

REFERENCE TITLE: **unlawful securing of firearms; minors**

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

SB 1538

Introduced by
Senators Alston: Diaz, Epstein, Gabaldón, Gonzales, Marsh, Miranda,
Sundareshan, Terán; Representatives Gutierrez, Pawlik, Terech

AN ACT

AMENDING TITLE 13, CHAPTER 31, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-3123; 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. Title 13, chapter 31, Arizona Revised Statutes, is
3 amended by adding section 13-3123, to read:

4 13-3123. Unlawful securing of a firearm; affirmative defense;
5 classification; definitions

6 A. A PERSON COMMITS UNLAWFUL SECURING OF A FIREARM IF A MINOR
7 OBTAINS ACCESS TO A READILY DISCHARGEABLE FIREARM BECAUSE THE PERSON WITH
8 CRIMINAL NEGLIGENCE:

9 1. FAILS TO TAKE STEPS THAT A REASONABLE PERSON WOULD TAKE TO
10 PREVENT THE MINOR FROM ACCESSING THE FIREARM, INCLUDING PLACING THE
11 FIREARM IN A LOCKED CONTAINER OR TEMPORARILY RENDERING THE FIREARM
12 INOPERABLE BY A TRIGGER LOCK OR OTHER MEANS.

13 2. LEAVES THE FIREARM IN A PLACE TO WHICH THE PERSON KNOWS OR
14 SHOULD KNOW THAT THE MINOR WOULD GAIN ACCESS.

15 B. IT IS AN AFFIRMATIVE DEFENSE TO A PROSECUTION FOR A VIOLATION OF
16 THIS SECTION IF THE MINOR:

17 1. USES THE FIREARM WHILE BEING SUPERVISED BY A PERSON WHO IS
18 EIGHTEEN YEARS OF AGE OR OLDER AND THE USE IS FOR HUNTING, SPORTING OR
19 ANOTHER LAWFUL PURPOSE.

20 2. USES THE FIREARM IN THE LAWFUL DEFENSE OF A PERSON OR PROPERTY.

21 3. OBTAINS THE FIREARM BY ENTERING INTO ANOTHER PERSON'S PROPERTY
22 IN VIOLATION OF THIS TITLE.

23 4. USES THE FIREARM WHILE THE PERSON IS ENGAGING IN AN AGRICULTURAL
24 ENTERPRISE.

25 5. USES THE FIREARM WHILE ENGAGING IN AN ACTIVITY INCLUDED IN
26 SECTION 13-3111, SUBSECTION B.

27 C. A PERSON MAY NOT BE ARRESTED FOR A VIOLATION OF THIS SECTION
28 UNTIL SEVEN DAYS AFTER THE DAY THAT THE PERSON COMMITTED THE OFFENSE IF:

29 1. THE PERSON IS THE MINOR'S FAMILY MEMBER.

30 2. THE MINOR'S DISCHARGE OF THE FIREARM CAUSED THE DEATH OF OR
31 SERIOUS PHYSICAL INJURY TO THE MINOR.

32 D. A VIOLATION OF THIS SECTION IS A CLASS 6 FELONY, EXCEPT THAT IF
33 THE MINOR DISCHARGES THE FIREARM AND CAUSES THE DEATH OF OR SERIOUS
34 PHYSICAL INJURY TO THE MINOR OR ANOTHER PERSON IT IS A CLASS 4 FELONY.

35 E. FOR THE PURPOSES OF THIS SECTION:

36 1. "FAMILY MEMBER" MEANS ANY PERSON WHO:

37 (a) IS RELATED BY BLOOD, MARRIAGE OR ADOPTION TO THE MINOR.

38 (b) IS THE MINOR'S CURRENT OR FORMER DATING PARTNER.

39 (c) IS ACTING OR HAS ACTED AS THE MINOR'S LEGAL GUARDIAN.

40 (d) HAS REGULARLY RESIDED IN THE SAME HOUSEHOLD AS THE MINOR WITHIN
41 THE PREVIOUS YEAR.

42 2. "MINOR" MEANS A PERSON WHO IS UNDER SEVENTEEN YEARS OF AGE.

43 3. "READILY DISCHARGEABLE FIREARM" MEANS A FIREARM THAT IS LOADED
44 WITH AMMUNITION, WHETHER OR NOT A ROUND OF AMMUNITION IS IN THE CHAMBER.