

COMMITTEE ON JUDICIARY  
SENATE AMENDMENTS TO S.B. 1183  
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 13-925, Arizona Revised Statutes, is amended to  
3 read:

4 13-925. Restoration of right to possess a firearm; mentally  
5 ill persons; petition

6 A. A person may petition the court that entered an order, finding or  
7 adjudication that resulted in the person being a prohibited possessor as  
8 defined in section 13-3101, subsection A, paragraph ~~7~~ 8, subdivision (a)  
9 or subject to 18 United States Code section 922(d)(4) or (g)(4) to restore  
10 the person's right to possess a firearm.

11 B. The person or the person's guardian or attorney may file the  
12 petition. The petition shall be served on the attorney for the state who  
13 appeared in the underlying case.

14 C. On the filing of the petition the court shall set a hearing. At  
15 the hearing, the person shall present psychological or psychiatric evidence  
16 in support of the petition. The state shall provide the court with the  
17 person's criminal history records, if any. The court shall receive  
18 evidence on and consider the following before granting or denying the  
19 petition:

20 1. The circumstances that resulted in the person being a prohibited  
21 possessor as defined in section 13-3101, subsection A, paragraph ~~7~~ 8,  
22 subdivision (a) or subject to 18 United States Code section 922(d)(4) or  
23 (g)(4).

24 2. The person's record, including the person's mental health record  
25 and criminal history record, if any.

1           3. The person's reputation based on character witness statements,  
2 testimony or other character evidence.

3           4. Whether the person is a danger to self or others or has A  
4 persistent, acute or grave ~~disabilities~~ DISABILITY or whether the  
5 circumstances that led to the original order, adjudication or finding  
6 remain in effect.

7           5. Any change in the person's condition or circumstances that is  
8 relevant to the relief sought.

9           6. Any other evidence deemed admissible by the court.

10          D. The petitioner shall prove by clear and convincing evidence both  
11 of the following:

12           1. The petitioner is not likely to act in a manner that is dangerous  
13 to public safety.

14           2. Granting the requested relief is not contrary to the public  
15 interest.

16          E. At the conclusion of the hearing, the court shall issue findings  
17 of fact and conclusions of law.

18          F. If the court grants the petition for relief, the original order,  
19 finding or adjudication is deemed not to have occurred for the purposes of  
20 applying section 13-3101, subsection A, paragraph ~~7~~ 8, subdivision (a),  
21 Public Law 110-180, section 105(a) or 18 United States Code section  
22 922(d)(4) or (g)(4) to that person.

23          G. The granting of a petition under this section only restores the  
24 person's right to possess a firearm and does not apply to and has no effect  
25 on any other rights or benefits the person receives.

26          H. The court shall promptly notify the supreme court and the  
27 department of public safety of an order granting a petition under this  
28 section. As soon thereafter as practicable the supreme court and the  
29 department shall update, correct, modify or remove the person's record in  
30 any database that the supreme court or the department maintains and makes  
31 available to the national instant criminal background check system  
32 consistent with the rules pertaining to the database. Within ten business

1 days after receiving the notification from the court, the department shall  
2 notify the United States attorney general that the person no longer falls  
3 within the provisions of section 13-3101, subsection A, paragraph ~~7~~ 8,  
4 subdivision (a) or 18 United States Code section 922(d)(4) or (g)(4).

5 Sec. 2. Section 13-3101, Arizona Revised Statutes, is amended to  
6 read:

7 13-3101. Definitions

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

9 1. "BRASS KNUCKLES" MEANS A DEVICE MADE OF METAL, PLASTIC OR ANY  
10 HARD MATERIAL DESIGNED TO FIT OVER AND AROUND THE KNUCKLES OF THE HUMAN  
11 HAND TO ENHANCE THE POWER OF A PUNCH.

12 ~~1.~~ 2. "Deadly weapon" means anything that is designed for lethal  
13 use. The term includes a firearm.

14 ~~2.~~ 3. "Deface" means to remove, alter or destroy the manufacturer's  
15 serial number.

16 ~~3.~~ 4. "Explosive" means any dynamite, nitroglycerine, black powder,  
17 or other similar explosive material, including plastic explosives.  
18 Explosive does not include ammunition or ammunition components such as  
19 primers, percussion caps, smokeless powder, black powder and black powder  
20 substitutes used for hand loading purposes.

