

REFERENCE TITLE: **wildlife; firearms discharge; structures; distance**

State of Arizona  
Senate  
Fifty-seventh Legislature  
First Regular Session  
2025

## **SB 1053**

Introduced by  
Senator Rogers: Representative Gillette

### **AN ACT**

**AMENDING SECTIONS 13-3107, 17-309 AND 17-340, ARIZONA REVISED STATUTES;  
RELATING TO THE TAKING OF WILDLIFE.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-3107, Arizona Revised Statutes, is amended to  
3 read:

4 13-3107. Unlawful discharge of firearms; exceptions;  
5 classification; definitions

6 A. A person who with criminal negligence discharges a firearm  
7 within or into the limits of any municipality is guilty of a class 6  
8 felony.

9 B. Notwithstanding the fact that the offense involves the discharge  
10 of a deadly weapon, unless a dangerous offense is alleged and proven  
11 pursuant to section 13-704, subsection L, section 13-604 applies to this  
12 offense.

13 C. This section does not apply if the firearm is discharged:

14 1. As allowed pursuant to chapter 4 of this title.

15 2. On a properly supervised range.

16 3. To lawfully take wildlife during an open season established by  
17 the Arizona game and fish commission and subject to the limitations  
18 prescribed by title 17 and Arizona game and fish commission rules and  
19 orders. This paragraph does not prevent a city, ~~OR~~ town ~~or county~~ from  
20 adopting an ordinance or rule restricting the discharge of a firearm  
21 within one-fourth mile of an occupied structure without the consent of the  
22 owner or occupant of the structure. For the purposes of this paragraph:

23 (a) "Occupied structure" means any building in which, at the time  
24 of the firearm's discharge, a reasonable person from the location where a  
25 firearm is discharged would expect a person to be present.

26 (b) "Take" has the same meaning prescribed in section 17-101.

27 4. For the control of nuisance wildlife by permit from the Arizona  
28 game and fish department or the United States fish and wildlife service.

29 5. By special permit of the chief of police of the municipality.

30 6. As required by an animal control officer in the performance of  
31 duties as specified in section 9-499.04.

32 7. Using blanks.

33 8. More than one mile from any occupied structure as defined in  
34 section 13-3101.

35 9. In self-defense or defense of another person against an animal  
36 attack if a reasonable person would believe that deadly physical force  
37 against the animal is immediately necessary and reasonable under the  
38 circumstances to protect oneself or the other person.

39 D. For the purposes of this section:

40 1. "Municipality" means any city or town and includes any property  
41 that is fully enclosed within the city or town.

42 2. "Properly supervised range" means a range that is any of the  
43 following:

44 (a) Operated by a club affiliated with the national rifle  
45 association of America, the amateur trapshooting association, the national

1 skeet association or any other nationally recognized shooting  
2 organization, or by any public or private school.

3 (b) Approved by any agency of the federal government, this state or  
4 a county or city within which the range is located.

5 (c) Operated with adult supervision for shooting air or carbon  
6 dioxide gas operated guns, or for shooting in underground ranges on  
7 private or public property.

8 Sec. 2. Section 17-309, Arizona Revised Statutes, is amended to  
9 read:

10 17-309. Violations: classification

11 A. Unless otherwise prescribed by this title, it is unlawful for a  
12 person to:

13 1. Violate any provision of this title or any rule adopted pursuant  
14 to this title.

15 2. Take, possess, transport, release, buy, sell or offer or expose  
16 for sale wildlife except as expressly permitted ALLOWED by this title.

17 3. Destroy, injure or molest livestock, growing crops, personal  
18 property, notices or signboards, or other improvements while hunting,  
19 trapping or fishing.

20 4. Discharge a ~~firearm~~ RIFLE OR SHOTGUN THAT IS LOADED WITH A  
21 BUCKSHOT OR A SLUG SHELL while taking BIG GAME wildlife within one-fourth  
22 mile of an occupied farmhouse or other residence, A cabin, A lodge or A  
23 building without permission of the owner or resident.

