

SB1151 • §§13-105, 13-703, 13-704 • CH190. In general, the definition of a felony, which makes person a prohibited possessor, includes crimes defined as felonies when committed in another state within the past five years as defined. This includes felony weapon offenses, or death/serious-bodily-injury offenses, committed in other states. Felony weapon-*possession* convictions in other states that would not have been felonies here are excluded. Sentencing guidelines are amended to allow for the weapon-possession exclusion.

SB1241 • §§12-945, 13-3105 • CH173. A loophole that allowed localities to destroy confiscated or otherwise acquired guns is closed. Unclaimed firearms that can be legally owned, after 60 days, must be sold to a business authorized to receive and dispose of firearms under state and federal law, for sale to the public. Law-enforcement agencies may trade guns they have to federally licensed dealers for ammo, weapons, equipment or other material to be used exclusively for law enforcement. §13-3105 amended to remove local control of the process, and courts are ordered to act within one year of forfeiture.

This law enacted earlier had escaped my attention. It does seem like it amends the Arizona Constitution, which cannot legally be done by statute.

§26-123. Maintenance of private troops prohibited; violation; classification. A. No person, partnership or corporation shall maintain troops under arms, but this section shall not be deemed to prohibit a business, plant or firm from maintaining armed guards for protection of their property from damage or loss, or formation of a state police or highway patrol, or the existence of county and municipal police forces and sheriff's posses. B. Any person violating this section is guilty of a class 5 felony.

Eight other enactments in 2012 made minor changes that will appear in Appendix D but don't affect the text of the book (CH29, 66, 265, 267, 297, 302, 321, 336). Two repeals (§17-340 and §13-701) have effects that aren't clear and will need further research. If you think this stuff is incredibly arduous to find and analyze you're correct.

2013

HB2326 • §13-3108. Language was tightened to stop officials from continuing to disregard existing law and prevent them from compiling firearm registries of innocent gun owners.

HB2455 • §12-940 et seq., §13-3108. Protection of Firearms in Official Custody. "Property" was redefined in 2013 to include any guns that might come into officials' possession for any reason. They must be safely kept, honestly valued and handled only as defined by law. If officials take a gun from you, they must give you a detailed receipt, including how to retrieve it. If a gun that is legal to own and worth more than \$150 is found and the owner is not known, a description of it must be publicly posted or published. If it is unclaimed after 30 days, two things can happen. The gun can be sold to a licensed firearm dealer for resale to the public, or a law enforcement agency can trade it to a licensed dealer for anything it needs for its own work. In a sale, the money goes to the general fund. In a trade, the police get the goods. Either way, the firearms become available to the public through FBI background-checked sales. See §12-940 et seq. **Firearms acquired by various agencies, a public asset in the hands of our government servants, can no longer be destroyed, under this law amended to prevent ongoing abuse of constitutionally protected property.**

2014

HB2013 • §13-3112 • CH85 • 19-Year-Old CCW for Military Members • The qualifying age for carry permits has been lowered to 19 for anyone currently in or honorably discharged from the U.S. Armed Services, Reserves or State National Guards.

HB2336 • §38-1102 • CH147 • Cops and Booze • Text about non-existent state-operated bars was removed from this law to help clarify that off-duty and retired cops can't drink in public while armed (just like us), unless on special assignment, but the use of "may" makes the actual affect of this law unclear: "C. A peace officer or retired peace officer may be prohibited from carrying a firearm as follows: 5. When consuming alcohol at a licensed liquor establishment [Deleted: *operated by this state, a county, a city or town or any other political subdivision of this state*], except if a peace officer's employing agency authorizes the consumption of alcohol in the performance of the peace officer's duties."

HB2443 • §17-337 • CH93 • Soldier Hunting • Any member of the U.S. Armed Forces on active duty stationed here can purchase a resident hunting license (the offensive 30-day waiting period has been repealed).

HB2483 • §§11-812, 12-558, 13-3107, 13-3108, 17-601 • CH62 • Shooting On Private Land • This bill protects shooting firearms, BB and similar guns, and archery on private land and elsewhere:

1. Regarding county land, nothing in any ordinance can prevent, restrict or otherwise regulate lawful discharge of a firearm, air gun or use of archery equipment on private land that is not open to the public on a commercial or membership basis (§11-812).
2. No one can be banned ("enjoined") from lawful discharge of a firearm, air gun or use of archery equipment except by a) the attorney general to stop a public nuisance under §13-2917, or b) a private nuisance lawsuit or a negligence suit by a person in a permanent residence within 1/4 mile of the shot, with a strict burden of proof, the prevailing party collecting attorney's fees and costs, any claimed damages subject to clear and convincing evidence, and more (§12-558).
3. If hunting is legal in a city, the city can ban shooting within 1/4 mile of an occupied structure—unless it's OK with the owner or person in the structure. "Occupied structure" is now limited to a building where a reasonable person, at the time and place the shot was fired, would expect a person to be present (§13-3107).
4. Wherever hunting is legal, government subdivisions are under similar restrictions to those described above (§13-3108).
5. Political subdivisions of the state cannot use zoning to prohibit or regulate the discharge of firearms, or land maintenance or improvements directly related to shooting, on private land that isn't open to the public on a commercial or membership basis. They are also banned from exercising the same controls over land used for agricultural or other non-commercial purposes (§13-3108).
6. The definition of a shooting range is expanded to include, "Any area that is used for shooting on a private lot or parcel of land that is not open to the public on a commercial or membership basis." This is designed to stop various authorities that have been harassing the public for using air guns and other implements in their backyards, without harming anyone, as a matter of pure anti-rights bias (§17-601). Use of BB guns and similar training tools and toys in Arizona has always been understood to be protected under §13-3107, simply with adult supervision. This also protects ranges people can simply set up on sufficient tracts of private land.