21 ~~4.~~ 5. "Firearm" means any loaded or unloaded handgun, pistol,  
22 revolver, rifle, shotgun or other weapon that will expel, is designed to  
23 expel or may readily be converted to expel a projectile by the action of an  
24 explosive. Firearm does not include a firearm in permanently inoperable  
25 condition.

26 ~~5.~~ 6. "Improvised explosive device" means a device that  
27 incorporates explosives or destructive, lethal, noxious, pyrotechnic or  
28 incendiary chemicals and that is designed to destroy, disfigure, terrify or  
29 harass.

30 ~~6.~~ 7. "Occupied structure" means any building, object, vehicle,  
31 watercraft, aircraft or place with sides and a floor that is separately  
32 securable from any other structure attached to it, that is used for

1 lodging, business, transportation, recreation or storage and in which one  
2 or more human beings either are or are likely to be present or so near as  
3 to be in equivalent danger at the time the discharge of a firearm occurs.  
4 Occupied structure includes any dwelling house, whether occupied,  
5 unoccupied or vacant.

6 ~~7.~~ 8. "Prohibited possessor" means any person:

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

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

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

16 (d) Who is at the time of possession serving a term of probation  
17 pursuant to a conviction for a domestic violence offense as defined in  
18 section 13-3601 or a felony offense, parole, community supervision, work  
19 furlough, home arrest or release on any other basis or who is serving a  
20 term of probation or parole pursuant to the interstate compact under title  
21 31, chapter 3, article 4.1.

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

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

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

1 (iii) Certain diplomats.

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

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

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

9 (g) Who is found guilty except insane.

10 ~~8.~~ 9. "Prohibited weapon":

11 (a) Includes the following:

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

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

17 (iii) A firearm that is capable of shooting more than one shot  
18 automatically, without manual reloading, by a single function of the  
19 trigger.

20 (iv) A rifle with a barrel length of less than sixteen inches, or  
21 shotgun with a barrel length of less than eighteen inches, or any firearm  
22 that is made from a rifle or shotgun and that, as modified, has an overall  
23 length of less than twenty-six inches.

24 (v) A breakable container that contains a flammable liquid with a  
25 flash point of one hundred fifty degrees Fahrenheit or less and that has a  
26 wick or similar device capable of being ignited.

27 (vi) A chemical or combination of chemicals, compounds or materials,  
28 including dry ice, that is possessed or manufactured for the purpose of  
29 generating a gas to cause a mechanical failure, rupture or bursting or an  
30 explosion or detonation of the chemical or combination of chemicals,  
31 compounds or materials.

1 (vii) An improvised explosive device.

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

5 (ix) BRASS KNUCKLES.

6 (b) Does not include:

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

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

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

14 ~~9~~ 10. "Trafficking" means to sell, transfer, distribute, dispense  
15 or otherwise dispose of a weapon or explosive to another person, or to buy,  
16 receive, possess or obtain control of a weapon or explosive, with the  
17 intent to sell, transfer, distribute, dispense or otherwise dispose of the  
18 weapon or explosive to another person.

19 B. The items set forth in subsection A, paragraph ~~8~~ 9, subdivision  
20 (a), items (i), (ii), (iii) and (iv) of this section do not include any  
21 firearms or devices that are possessed, manufactured or transferred in  
22 compliance with federal law.

23 Sec. 3. Section 13-3102, Arizona Revised Statutes, is amended to  
24 read:

25 13-3102. Misconduct involving weapons; defenses;  
26 classification; definitions

27 A. A person commits misconduct involving weapons by knowingly:

28 1. Carrying a deadly weapon except a pocket knife concealed on his  
29 person or within his immediate control in or on a means of transportation:

30 (a) In the furtherance of a serious offense as defined in section  
31 13-706, a violent crime as defined in section 13-901.03 or any other felony  
32 offense; or

1 (b) When contacted by a law enforcement officer and failing to  
2 accurately answer the officer if the officer asks whether the person is  
3 carrying a concealed deadly weapon; or

4 2. Carrying a deadly weapon except a pocket knife concealed on his  
5 person or concealed within his immediate control in or on a means of  
6 transportation if the person is under twenty-one years of age; or