24 5. DISCHARGE A SHOTGUN LOADED WITH BIRD OR GAME SHOT OR A DEVICE  
25 THAT FIRES AN ARROW WHILE TAKING SMALL GAME WILDLIFE WITHIN ONE-EIGHTH  
26 MILE OF AN OCCUPIED FARMHOUSE OR OTHER RESIDENCE, A CABIN, A LODGE OR A  
27 BUILDING WITHOUT PERMISSION OF THE OWNER OR RESIDENT.

28 ~~5.~~ 6. Take a game bird, game mammal or game fish and knowingly  
29 ~~permit~~ ALLOW an edible portion thereof to go to waste, except as provided  
30 in section 17-302.

31 ~~6.~~ 7. Take big game, except bear or mountain lion, with the aid of  
32 dogs.

33 ~~7.~~ 8. Make more than one use of a shipping permit or coupon issued  
34 by the commission.

35 ~~8.~~ 9. Obtain a license or take wildlife during the period for  
36 which the person's license has been revoked or suspended or the person has  
37 been denied a license.

38 ~~9.~~ 10. Litter hunting and fishing areas while taking wildlife.

39 ~~10.~~ 11. Take wildlife during the closed season.

40 ~~11.~~ 12. Take wildlife in an area closed to the taking of that  
41 wildlife.

42 ~~12.~~ 13. Take wildlife with an unlawful device.

43 ~~13.~~ 14. Take wildlife by an unlawful method.

44 ~~14.~~ 15. Take wildlife in excess of the bag limit.

45 ~~15.~~ 16. Possess wildlife in excess of the possession limit.

1           ~~16.~~ 17. Possess or transport any wildlife or parts of the wildlife  
2 that was unlawfully taken.

3           ~~17.~~ 18. Possess or transport the carcass of big game without a  
4 valid tag being attached.

5           ~~18.~~ 19. Use the edible parts of any game mammal or any part of any  
6 game bird or nongame bird as bait.

7           ~~19.~~ 20. Possess or transport the carcass or parts of a carcass of  
8 any wildlife that cannot be identified as to species and legality.

9           ~~20.~~ 21. Take game animals, game birds and game fish with an  
10 explosive compound, A poison or any other deleterious substances.

11           ~~21.~~ 22. Import into this state or export from this state the  
12 carcass or parts of a carcass of any wildlife unlawfully taken or  
13 possessed.

14           B. Unless a different or other penalty or punishment is  
15 specifically prescribed, a person who violates any provision of this  
16 title, or who violates or fails to comply with a lawful order or rule of  
17 the commission, is guilty of a class 2 misdemeanor.

18           C. A person who knowingly takes any big game during a closed season  
19 or who knowingly possesses, transports or buys any big game that was  
20 unlawfully taken during a closed season is guilty of a class 1  
21 misdemeanor.

22           D. A person is guilty of a class 6 felony who knowingly:

23           1. Barters, sells or offers for sale any big game or parts of big  
24 game taken unlawfully.

25           2. Barters, sells or offers for sale any wildlife or parts of  
26 wildlife unlawfully taken during a closed season.

27           3. Barters, sells or offers for sale any wildlife or parts of  
28 wildlife imported or purchased in violation of this title or a lawful rule  
29 of the commission.

30           4. Assists another person for monetary gain with the unlawful  
31 taking of big game.

32           5. Takes or possesses wildlife while under permanent revocation  
33 under section 17-340, subsection B, paragraph 3.

34           E. A peace officer who knowingly fails to enforce a lawful rule of  
35 the commission or this title is guilty of a class 2 misdemeanor.

36           Sec. 3. Section 17-340, Arizona Revised Statutes, is amended to  
37 read:

38           17-340. Revocation, suspension and denial of privilege of  
39                           taking wildlife; civil penalty; notice; violation;  
40                           classification

41           A. On conviction or after adjudication as a delinquent juvenile as  
42 defined in section 8-201 and in addition to other penalties prescribed by  
43 this title, the commission, after a public hearing, may revoke or suspend  
44 a license issued to any person under this title and deny the person the

1 right to secure another license to take or possess wildlife for a period  
2 of not to exceed five years for:

3 1. Unlawful taking, unlawful selling, unlawful offering for sale,  
4 unlawful bartering or unlawful possession of wildlife.

