

REFERENCE TITLE: prohibited weapons; definition repeal

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HCR 2037

Introduced by
Representatives Kolodin: Keshel, Kupper

A CONCURRENT RESOLUTION

EXACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING
TO PROHIBITED WEAPONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona,
2 the Senate concurring:

3 1. Under the power of the referendum, as vested in the Legislature,
4 the following measure, relating to prohibited weapons, is enacted to
5 become valid as a law if approved by the voters and on proclamation of the
6 Governor:

7 AN ACT

8 AMENDING SECTIONS 13-3101, 13-3102 AND 13-3110, ARIZONA
9 REVISED STATUTES; RELATING TO PROHIBITED WEAPONS.

10 Be it enacted by the Legislature of the State of Arizona:

11 Section 1. Section 13-3101, Arizona Revised Statutes,
12 is amended to read:

13 13-3101. Definitions

14 ~~A.~~ In this chapter, unless the context otherwise
15 requires:

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

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

20 3. "Explosive" means any dynamite, nitroglycerine,
21 black powder, or other similar explosive material, including
22 plastic explosives. Explosive does not include ammunition or
23 ammunition components such as primers, percussion caps,
24 smokeless powder, black powder and black powder substitutes
25 used for hand loading purposes.

26 4. "Firearm" means any loaded or unloaded handgun,
27 pistol, revolver, rifle, shotgun or other weapon that will
28 expel, is designed to expel or may readily be converted to
29 expel a projectile by the action of an explosive. Firearm
30 does not include a firearm in permanently inoperable
31 condition.

32 5. "Improvised explosive device" means a device that
33 incorporates explosives or destructive, lethal, noxious,
34 pyrotechnic or incendiary chemicals and that is designed to
35 destroy, disfigure, terrify or harass.

36 6. "Occupied structure" means any building, object,
37 vehicle, watercraft, aircraft or place with sides and a floor
38 that is separately securable from any other structure attached
39 to it, that is used for lodging, business, transportation,
40 recreation or storage and in which one or more human beings
41 either are or are likely to be present or so near as to be in
42 equivalent danger at the time the discharge of a firearm
43 occurs. Occupied structure includes any dwelling house,
44 whether occupied, unoccupied or vacant.

- 1 7. "Prohibited possessor" means any person:
2 (a) Who has been found to constitute a danger to self
3 or to others or to have a persistent or acute disability or
4 grave disability pursuant to court order pursuant to section
5 36-540, and whose right to possess a firearm has not been
6 restored pursuant to section 13-925.
7 (b) Who has been convicted within or without this state
8 of a felony or who has been adjudicated delinquent for a
9 felony and whose civil right to possess or carry a firearm has
10 not been restored.
11 (c) Who is at the time of possession serving a term of
12 imprisonment in any correctional or detention facility.
13 (d) Who is at the time of possession serving a term of
14 probation pursuant to a conviction for a domestic violence
15 offense as defined in section 13-3601 or a felony offense,
16 parole, community supervision, work furlough, home arrest or
17 release on any other basis or who is serving a term of
18 probation or parole pursuant to the interstate compact under
19 title 31, chapter 3, article 4.1.
20 (e) Who is an undocumented alien or a nonimmigrant
21 alien traveling with or without documentation in this state
22 for business or pleasure or who is studying in this state and
23 who maintains a foreign residence abroad. This subdivision
24 does not apply to:
25 (i) Nonimmigrant aliens who possess a valid hunting
26 license or permit that is lawfully issued by a state in the
27 United States.
28 (ii) Nonimmigrant aliens who enter the United States to
29 participate in a competitive target shooting event or to
30 display firearms at a sports or hunting trade show that is
31 sponsored by a national, state or local firearms trade
32 organization devoted to the competitive use or other sporting
33 use of firearms.
34 (iii) Certain diplomats.
35 (iv) Officials of foreign governments or distinguished
36 foreign visitors who are designated by the United States
37 department of state.
38 (v) Persons who have received a waiver from the United
39 States attorney general.
40 (f) Who has been found incompetent pursuant to rule 11,
41 Arizona rules of criminal procedure, and who subsequently has
42 not been found competent.
43 (g) Who is found guilty except insane.