7 3. Manufacturing, possessing, transporting, selling or transferring  
8 a prohibited weapon, except that if the violation involves dry ice, a  
9 person commits misconduct involving weapons by knowingly possessing the dry  
10 ice with the intent to cause injury to or death of another person or to  
11 cause damage to the property of another person; or

12 4. Possessing a deadly weapon or prohibited weapon if such person is  
13 a prohibited possessor; or

14 5. Selling or transferring a deadly weapon to a prohibited  
15 possessor; or

16 6. Defacing a deadly weapon; or

17 7. Possessing a defaced deadly weapon knowing the deadly weapon was  
18 defaced; or

19 8. Using or possessing a deadly weapon during the commission of any  
20 felony offense included in chapter 34 of this title; or

21 9. Discharging a firearm at an occupied structure in order to  
22 assist, promote or further the interests of a criminal street gang, a  
23 criminal syndicate or a racketeering enterprise; or

24 10. Unless specifically authorized by law, entering any public  
25 establishment or attending any public event and carrying a deadly weapon on  
26 his person after a reasonable request by the operator of the establishment  
27 or the sponsor of the event or the sponsor's agent to remove his weapon and  
28 place it in the custody of the operator of the establishment or the sponsor  
29 of the event for temporary and secure storage of the weapon pursuant to  
30 section 13-3102.01; or

31 11. Unless specifically authorized by law, entering an election  
32 polling place on the day of any election carrying a deadly weapon; or

1           12. Possessing a deadly weapon on school grounds; or

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

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

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

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

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

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

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



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

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

6 1. A peace officer or any person summoned by any peace officer to  
7 assist and while actually assisting in the performance of official duties;  
8 or

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

11 3. A warden, deputy warden, community correctional officer,  
12 detention officer, special investigator or correctional officer of the  
13 state department of corrections or the department of juvenile corrections;  
14 or

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

17 D. Subsection A, paragraph 10 of this section does not apply to an  
18 elected or appointed judicial officer in the court facility where the  
19 judicial officer works if the judicial officer has demonstrated competence  
20 with a firearm as prescribed in section 13-3112, subsection N, except that  
21 the judicial officer shall comply with any rule or policy adopted by the  
22 presiding judge of the superior court while in the court facility. For the  
23 purposes of this subsection, appointed judicial officer does not include a  
24 hearing officer or a judicial officer pro tempore who is not a full-time  
25 officer.

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

28 1. The possessing, transporting, selling or transferring of weapons  
29 by a museum as a part of its collection or an educational institution for  
30 educational purposes or by an authorized employee of such museum or  
31 institution, if:

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

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

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

8 3. Acquisition by a person by operation of law such as by gift,  
9 devise or descent or in a fiduciary capacity as a recipient of the property  
10 or former property of an insolvent, incapacitated or deceased person.

11 F. Subsection A, paragraph 3 of this section shall not apply to the  
12 merchandise of an authorized manufacturer of or dealer in prohibited  
13 weapons, when such material is intended to be manufactured, possessed,  
14 transported, sold or transferred solely for or to a dealer, a regularly  
15 constituted or appointed state, county or municipal police department or  
16 police officer, a detention facility, the military service of this or  
17 another state or the United States, a museum or educational institution or  
18 a person specifically licensed or permitted pursuant to federal or state  
19 law.

20 G. Subsection A, paragraph 10 of this section shall not apply to  
21 shooting ranges or shooting events, hunting areas or similar locations or  
22 activities.

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

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

28 1. Firearm that is not loaded and that is carried within a means of  
29 transportation under the control of an adult provided that if the adult  
30 leaves the means of transportation the firearm shall not be visible from  
31 the outside of the means of transportation and the means of transportation  
32 shall be locked.

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

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

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

13           K. The operator of the establishment or the sponsor of the event or  
14 the employee of the operator or sponsor or the agent of the sponsor,  
15 including a public entity or public employee, is not liable for acts or  
16 omissions pursuant to subsection A, paragraph 10 of this section unless the  
17 operator, sponsor, employee or agent intended to cause injury or was  
18 grossly negligent.