It got complicated preventing squirm out and collateral attacks on firearms and related private-land use. §13-3121 already covered this, but it needed reinforcement.

HB2535 • §13-3121 • CH173 • NFA Certification • The transfer of certain NFA weapons, such as full autos and suppressors*, requires certification by a local chief law enforcement officer (CLEO), who is now required to respond to requests within 60 days and to provide certification if the transfer is legal. If unable to do so, the CLEO must inform the applicant in writing, with a reason. If the CLEO has less than 15 officers, the applicant may be referred to a county sheriff, who must comply with the request as above. A county attorney or tribal agency also may but is not required to provide certification. CLEOs cannot refuse to act because they don't like NFA weapons (that's actually in there, because some did refuse, which is why this law was enacted). *These are often referred to as Class III weapons, but they are actually Title II weapons. Class III is the license type dealers need to handle them commercially.

SB1118 • §17-304 • CH182 • Hunting Trespass • A criminally actionable request to leave land during a hunting trespass now includes being asked by a law-enforcement officer on behalf of the land owner, not just the landowner or the owner's agent.

SB1266 • §13-3102 • CH1889 • Arming Elites • Elected or appointed judicial officers, as defined, can carry firearms in court facilities where they work if: 1– They've demonstrated competence with a firearm as described in the CCW law §13-3112N, and 2– They comply with any rule or policy of the presiding judge of the Superior Court while in the facility. This literally gives gun-law-making authority to presiding judges without legislative oversight, to people under that command, a dangerous new power completely without precedent. Everything below subsection D gets renumbered.

Arizona has enacted all these gun laws, mostly excellent, casting doubt on the accuracy of the "news" media, which persists in quoting politicians who insist we have been unable to enact any guns laws due to gridlock. State after state has enacted gun laws, many good, many terrible, increasing the toll on gun owners, who must know more than a human can reasonably be expected to know.

NOTE: Carry In Post Offices Is Apparently Banned • Although 18 USC §930 seemed to provide for firearm possession and carry in Post Offices, an analysis provided by scholar Joe Olson at Hamline U. suggests government has ruled out this liberty with the generally unnoticed passage of 39 USC §410 in 2003, which eliminates large swaths of law that generally controls the Post Office, including 18 USC §930(d)(3), "the lawful carrying of firearms or other dangerous weapons in a Federal facility incident to hunting or other lawful purposes." See the apparently valid description of how this got done at GunLaws.com under the Updates button.

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2012-2014 Changes to Edition 25 *The Arizona Gun Owner's Guide*

KEY: Bill number • Statute Affected • Chapter number

HB2457 • §17-305 • CH225. Possession of legal non-hunt weapons, devices, ammo or magazines (e.g., a discreetly carried sidearm) is no longer banned while hunting. Using any such gear to take wildlife is a class 1 misdemeanor.

HB2639 • §§17-101, 17-261, 17-273, 17-340, 17-341, 41-2752 • CH272. Omnibus AGFD bill. In §101, *domicile*, *nonresident* and *resident* are more clearly defined for getting hunting papers (license, permit, tag, tax stamp). Active military defined as residents for hunting purposes if a) they're in the state for 30 days prior to applying for papers, or b) in another state or country but list Arizona as their home. Resident includes a person domiciled here for six months prior to applying for hunting papers who does not claim another residency for any purpose. The whole section is renumbered.

§261 and §273 requires money from goods sold at shooting ranges to go into the firearms safety and ranges fund and not into the AGFD general fund (with an exception for federal-grant-program income). Money from the range fund can be used for two new purposes, shooting sports programs and inventory for goods sold at ranges (targets, books, eye and ear wear, etc.).

§340. The crime of letting edible portions of game go to waste is clarified by exempting meat damaged by the method of taking. Animals' edible parts are described. Hunting privileges can be lost for up to five years for this offense, in addition to the existing class 2 misdemeanor.

§341. The offense of obtaining fraudulent hunting papers now includes phony tags or stamps, and the purchase, accepting or use of any phony papers.

§41-2752. An exception to ban on state agencies competing with the private sector is created to allow AGFD to sell off firearms. Also, §17-340 is repealed.

HB 2640 • §17-231 • CH75. The Arizona Game and Fish Commission can no longer limit or restrict magazine capacity of any authorized firearm.

HB2728 • §§17-251, 17-309 • CH128. Firearm silencers (aka mufflers, suppressors, modulators) may be used while hunting. If OSHA was on the case, it would promote this, which would also spur the economy.

SB1149 • §§13-3101, 13-3102 • CH231. Firearm trafficking is defined in two parts. First, "trafficking" now 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. Yes, it's frighteningly broad. Then, in §13-3102, a penalty is provided for trafficking weapons or explosives for financial gain in order to assist, promote or further the interests of a criminal street gang, a criminal syndicate or a racketeering enterprise. This is an uncomfortable situation, because now, buying a firearm as a gift is by definition "trafficking," made legal only by the second bit of law.