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~~8. "Prohibited weapon":~~

~~(a) Includes the following:~~

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

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

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

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

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

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

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

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

~~(b) Does not include:~~

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

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

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

~~9.~~ 8. "Trafficking" means to sell, transfer, distribute, dispense or otherwise dispose of a weapon or explosive to another person, or to buy, receive, possess or obtain control of a weapon or explosive, with the intent to sell, transfer, distribute, dispense or otherwise dispose of the weapon or explosive to another person.

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

6 Sec. 2. Section 13-3102, Arizona Revised Statutes, is
7 amended to read:

8 13-3102. Misconduct involving weapons; defenses;
9 classification; definitions

10 A. A person commits misconduct involving weapons by
11 knowingly:

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

15 (a) In the furtherance of a serious offense as defined
16 in section 13-706, a violent crime as defined in section
17 13-901.03 or any other felony offense; or

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

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

25 ~~3. Manufacturing, possessing, transporting, selling or~~
26 ~~transferring a prohibited weapon, except that if the violation~~
27 ~~involves dry ice, a person commits misconduct involving~~
28 ~~weapons by knowingly possessing the dry ice with the intent to~~
29 ~~cause injury to or death of another person or to cause damage~~
30 ~~to the property of another person; or~~

31 ~~4.~~ 3. Possessing a deadly weapon or prohibited weapon
32 if such person is a prohibited possessor; or

33 ~~5.~~ 4. Selling or transferring a deadly weapon to a
34 prohibited possessor; or

35 ~~6.~~ 5. Defacing a deadly weapon; or

36 ~~7.~~ 6. Possessing a defaced deadly weapon knowing the
37 deadly weapon was defaced; or

38 ~~8.~~ 7. Using or possessing a deadly weapon during the
39 commission of any felony offense included in chapter 34 of
40 this title; or

41 ~~9.~~ 8. Discharging a firearm at an occupied structure
42 in order to assist, promote or further the interests of a
43 criminal street gang, a criminal syndicate or a racketeering
44 enterprise; or

1 ~~10.~~ 9. Unless specifically authorized by law, entering
2 any public establishment or attending any public event and
3 carrying a deadly weapon on his person after a reasonable
4 request by the operator of the establishment or the sponsor of
5 the event or the sponsor's agent to remove his weapon and
6 place it in the custody of the operator of the establishment
7 or the sponsor of the event for temporary and secure storage
8 of the weapon pursuant to section 13-3102.01; or

9 ~~11.~~ 10. Unless specifically authorized by law,
10 entering an election polling place on the day of any election
11 carrying a deadly weapon; or

12 ~~12.~~ 11. Possessing a deadly weapon on school grounds;
13 or

14 ~~13.~~ 12. Unless specifically authorized by law,
15 entering a nuclear or hydroelectric generating station
16 carrying a deadly weapon on his person or within the immediate
17 control of any person; or

18 ~~14.~~ 13. Supplying, selling or giving possession or
19 control of a firearm to another person if the person knows or
20 has reason to know that the other person would use the firearm
21 in the commission of any felony; or

22 ~~15.~~ 14. Using, possessing or exercising control over a
23 deadly weapon in furtherance of any act of terrorism as
24 defined in section 13-2301 or possessing or exercising control
25 over a deadly weapon knowing or having reason to know that it
26 will be used to facilitate any act of terrorism as defined in
27 section 13-2301; or

28 ~~16.~~ 15. Trafficking in weapons or explosives for
29 financial gain in order to assist, promote or further the
30 interests of a criminal street gang, a criminal syndicate or a
31 racketeering enterprise.

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

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

37 2. A member of the sheriff's volunteer posse or reserve
38 organization who has received and passed firearms training
39 that is approved by the Arizona peace officer standards and
40 training board and who is authorized by the sheriff to carry a
41 concealed weapon pursuant to section 11-441.

42 3. A firearm that is carried in:

43 (a) A manner where any portion of the firearm or
44 holster in which the firearm is carried is visible.

