

“Contacted by a law enforcement officer” means “a lawful traffic or criminal investigation, arrest or detention or an investigatory stop by a law enforcement officer that is based on reasonable suspicion that an offense has been or is about to be committed.” Casual contact with officers is not included.

Sale of confiscated firearms: Perfectly legal firearms are confiscated by the state when they are involved in a felony or for other reasons. An amendment to §13-3105 now requires the state to sell such firearms that can be legally possessed to businesses that can legally handle them, for sale to the public. All federal, state and local laws must be complied with, and this also applies to dangerous instruments (things that can be deadly but aren’t designed for lethal use) and explosives. This is a tremendous advance because now, instead of destroying supplies of valuable public property (the former rule), money from the sale of those confiscations can aid law enforcement, and the public can benefit from a supply of economically-priced goods. The old claim of “putting guns back on the street” has been false since 1994 when the Brady law required FBI background checks on any retail firearms buyer. I have several Position Papers (yellow button) about this posted at gunlaws.com.

Old CCW rules survive: The CCW permit (§13-3112) remains in effect, is the same in many respects, and the permits retain their former powers. Permits are valid for reciprocity with other states (non-permit carry does not provide reciprocity). You can go into places that serve alcohol, discreetly armed, as long as you don’t drink and the place hasn’t banned your civil right to arms with an officially posted sign. This is the one remaining place where you should carry your permit if armed—failure to have it carries a \$300 civil fine if you’re found without it. However, although this requires an immediate suspension of the permit, your firearm cannot be confiscated or forfeited (you still retain your Constitutional Carry rights), but the officer may take temporary custody for the duration of the contact. You can have the charge dropped later by showing your valid permit in court. Finally, retail firearm purchases do not require NICS checks if you show a valid permit (since you’re permanently tracked by DPS).

Penalties: If you are carrying discreetly and “contacted” by a law enforcement officer, you are required to inform the officer that you are armed. “Contacted” is described above. Lying to an officer who legally asks about possession of a concealed weapon is a class 1 misdemeanor. The officer may take temporary custody for the duration of the contact (and if you’re arrested obviously the officer will take any weapons). Carrying concealed if you’re under 21 years old is a class 3 misdemeanor. Carrying concealed to further a felony is now a class 6 felony.

Permit training broadened: The old DPS-approved 8-hour class that was the only qualifier for a CCW permit has been replaced by many programs and credentials that qualify you for the permit, still available for the \$60 tax. Training may have occurred at any time in the past (the 5-year limit is repealed). You must attest that you’ve been given a copy of chapter 4 (Justification for use of deadly force) and chapter 31 (Weapons and Explosives) and that you’re “knowledgeable” about those state laws. The new carry law is written broadly to include ‘firearm, weapon or handgun’ ‘classes or courses’, ‘licenses or permits’, and similar expansive but repetitious terms that are omitted below for simplicity; acceptable training now includes any valid document (copies or originals) indicating satisfactory completion of:

Current service or honorable discharge from the armed forces or a certificate of completion of basic training; any course “approved” by DPS (they’re working on approval standards) and taught by background-checked DPS-approved instructors or NRA pistol-and-personal-protection certified instructors; any firearms safety or training course for the general public offered by a law enforcement agency, junior college, college, public or private institution, academy, organization or firearms training school approved by DPS (the dept. has already approved hundreds of such courses); any hunter education or hunter safety class approved by Arizona Dept. of

Game and Fish or a similar agency from another state; any NRA firearms safety or training course; any law enforcement firearms safety or training course for security guards, investigators, special deputies or other divisions of law enforcement or security enforcement approved by DPS; a valid current or expired concealed weapon permit from another state if the permit required training; police agency training for carry during normal police duties; and any other training DPS deems acceptable. Guidelines for DPS approval of programs are not spelled out in the statute.

Expect a shakeout period while the new law is tested and different interpretations are resolved, as with any new law. Police expect “amateur hour” for a while after the new law takes effect. **Remember**, the law is *not* in effect until July 29, 2010.

The Firearms Freedom Act (FFA) HB 2307

House Bill 2307, “Arizona Manufactured Firearms” is part of a national legal strategy to enforce the 10th Amendment of the U.S. Constitution and restrain and control the federal government from usurping states’ rights. It pits *federalism* (we are a nation made up of 50 sovereign states) against so-called *supremacy* (the federal government can do whatever it wants). More than half the states are considering a Firearms Freedom Act, which was born in Montana (Arizona was the 6th state to enact it). The 10th Amendment effort to control the federal government is being simultaneously waged on two other fronts—against the health-care takeover, and in Save Our Secret Ballot, against leftist plans to eliminate secret voting in union elections. All three efforts have support from think tanks nationwide and numerous freedom-oriented groups.

