



NEWS RELEASE

Arizona House of Representatives
Representative Quang Nguyen (R-1)

1700 West Washington • Phoenix, Arizona • 85007

Tuesday, October 15, 2024
FOR IMMEDIATE RELEASE

State Representative Quang Nguyen Raises Legal Concerns Over Sedona Firearms Ordinance

STATE CAPITOL, PHOENIX – Arizona State Representative Quang Nguyen, Chairman of the House Judiciary Committee and a staunch defender of Second Amendment rights, has expressed serious concerns about the legality of an ordinance in the City of Sedona. In a letter sent last week to Sedona Mayor Scott Jablow and members of the City Council, Representative Nguyen questioned the validity and enforceability of Sedona Ordinance 12.30.090, which imposes restrictions on the carrying and discharge of firearms in certain public areas.

Representative Nguyen noted that the ordinance may conflict with existing Arizona law, specifically Arizona Revised Statutes § 13-3108, which preempts cities from enacting their own regulations related to the possession, carrying, and discharge of firearms.

While state law allows cities to limit or prohibit the discharge of firearms in parks and preserves under specific conditions, Representative Nguyen pointed out that Ordinance 12.30.090 regulates areas beyond parks and preserves, using vague terms such as “trails” and “open space areas,” which are not clearly defined and may extend beyond what state law permits.

Additionally, while the ordinance exempts individuals with a CCW permit, Arizona law since 2010 has allowed individuals who can legally carry a weapon openly to also carry it concealed without a permit, subject to certain restrictions.

“I urge the City of Sedona to review Ordinance 12.30.090 to ensure it complies with Arizona law,” said Representative Nguyen. **“It’s important that local ordinances do not infringe upon the constitutional rights of Arizonans or conflict with state statutes.”**

Representative Nguyen has requested that the City of Sedona conduct a legal analysis of the validity of Ordinance 12.30.090 and provide its findings to him as soon as possible.

A copy of Representative Nguyen’s letter is attached.

Quang Nguyen is a Republican member of the Arizona House of Representatives serving Legislative District 1 in Yavapai County and is Chairman of the House Judiciary Committee. Follow him on X/Twitter at @QuangNguyenAZ.

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DISTRICT 1

Arizona House of Representatives
Phoenix, Arizona 85007

October 9, 2024

Via Email and U.S. Mail

Mayor Jablow & Sedona City Council
102 Roadrunner Dr.
Sedona, AZ 86336

Re: Ordinance 12.30.090 – Regulating Firearms in Violation of A.R.S. § 13-3108

Dear Mayor Jablow and City Council Members,

I write to you today in my official capacity regarding the validity and enforceability of Sedona Ordinance 12.30.090.

Consistent with Arizonans' Second Amendment rights, Arizona law generally preempts cities and other political subdivisions of this state from enacting ordinances relating to the possession, carrying, and discharge of firearms in this state. A.R.S. § 13-3108(A). Cities may, however, enact ordinances "[l]imiting or prohibiting the discharge of firearms in parks and preserves" when certain statutory conditions are met. See A.R.S. § 13-3108(G)(5).

Here, it appears that Ordinance 12.30.090 is invalid and unenforceable because it exceeds what state law authorizes. The Ordinance states that "[i]t shall be unlawful to *carry* or discharge into any park, trail, or open space area firearms or projectile weapons ... or other device capable of causing injury to persons or animals or damage or destruction to property." (Emphasis added.) The Ordinance then exempts persons who possess a CCW permit. Yet since 2010, Arizona has allowed individuals who legally carry a weapon openly to also carry a concealed weapon without a permit, subject to some restrictions.

And although A.R.S. § 13-3108 allows cities to regulate the discharge of firearms in a park, the Ordinance's prohibition on *carrying* firearms is not consistent with A.R.S. § 13-3108. Further, the Ordinance purports to regulate places other than parks and preserves (i.e., trails and "open space areas"—a broad, vague, and undefined phrase).

Please conduct a legal analysis of the validity of Ordinance 12.30.090 and contact me at your earliest convenience to discuss your findings and any next steps you intend to take to ensure that Ordinance 12.30.090 complies with state law.

Respectfully,

A handwritten signature in cursive script that reads "Quang H. Nguyen".

Quang H. Nguyen