



2015–2016 Changes to Edition 26 of *The Arizona Gun Owner's Guide*

Arizona gets *comitatus* law to control rogue government

KEY: Name. Statute affected. Description. At end: **2015** Bill #, Chapter #, AGOG Pg #

Hunting Guides Can Be Armed. §17-362. The law limiting hunting guides to revolvers or pistols is repealed. This infringement was set to prevent guides from hunting without a license, or acting as surrogates for their clients who couldn't hit their targets. The laws against illegally taking game are sufficient, and infringing the right to keep and bear arms, an obnoxious imposition on innocent citizens, has finally been lifted. HB2396 CH122 131, 226

Harassing hunters. Adds §17-316 to §17-340. Harassing hunters is grounds for suspending or revoking a hunting license (and change *which* to *that* in two spots). HB2399, CH215, P132, 226. **§17-340. Revocation, suspension and denial of privilege of taking wildlife; notice; violation; classification** (not previously included in AGOG, adds 97 words to the state total.) "A. On conviction or after adjudication as a delinquent juvenile as defined in §8-201 and in addition to other penalties prescribed by this title, the commission, after a public hearing, may revoke or suspend a license issued to any person under this title and deny the person the right to secure another license to take or possess wildlife for a period of not to exceed five years for: 2) Careless use of firearms which has resulted in the injury or death of any person. 6) A violation of §17-303, 17-304, 17-316 or 17-341 or §17-362, subsection A."

Ballot honesty. Title 19. Not a gun law per se, this requires strict compliance with statutory and constitutional provisions in all ballot-measure processes. A safeguard against procedural irregularities anticipated in actions proposed by Michael Bloomberg who threatened anti-gun-rights initiatives for the 2016 elections (they were thwarted). Language is tightened throughout Title 19 requiring strict compliance, providing clear redress and eliminating wiggle room. Bloomberg promised but did not introduce his measure. HB2407, CH285, NA

Preemption includes "transfer." §13-3118. Amends preemption statute by adding "transfer" to list of firearm activities only the state legislature is authorized to control, to prevent local authorities from taking any steps in that regard. This is important because former NY mayor Bloomberg has interfered with the transfer of firearms in other states through his out-of-state political action, and has announced similar plans for Arizona because, as he has stated, he has been thwarted from such activity at the federal level. HB2527, CH126, 41, 219

Rights restoration. §13-907. If a person's judgment of guilt is set aside under proper conditions, "the person's right to possess a gun or firearm is restored." This does not apply if the person was convicted of a serious offense as defined under §13-706 (lengthy list of serious felonies), and with certain time restrictions of up to 10 years under §§13-905 and 13-906. Other conditions apply, determined by the court and the nature of the offense. Although this is a step in the right direction of civil-rights restoration, the language used here is sloppy, because "gun" is not defined in Arizona law, the use of "or" adds confusion, and the singular terms imply a very limited restoration of rights. SB1189, CH228, 53, 201

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Punish Rogue Governments and Their Agents. §13-3108. Strong *comitatus* laws enter Arizona's books this year, providing punishment to government for violating the preemption act—the laws preventing localities from enacting their own gun laws. Any attempt to regulate firearms beyond what state law allows is invalid, defenses for doing so are stripped, if a court finds an attempt was willful the agency can be fined up to \$50,000. If a court finds a person officially acting for an agency willfully exceeded bounds the person may be fired. If anyone is harmed by such excess the agency in violation can be sued for injunctive and declaratory relief, damages, attorney fees and costs. Words used above like *agency* and *regulation* include every government subdivision and law, policy, rule and loophole. *Comitatus law*, structured like the *Posse Comitatus Act*, is law that puts teeth into statute, holding government workers accountable for their actions, the same as the public is. SB1266, CH132, 41

Attorney General Must Investigate Rogue Government. §41.194.01. To ensure the law above is enforced, any legislator may tell the AG to investigate a suspected violation of state gun law by a government agency, and a detailed report must be released within 30 days. If there's no violation, the AG takes no action. If there may be a violation, the AG refers the case for resolution to the Arizona Supreme Court with "precedence over all other cases." The agency must post bond equal to six months of their state revenue-sharing funds. If the AG finds a violation, the agency gets 30 days to correct it or else: 1) the AG tells the state treasurer to cut off all state revenue-sharing funds; b) monitor the agency until the violation is repealed, issue a report, and tell the treasurer to restore funding. Prior funds withheld are lost to the offending agency, all other agencies in the state get it, pro rated by formula, or as we learned as kids in school for breaking rules, tough noogies. SB1487, CH35, 41

Gun Transfer Protection. §44-7851, -7852. Because Mike Bloomberg from NY and federal forces have threatened to restrict the simple legal transfer of firearms from one person to another, Arizona enacted this: "This state or any political subdivision of this state may not enact or implement any additional fee, tax, assessment, lien or other encumbrance on the transfer of a gun between two private parties who are not prohibited possessors under state or federal law." Firearm includes sidearms, long guns and air guns; private party, transfer are described broadly to avoid loopholes. HB2224, CH84 New Ch. 36 Private Firearm Transactions, 41

Retired Cops Can Carry and Drink In Bars. §4-244. Two types of retired peace officers are added to the list of people who can carry firearms where liquor is served and consume alcohol while there. The freedom to even possess guns in licensed eateries is denied to the 97% of the public without government papers (CCW wallet cards) and none can have an adult beverage while there. Though more tactical arms in public is an obvious crime and jihad deterrent, this law further divides people into elites and proles. HB2030, CH285, 77

School Right of Way. §13-2911. School boards can't interfere in any way with legal possession or carry of a deadly weapon on your person or in a vehicle on a public right-of-way (a publicly maintained highway, road, path, alley, etc.); it does not include the property of an educational institution. HB2338, CH131, 78

Definitions. §13-3101. Three definitions got minor changes to fix grammar and conform with definitions elsewhere, no substantive effect on gun ownership, possession or use. 210

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