45 (b) A holster that is wholly or partially visible.

1 (c) A scabbard or case designed for carrying weapons
2 that is wholly or partially visible.

3 (d) Luggage.

4 (e) A case, holster, scabbard, pack or luggage that is
5 carried within a means of transportation or within a storage
6 compartment, map pocket, trunk or glove compartment of a means
7 of transportation.

8 C. Subsection A, paragraphs 2, ~~3, 7~~ 6, 9, 10, 11, ~~AND~~
9 12 ~~and 13~~ of this section shall not apply to:

10 1. A peace officer or any person summoned by any peace
11 officer to assist and while actually assisting in the
12 performance of official duties; or

13 2. A member of the military forces of the United States
14 or of any state of the United States in the performance of
15 official duties; or

16 3. A warden, deputy warden, community correctional
17 officer, detention officer, special investigator or
18 correctional officer of the state department of corrections or
19 the department of juvenile corrections; or

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

23 D. Subsection A, paragraph ~~10~~ 9 of this section does
24 not apply to an elected or appointed judicial officer in the
25 court facility where the judicial officer works if the
26 judicial officer has demonstrated competence with a firearm as
27 prescribed in section 13-3112, subsection N, except that the
28 judicial officer shall comply with any rule or policy adopted
29 by the presiding judge of the superior court while in the
30 court facility. For the purposes of this subsection,
31 appointed judicial officer does not include a hearing officer
32 or a judicial officer pro tempore who is not a full-time
33 officer.

34 E. Subsection A, ~~paragraphs 3 and 7~~ PARAGRAPH 6 of this
35 section shall not apply to:

36 1. The possessing, transporting, selling or
37 transferring of weapons by a museum as a part of its
38 collection or an educational institution for educational
39 purposes or by an authorized employee of such museum or
40 institution, if:

41 (a) Such museum or institution is operated by the
42 United States or this state or a political subdivision of this
43 state, or by an organization described in 26 United States
44 Code section 170(c) as a recipient of a charitable
45 contribution; and

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

3 2. The regular and lawful transporting as merchandise;
4 or

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

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

19 ~~F.~~ F. Subsection A, paragraph ~~10~~ 9 of this section
20 shall not apply to shooting ranges or shooting events, hunting
21 areas or similar locations or activities.

22 ~~H.~~ G. Subsection A, paragraph ~~12~~ 11 of this section
23 shall not apply to a weapon if such weapon is possessed for
24 the purposes of preparing for, conducting or participating in
25 hunter or firearm safety courses.

26 ~~I.~~ H. Subsection A, paragraph ~~12~~ 11 of this section
27 shall not apply to the possession of a:

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

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

36 3. Firearm by a person who possesses a certificate of
37 firearms proficiency pursuant to section 13-3112, subsection T
38 and who is authorized to carry a concealed firearm pursuant to
39 the law enforcement officers safety act of 2004 (P.L. 108-277;
40 118 Stat. 865; 18 United States Code sections 926B and 926C).

41 ~~J.~~ I. Subsection A, paragraphs 2, ~~3, 7~~ 6 and ~~13~~ 12 of
42 this section shall not apply to commercial nuclear generating
43 station armed nuclear security guards during the performance
44 of official duties or during any security training exercises

1 sponsored by the commercial nuclear generating station or
2 local, state or federal authorities.

3 ~~K.~~ J. The operator of the establishment or the sponsor
4 of the event or the employee of the operator or sponsor or the
5 agent of the sponsor, including a public entity or public
6 employee, is not liable for acts or omissions pursuant to
7 subsection A, paragraph ~~10~~ 9 of this section unless the
8 operator, sponsor, employee or agent intended to cause injury
9 or was grossly negligent.

10 ~~L.~~ K. If a law enforcement officer contacts a person
11 who is in possession of a firearm, the law enforcement officer
12 may take temporary custody of the firearm for the duration of
13 that contact.

