

REFERENCE TITLE: **concealed weapons permit; renewal application**

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

SB 1177

Introduced by
Senator Gowan

AN ACT

AMENDING SECTION 13-3112, 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 13-3112, 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

1 the United States armed forces, the United States armed forces reserve or
2 a state national guard.

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

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

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

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

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

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

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

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

33 F. The application shall be completed on a form prescribed by the
34 department of public safety. The form shall not require the applicant to
35 disclose the type of firearm for which a permit is sought. The applicant
36 shall attest under penalty of perjury that all of the statements made by
37 the applicant are true, that the applicant has been furnished a copy of
38 this chapter and chapter 4 of this title and that the applicant is
39 knowledgeable about the provisions contained in those chapters. The
40 applicant shall submit the application to the department with any
41 documentation prescribed by subsection E of this section, two sets of
42 fingerprints and a reasonable fee determined by the director of the
43 department.

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

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

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

32 J. The department of public safety shall maintain a computerized
33 permit record system that is accessible to criminal justice agencies for
34 the purpose of confirming the permit status of any person who is contacted
35 by a law enforcement officer and who claims to hold a valid permit issued
36 by this state. This information and any other records that are maintained
37 regarding applicants, permit holders or instructors shall not be available
38 to any other person or entity except on an order from a state or federal
39 court. A criminal justice agency shall not use the computerized permit
40 record system to conduct inquiries on whether a person is a concealed
41 weapons permit holder unless the criminal justice agency has reasonable
42 suspicion to believe the person is carrying a concealed weapon and the
43 person is subject to a lawful criminal investigation, arrest, detention or
44 ~~an~~ investigatory stop.

1 K. A permit issued pursuant to this section is renewable every five
2 years. AT LEAST SIXTY DAYS BEFORE THE EXPIRATION DATE OF A PERMIT, THE
3 DEPARTMENT OF PUBLIC SAFETY SHALL SEND A RENEWAL REMINDER NOTICE AND
4 RENEWAL APPLICATION FORM TO THE PERMIT HOLDER'S LAST KNOWN ADDRESS.
5 Before a permit may be renewed, a criminal history records check shall be
6 conducted pursuant to section 41-1750 within sixty days after receipt of
7 the application for renewal. For the purposes of permit renewal, the
8 permit holder is not required to submit additional fingerprints.

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

11 M. The department of public safety shall suspend or revoke a permit
12 issued under this section if the permit holder becomes ineligible pursuant
13 to subsection E of this section. The department of public safety shall
14 notify the permit holder in writing within fifteen working days after the
15 revocation or suspension and shall state the reasons for the revocation or
16 suspension.

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

19 1. Completion of any firearms safety or training course or class
20 that is available to the general public, that is offered by a law
21 enforcement agency, a junior college, a college or a private or public
22 institution, academy, organization or firearms training school and that is
23 approved by the department of public safety or that uses instructors who
24 are certified by the national rifle association.

25 2. Completion of any hunter education or hunter safety course
26 approved by the Arizona game and fish department or a similar agency of
27 another state.

28 3. Completion of any national rifle association firearms safety or
29 training course.

30 4. Completion of any law enforcement firearms safety or training
31 course or class that is offered for security guards, investigators,
32 special deputies or other divisions or subdivisions of law enforcement or
33 security enforcement and that is approved by the department of public
34 safety.

35 5. Evidence of current military service or proof of honorable
36 discharge or general discharge under honorable conditions from the United
37 States armed forces.

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

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

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

4 0. The department of public safety shall maintain information
5 comparing the number of permits requested, the number of permits issued
6 and the number of permits denied. The department shall annually report
7 this information electronically to the governor and the legislature.

8 P. The director of the department of public safety shall adopt
9 rules for the purpose of implementing and administering this section
10 including fees relating to permits that are issued pursuant to this
11 section.

12 Q. This state and any political subdivision of this state shall
13 recognize a concealed weapon, firearm or handgun permit or license that is
14 issued by another state or a political subdivision of another state if
15 both:

16 1. The permit or license is recognized as valid in the issuing
17 state.

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

19 (a) Legally present in this state.

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

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

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

34 T. The department of public safety may issue certificates of
35 firearms proficiency according to the Arizona peace officer standards and
36 training board firearms qualification for the purposes of implementing the
37 law enforcement officers safety act of 2004 (P.L. 108-277; 118 Stat.
38 865; 18 United States Code sections 926B and 926C). A law enforcement or
39 prosecutorial agency shall issue to a qualified retired law enforcement
40 officer who has honorably retired a photographic identification that
41 states that the officer has honorably retired from the agency. A person
42 who was a municipal, county or state prosecutor is deemed to meet the
43 qualifications of 18 United States Code section 926C(c)(2). The chief law
44 enforcement officer shall determine whether an officer has honorably

1 retired and the determination is not subject to review. A law enforcement
2 or prosecutorial agency has no obligation to revoke, alter or modify the
3 honorable discharge photographic identification based on conduct that the
4 agency becomes aware of or that occurs after the officer has separated
5 from the agency. For the purposes of this subsection, "qualified retired
6 law enforcement officer" has the same meaning prescribed in 18 United
7 States Code section 926C.

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