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

22           M. Misconduct involving weapons under subsection A, paragraph 15 of  
23 this section is a class 2 felony. Misconduct involving weapons under  
24 subsection A, paragraph 9, 14 or 16 of this section is a class 3 felony.  
25 Misconduct involving weapons under subsection A, paragraph 3, 4, 8 or 13 of  
26 this section is a class 4 felony EXCEPT THAT MISCONDUCT INVOLVING WEAPONS  
27 UNDER SUBSECTION A, PARAGRAPH 3 OF THIS SECTION IS A CLASS 1 MISDEMEANOR IF  
28 THE PROHIBITED WEAPON IS BRASS KNUCKLES. Misconduct involving weapons  
29 under subsection A, paragraph 12 of this section is a class 1 misdemeanor  
30 unless the violation occurs in connection with conduct that violates  
31 section 13-2308, subsection A, paragraph 5, section 13-2312, subsection C,  
32 section 13-3409 or section 13-3411, in which case the offense is a class 6

1 felony. Misconduct involving weapons under subsection A, paragraph 1,  
2 subdivision (a) of this section or subsection A, paragraph 5, 6 or 7 of  
3 this section is a class 6 felony. Misconduct involving weapons under  
4 subsection A, paragraph 1, subdivision (b) of this section or subsection A,  
5 paragraph 10 or 11 of this section is a class 1 misdemeanor. Misconduct  
6 involving weapons under subsection A, paragraph 2 of this section is a  
7 class 3 misdemeanor.

8 N. For the purposes of this section:

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

13 2. "Public establishment" means a structure, vehicle or craft that  
14 is owned, leased or operated by this state or a political subdivision of  
15 this state.

16 3. "Public event" means a specifically named or sponsored event of  
17 limited duration that is either conducted by a public entity or conducted  
18 by a private entity with a permit or license granted by a public entity.  
19 Public event does not include an unsponsored gathering of people in a  
20 public place.

21 4. "School" means a public or nonpublic kindergarten program, common  
22 school or high school.

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

24 Sec. 4. Section 13-3110, Arizona Revised Statutes, is amended to  
25 read:

26 13-3110. Misconduct involving simulated explosive devices;  
27 classification; definition

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

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

6           C. Misconduct involving simulated explosive devices is a class 5  
7 felony.

8           D. For the purposes of this section, "simulated explosive device"  
9 means a simulation of a prohibited weapon described in section 13-3101,  
10 subsection A, paragraph ~~8~~ 9, subdivision (a), item (i), (v) or (vii) that  
11 a reasonable person would believe is such a prohibited weapon.

12           Sec. 5. Section 13-3112, Arizona Revised Statutes, is amended to  
13 read:

14           13-3112. Concealed weapons; qualification; application; permit  
15   to carry; civil penalty; report; applicability

16           A. The department of public safety shall issue a permit to carry a  
17 concealed weapon to a person who is qualified under this section. The  
18 person shall carry the permit at all times when the person is in actual  
19 possession of the concealed weapon and is required by section 4-229 or  
20 4-244 to carry the permit. If the person is in actual possession of the  
21 concealed weapon and is required by section 4-229 or 4-244 to carry the  
22 permit, the person shall present the permit for inspection to any law  
23 enforcement officer on request.

24           B. The permit of a person who is arrested or indicted for an offense  
25 that would make the person unqualified under section 13-3101, subsection A,  
26 paragraph ~~7~~ 8 or this section shall be immediately suspended and  
27 seized. The permit of a person who becomes unqualified on conviction of  
28 that offense shall be revoked. The permit shall be restored on  
29 presentation of documentation from the court if the permittee is found not  
30 guilty or the charges are dismissed. The permit shall be restored on  
31 presentation of documentation from the county attorney that the charges  
32 against the permittee were dropped or dismissed.

1           C. A permittee who carries a concealed weapon, who is required by  
2 section 4-229 or 4-244 to carry a permit and who fails to present the  
3 permit for inspection on the request of a law enforcement officer commits  
4 a violation of this subsection and is subject to a civil penalty of not  
5 more than \$300. The department of public safety shall be notified of all  
6 violations of this subsection and shall immediately suspend the permit. A  
7 permittee shall not be convicted of a violation of this subsection if the  
8 permittee produces to the court a legible permit that is issued to the  
9 permittee and that was valid at the time the permittee failed to present  
10 the permit for inspection.