5 2. ~~Careless use of~~ CARELESSLY USING firearms that ~~resulted~~ RESULT  
6 in the injury or death of any person.

7 3. Destroying, injuring or molesting livestock, ~~or~~ or damaging or  
8 destroying growing crops, personal property, notices or signboards or  
9 other improvements while hunting, trapping or fishing.

10 4. Littering public hunting or fishing areas while taking wildlife.

11 5. Knowingly allowing another person to use the person's big game  
12 tag, except as provided by section 17-332, subsection D.

13 6. A violation of section 17-303, 17-304, 17-316 or 17-341 or  
14 section 17-362, subsection A.

15 7. A violation of section 17-309, subsection A, paragraph  
16 ~~5- 6~~ involving a waste of edible portions other than meat damaged due to  
17 the method of taking as follows:

18 (a) Upland game birds, migratory game birds and wild turkey:  
19 breast.

20 (b) Deer, elk, pronghorn (antelope), bighorn sheep, bison (buffalo)  
21 and peccary (javelina): hind quarters, front quarters and loins.

22 (c) Game fish: fillets of the fish.

23 8. A violation of section 17-309, subsection A, paragraph 1  
24 involving any unlawful use of aircraft to take, assist in taking, harass,  
25 chase, drive, locate or assist in locating wildlife.

26 B. On conviction or after adjudication as a delinquent juvenile and  
27 in addition to any other penalties prescribed by this title:

28 1. For a first conviction or a first adjudication as a delinquent  
29 juvenile, for unlawfully taking or wounding wildlife at any time or place,  
30 the commission, after a public hearing, may revoke, suspend or deny the  
31 person's privilege to take wildlife for a period of up to five years.

32 2. For a second conviction or a second adjudication as a delinquent  
33 juvenile, for unlawfully taking or wounding wildlife at any time or place,  
34 the commission, after a public hearing, may revoke, suspend or deny the  
35 person's privilege to take wildlife for a period of up to ten years.

36 3. For a third conviction or a third adjudication as a delinquent  
37 juvenile, for unlawfully taking or wounding wildlife at any time or place,  
38 the commission, after a public hearing, may revoke, suspend or deny the  
39 person's privilege to take wildlife permanently.

40 C. In accordance with title 41, chapter 6, article 10 and  
41 notwithstanding subsection A of this section, a person against whom the  
42 commission imposes a civil penalty under section 17-314 for the unlawful  
43 taking, wounding, killing or possession of wildlife may be denied the  
44 right to obtain a license to take wildlife until the person ~~has made~~ PAYS  
45 IN full ~~payment of~~ the civil penalty.

1           D. On receiving a report from the licensing authority of a state  
2 that is a party to the wildlife violator compact adopted under chapter 5  
3 of this title that a resident of this state has failed to comply with the  
4 terms of a wildlife citation, the commission, after a public hearing, may  
5 suspend any license issued under this title to take wildlife until the  
6 licensing authority furnishes satisfactory evidence of compliance with the  
7 terms of the wildlife citation.

8           E. In carrying out this section, the director shall notify the  
9 licensee, within one hundred eighty days after conviction, to appear and  
10 show cause why the license should not be revoked, suspended or denied.  
11 The notice may be served personally or by certified mail sent to the  
12 address appearing on the license.

13           F. The commission shall furnish to license dealers the names and  
14 addresses of persons whose licenses have been revoked or suspended, and  
15 the periods for which they have been denied the right to secure licenses.

16           G. The commission may use the services of the office of  
17 administrative hearings to conduct hearings and to make recommendations to  
18 the commission pursuant to this section.

19           H. Except for a person who takes or possesses wildlife while under  
20 permanent revocation, a person who takes wildlife in this state, or  
21 attempts to obtain a license to take wildlife, at a time when the person's  
22 privilege to do so is suspended, revoked or denied under this section is  
23 guilty of a class 1 misdemeanor.