

REFERENCE TITLE: *carrying of firearms; constables*

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
First Regular Session  
2023

## **HB 2617**

Introduced by  
Representative Bliss

AN ACT

AMENDING SECTION 38-1113, ARIZONA REVISED STATUTES; RELATING TO THE  
CARRYING OF FIREARMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 38-1113, Arizona Revised Statutes, is amended to  
3 read:  
4 38-1113. Carrying of firearms by peace officers; exceptions;  
5 definitions  
6 A. Notwithstanding any other law and except as provided pursuant to  
7 subsection C of this section, a peace officer shall not be prohibited from  
8 carrying a firearm, except that if the peace officer is employed as a law  
9 enforcement officer in this state, the peace officer must be in compliance  
10 with the firearm requirements prescribed by the Arizona peace officer  
11 standards and training board.  
12 B. Notwithstanding any other law and except as provided pursuant to  
13 subsection C, paragraphs 1, 2, 4, 5, 6, 7 and 8 of this section, a retired  
14 peace officer shall not be prohibited from carrying a firearm.  
15 C. A peace officer or retired peace officer may be prohibited from  
16 carrying a firearm as follows:  
17 1. In a jail, correctional facility or juvenile detention facility.  
18 2. Except for peace officers acting in their official capacity and  
19 carrying official peace officer identification, by order of:  
20 (a) The presiding judge or justice when attending any court that is  
21 established pursuant to the constitution of this state or title 12, except  
22 if the peace officer or retired peace officer is providing court security  
23 or responding to an emergency.  
24 (b) A justice court when attending the justice court, except if the  
25 peace officer or retired peace officer is providing court security or  
26 responding to an emergency.  
27 (c) A municipal court when attending the municipal court, except if  
28 the peace officer or retired peace officer is providing court security or  
29 responding to an emergency.  
30 3. When the peace officer is relieved of duty and is under a  
31 criminal or administrative investigation.  
32 4. When in a secured police facility.  
33 5. When consuming alcohol at a licensed liquor establishment,  
34 except if a peace officer's employing agency authorizes the consumption of  
35 alcohol in the performance of the peace officer's duties.  
36 6. In a location prohibited by federal law.  
37 7. Pursuant to court order.  
38 8. Pursuant to any state or federal law that makes the officer a  
39 prohibited possessor.  
40 9. When in the judgment of the department head, or the department  
41 head's designee, the peace officer exhibits any impairment, including any  
42 physical or mental impairment that would cause concern for the well-being  
43 and safety of the officer, the officer's law enforcement agency, law  
44 enforcement agency employees or the community.

1 D. A law enforcement agency that employs a peace officer may  
2 establish rules that are consistent with this section. The law  
3 enforcement agency may determine the number, type, model, caliber and  
4 brand of firearm and the ammunition that is carried by its peace officers  
5 on or off duty.

6 E. A presiding judge may establish rules or policies that are  
7 consistent with this section for the protection of the court.

8 F. This section does not create any civil liability for acting or  
9 failing to act.

10 G. For the purposes of this section:

11 1. "Firearm" has the same meaning prescribed in section 13-105.

12 2. "Peace officer" has the same meaning prescribed in section 1-215  
13 and includes:

14 (a) Municipal, county and state prosecutors who annually pass a  
15 pistol qualifying examination that is approved by the Arizona peace  
16 officer standards and training board for obtaining and maintaining peace  
17 officer certification requirements and that is conducted by an Arizona  
18 peace officer standards and training board recognized instructor or a  
19 national rifle association certified firearms instructor.

20 (b) A person who is employed as a law enforcement officer by any  
21 state or political subdivision of any state of the United States or any  
22 Indian tribe and who is certified by an entity in that state, political  
23 subdivision or tribal government that is equivalent to the Arizona peace  
24 officer standards and training board.

25 (c) A federally certified law enforcement officer.

26 (d) A CONSTABLE OR DEPUTY CONSTABLE, WHILE ON DUTY OR OFF DUTY, WHO  
27 IS EITHER CERTIFIED PURSUANT TO SECTION 41-1822, SUBSECTION A, PARAGRAPH 3  
28 OR WHO COMPLETES FIREARMS TRAINING THAT IS APPROVED BY THE ARIZONA PEACE  
29 OFFICER STANDARDS AND TRAINING BOARD, MAINTAINS ANNUAL FIREARMS  
30 PROFICIENCY, UNDERGOES, UNLESS WAIVED BY THE ARIZONA COUNTIES INSURANCE  
31 POOL, A PSYCHOLOGICAL EXAMINATION AND EITHER POSSESSES A VALID PERMIT THAT  
32 IS ISSUED PURSUANT TO SECTION 13-3112 OR COMPLETES A BACKGROUND  
33 INVESTIGATION THAT IS APPROVED BY THE ARIZONA PEACE OFFICER STANDARDS AND  
34 TRAINING BOARD. COPIES OF ALL CERTIFICATES OF COMPLETION, PERMITS AND  
35 PROFICIENCY RECORDS SHALL BE FORWARDED TO THE CONSTABLE ETHICS STANDARDS  
36 AND TRAINING BOARD WITHIN THIRTY DAYS AFTER COMPLETION IN THE SAME MANNER  
37 AS PRESCRIBED BY SECTION 22-137.

38 3. "Relieved of duty" means when a peace officer is no longer  
39 required to perform, either temporarily or permanently, the duties for  
40 which the officer was employed.

1           4. "Retired peace officer" means a person who has honorably served  
2 as a law enforcement officer in the United States for at least ten  
3 consecutive years and who possesses a photographic identification or a  
4 letter from a law enforcement agency that states the person has served for  
5 at least ten consecutive years as a law enforcement officer in the United  
6 States.

7           5. "Secured police facility" means a building or structure that is  
8 used primarily by a public agency and that is not accessible to the  
9 general public except by controlled access.