14 ~~M.~~ L. Misconduct involving weapons under subsection A,
15 paragraph ~~15~~ 14 of this section is a class 2 felony.
16 Misconduct involving weapons under subsection A, paragraph ~~9,~~
17 ~~14 or 16~~ 8, 13 OR 15 of this section is a class 3 felony.
18 Misconduct involving weapons under subsection A, paragraph 3,
19 ~~4, 8~~ 7 or ~~13~~ 12 of this section is a class 4 felony.
20 Misconduct involving weapons under subsection A, paragraph ~~12~~
21 11 of this section is a class 1 misdemeanor unless the
22 violation occurs in connection with conduct that violates
23 section 13-2308, subsection A, paragraph 5, section 13-2312,
24 subsection C, section 13-3409 or section 13-3411, in which
25 case the offense is a class 6 felony. Misconduct involving
26 weapons under subsection A, paragraph 1, subdivision (a) of
27 this section or subsection A, paragraph 4, 5, ~~OR~~ 6 ~~or 7~~
28 of this section is a class 6 felony. Misconduct involving
29 weapons under subsection A, paragraph 1, subdivision (b) of
30 this section or subsection A, paragraph 9 OR 10 ~~or 11~~
31 of this section is a class 1 misdemeanor. Misconduct involving
32 weapons under subsection A, paragraph 2 of this section is a
33 class 3 misdemeanor.

34 N. For the purposes of this section:

35 1. "Contacted by a law enforcement officer" means a
36 lawful traffic or criminal investigation, arrest or detention
37 or an investigatory stop by a law enforcement officer that is
38 based on reasonable suspicion that an offense has been or is
39 about to be committed.

40 2. "Public establishment" means a structure, vehicle or
41 craft that is owned, leased or operated by this state or a
42 political subdivision of this state.

43 3. "Public event" means a specifically named or
44 sponsored event of limited duration that is either conducted
45 by a public entity or conducted by a private entity with a

1 permit or license granted by a public entity. Public event
2 does not include an unsponsored gathering of people in a
3 public place.

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

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

8 Sec. 3. Section 13-3110, Arizona Revised Statutes, is
9 amended to read:

10 13-3110. Misconduct involving simulated explosive
11 devices; classification; definition

12 A. A person commits misconduct involving simulated
13 explosive devices by intentionally giving or sending to
14 another person or placing in a private or public place a
15 simulated explosive device with the intent to terrify,
16 intimidate, threaten or harass.

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

23 C. Misconduct involving simulated explosive devices is
24 a class 5 felony.

25 D. For the purposes of this section, "simulated
26 explosive device" means a simulation of ~~a prohibited weapon
27 described in section 13-3101, subsection A, paragraph 8,
28 subdivision (a), item (i), (v) or (vii) that a reasonable
29 person would believe is such a prohibited weapon~~ ANY OF THE
30 FOLLOWING:

31 1. AN ITEM THAT IS A BOMB, GRENADE, ROCKET HAVING A
32 PROPELLANT CHARGE OF MORE THAN FOUR OUNCES OR MINE AND THAT IS
33 EXPLOSIVE, INCENDIARY OR POISON GAS.

34 2. A BREAKABLE CONTAINER THAT CONTAINS A FLAMMABLE
35 LIQUID WITH A FLASH POINT OF ONE HUNDRED FIFTY DEGREES
36 FAHRENHEIT OR LESS AND THAT HAS A WICK OR SIMILAR DEVICE
37 CAPABLE OF BEING IGNITED.

38 3. AN IMPROVISED EXPLOSIVE DEVICE.

39 Sec. 4. Legislative Intent

40 The legislature intends, by this measure, to restore to
41 the people their right to keep and bear arms without
42 infringement by the State of Arizona.

43 Sec. 5. Conforming legislation

44 The legislative council staff shall prepare proposed
45 legislation conforming the Arizona Revised Statutes to the

1 provisions of this act for consideration in the fifty-eight
2 legislature, first regular session.

3 Sec. 6. Short Title

4 This measure may be cited as the "Shall Not Be Infringed
5 Act".

6 2. The Secretary of State shall submit this proposition to the
7 voters at the next general election as provided by article IV, part 1,
8 section 1, Constitution of Arizona.