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

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

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

19           2. Is twenty-one years of age or older or is at least nineteen years  
20 of age and provides evidence of current military service or proof of  
21 honorable discharge or general discharge under honorable conditions from  
22 the United States armed forces, the United States armed forces reserve or a  
23 state national guard.

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

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

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

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

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

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

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

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

23           F. The application shall be completed on a form prescribed by the  
24 department of public safety. The form shall not require the applicant to  
25 disclose the type of firearm for which a permit is sought. The applicant  
26 shall attest under penalty of perjury that all of the statements made by  
27 the applicant are true, that the applicant has been furnished a copy of  
28 this chapter and chapter 4 of this title and that the applicant is  
29 knowledgeable about the provisions contained in those chapters. The  
30 applicant shall submit the application to the department with any  
31 documentation prescribed by subsection E of this section, two sets of

1 fingerprints and a reasonable fee determined by the director of the  
2 department.

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

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

28 I. On issuance, a permit is valid for five years, except a permit  
29 that is held by a member of the United States armed forces, including a  
30 member of the Arizona national guard or a member of the reserves of any  
31 military establishment of the United States, who is on federal active duty



1 and who is deployed overseas shall be extended until ninety days after the  
2 end of the member's overseas deployment.

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

16 K. A permit issued pursuant to this section is renewable every five  
17 years. At least sixty days before the expiration date of a permit, the  
18 department of public safety shall send a renewal reminder notice and  
19 renewal application form to the permit holder. Before a permit may be  
20 renewed, a criminal history records check shall be conducted pursuant to  
21 section 41-1750 within sixty days after receipt of the application for  
22 renewal. For the purposes of permit renewal, the permit holder is not  
23 required to submit additional fingerprints.

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

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

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

3           1. Completion of any firearms safety or training course or class  
4 that is available to the general public, that is offered by a law  
5 enforcement agency, a junior college, a college or a private or public  
6 institution, academy, organization or firearms training school and that is  
7 approved by the department of public safety or that uses instructors who  
8 are certified by the national rifle association.

9           2. Completion of any hunter education or hunter safety course  
10 approved by the Arizona game and fish department or a similar agency of  
11 another state.

12           3. Completion of any national rifle association firearms safety or  
13 training course.

14           4. Completion of any law enforcement firearms safety or training  
15 course or class that is offered for security guards, investigators, special  
16 deputies or other divisions or subdivisions of law enforcement or security  
17 enforcement and that is approved by the department of public safety.

18           5. Evidence of current military service or proof of honorable  
19 discharge or general discharge under honorable conditions from the United  
20 States armed forces.

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

25           7. Completion of any governmental police agency firearms training  
26 course and qualification to carry a firearm in the course of normal police  
27 duties.

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

31           0. The department of public safety shall maintain information  
32 comparing the number of permits requested, the number of permits issued and

1 the number of permits denied. The department shall annually report this  
2 information electronically to the governor and the legislature.

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

6 Q. This state and any political subdivision of this state shall  
7 recognize a concealed weapon, firearm or handgun permit or license that is  
8 issued by another state or a political subdivision of another state if  
9 both:

10 1. The permit or license is recognized as valid in the issuing  
11 state.

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

13 (a) Legally present in this state.

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

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

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

28 T. The department of public safety may issue certificates of  
29 firearms proficiency according to the Arizona peace officer standards and  
30 training board firearms qualification for the purposes of implementing the  
31 law enforcement officers safety act of 2004 (P.L. 108-277; 118 Stat. 865;  
32 18 United States Code sections 926B and 926C). A law enforcement or

1 prosecutorial agency shall issue to a qualified retired law enforcement  
2 officer who has honorably retired a photographic identification that states  
3 that the officer has honorably retired from the agency. A person who was a  
4 municipal, county or state prosecutor is deemed to meet the qualifications  
5 of 18 United States Code section 926C(c)(2). The chief law enforcement  
6 officer shall determine whether an officer has honorably retired and the  
7 determination is not subject to review. A law enforcement or prosecutorial  
8 agency has no obligation to revoke, alter or modify the honorable discharge  
9 photographic identification based on conduct that the agency becomes aware  
10 of or that occurs after the officer has separated from the agency. For the  
11 purposes of this subsection, "qualified retired law enforcement officer"  
12 has the same meaning prescribed in 18 United States Code section 926C.

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

16 Amend title to conform

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