pay for the department's operating expenses.

20 C. Monies in the fund are exempt from the provisions of section
21 35-190 relating to lapsing of appropriations.