

REFERENCE TITLE: prohibited weapons; muffling device; repeal

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SB 1109

Introduced by
Senators Rogers: Borrelli, Kern, Wadsack; Representative Gillette

AN ACT

AMENDING SECTIONS 13-3101 AND 13-3110, 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 13-3101, Arizona Revised Statutes, is amended to
3 read:

4 13-3101. Definitions

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

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

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

10 3. "Explosive" means any dynamite, nitroglycerine, black powder, or
11 other similar explosive material, including plastic explosives. Explosive
12 does not include ammunition or ammunition components such as primers,
13 percussion caps, smokeless powder, black powder and black powder
14 substitutes used for hand loading purposes.

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

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

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

31 7. "Prohibited possessor" means any person:

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

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

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

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

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

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

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

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

14 (iii) Certain diplomats.

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

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

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

22 (g) Who is found guilty except insane.

23 8. "Prohibited weapon":

24 (a) Includes the following:

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

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

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

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

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

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

45 ~~(vii)~~ (vi) An improvised explosive device.

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

4 (b) Does not include:

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

7 (ii) Any propellant, propellant actuated devices or propellant
8 actuated industrial tools that are manufactured, imported or distributed
9 for their intended purposes.

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

12 9. "Trafficking" means to sell, transfer, distribute, dispense or
13 otherwise dispose of a weapon or explosive to another person, or to buy,
14 receive, possess or obtain control of a weapon or explosive, with the
15 intent to sell, transfer, distribute, dispense or otherwise dispose of the
16 weapon or explosive to another person.

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

21 Sec. 2. Section 13-3110, Arizona Revised Statutes, is amended to
22 read:

23 13-3110. Misconduct involving simulated explosive devices:
24 classification; definition

25 A. A person commits misconduct involving simulated explosive
26 devices by intentionally giving or sending to another person or placing in
27 a private or public place a simulated explosive device with the intent to
28 terrify, intimidate, threaten or harass.

29 B. The placing or sending of a simulated explosive device without
30 written notice attached to the device in a conspicuous place that the
31 device has been rendered inert and is possessed for the purpose of curio
32 or relic collection, display or other similar purpose is prima facie
33 evidence of intent to terrify, intimidate, threaten or harass.

34 C. Misconduct involving simulated explosive devices is a class 5
35 felony.

36 D. For the purposes of this section, "simulated explosive device"
37 means a simulation of a prohibited weapon described in section 13-3101,
38 subsection A, paragraph 8, subdivision (a), item (i), ~~(v) or (vii)~~ (iv) OR
39 (vi) that a reasonable person would believe is such a prohibited weapon.