Contrary to some “news” and other uninformed reports, FFA is not a jobs bill or commerce-enhancement act, at least not yet. *Anyone who tries to use this bill to start making guns on their own will likely be arrested and suffer enormous harm.* The purpose of the bill is to set up legal challenges to federal authorities who believe they can use the Constitution’s interstate commerce clause to regulate activities that occur totally within a state. Abuse in this area by the feds is bone chilling, look up *commerce clause abuse* if you want to ruin your day, or search *Wickard v. Filburn*.

The Montana lawsuit is well underway, and other challenges are being carefully orchestrated. Federally licensed firearms dealers and manufacturers (FFLs, who are quasi government agents) are *not* included in the challenges. This activity concerns ordinary citizens who, the lawsuits claim, do not need federal approval to act in their own regard in this field. It’s complicated. Don’t poison the well by deciding to be a manufacturer on your own, and ending up in prison instead when the feds come down on you like a ton of lead, and set precedents that will hurt the nation.

The bill is in plain language you can read at gunlaws.com (navigate the “National Directory” and when you arrive click HB2307). Basically, personal firearms, accessories and ammunition made in Arizona strictly under the right conditions and kept in Arizona should not be subject to federal control. Various terms are defined and the state sets out its intent to stand on its rights and limit federal intrusion.

State Preemption HB 2543

As in many states, Arizona prohibits local government offices from regulating firearms. This avoids a patchwork of laws that would be impossible to know, and stops petty tyrants from running their own anti-rights fiefdoms. Despite the preemption laws, local bureaucrats and others attempt to infringe on the right to keep and bear, and this bill tightens the language to keep them in check. Most important, a locality’s previous power to ban firearms in various parks has been removed, so those little islands of rights denial will vanish when the law takes effect.

More Bills

SB 1153 passed both houses and was signed into law by governor Brewer. It protects knife owners, knives and knife parts from anti-knife actions by localities. This is a nationally historic act—the first knife preemption law in the country! About 50% of localities in Arizona have knife ordinances—Yuma, Phoenix and others have wacky ones. There is a general effort underway nationally to reduce or eliminate penalties for possession of knives, firearms or other private property, and to increase penalties for using any implements in the commission of serious crime. This takes government out of the control-the-public area it has intruded into, and back to protecting liberties which is its main legitimate duty. **HB 2629** prohibits a political subdivision from keeping records about buying, selling or transferring firearms, including when storing firearms in public-place lockers (§13-3108). It also expands Castle Doctrine “no duty to retreat” to apply anywhere in the state, not just in your home or vehicle (§13-405). **HCR 2008** puts a ballot measure before the voters to amend the state Constitution and identify hunting and fishing as a guaranteed right. Many states are taking this step to prevent anti-rights activists from infringing on this traditional right and ability to obtain and eat food. Meat, as you may know, does not really come from a store neatly wrapped in plastic. **HB 2526** exempts trap and skeet shooting clubs from certain property tax requirements. As written, it allows the Tucson Trap and Skeet Club, a 501(c)(3) non-profit organization, to obtain additional property and be a contender for the 2012 Shotgun World Cup, and not see its taxes triple. **HB 2246** made sale of certain fireworks legal, but allows localities to regulate or ban them. **HB 2725** amends *The Arizona Gun Safety Program* high-school-marksanship class (§15-714.01) to accept a wide variety of instructors, and to require use of real firearms only when qualifying for a credit toward a high school diploma.

Other minor gun laws passed this year. Full results will be posted at gunlaws.com soon (this sheet only covers main items). For up-to-the-minute news join the Arizona Citizens Defense League, azcdl.org, and of course, you should join the local NRA chapter, the Arizona State Rifle and Pistol Assn., asrpa.com which is how little old you can make a big ole difference in keeping our gun laws the best in the nation.

The current 24th edition of *The Arizona Gun Owner's Guide* is now more important than ever. Now that most people can discreetly carry a firearm, the rules for self defense, pulling the firearm out, using it, and staying out of trouble are things every Arizonan needs to know. Carrying a gun without knowing the rules is a recipe for disaster. Get our latest edition and do yourself a favor—take a gun-training class at any of the fine establishments that help Arizonans learn how to safely and responsibly handle firearms. Don't go off half cocked. Know your rights and responsibilities.

Don't end up giving your life savings to a lawyer because you didn't know what you were doing and ended up in more trouble than the crook. Remember:

If innocent life doesn't immediately depend on it, don't shoot.

If it does, don't miss.

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“It doesn't make sense to own a gun and not know the rules.”

THE ARIZONA GUN OWNERS Guide 2010 UPDATE

IMPORTANT—These bills take effect on July 29, 2010.

Changes to Edition 24 • Additional bills will be posted at gunlaws.com

7/8/2010—This is not legal advice and I'm not a lawyer; this is just a First Amendment exercise over an issue of political importance that concerns us. See additional disclaimers at gunlaws.com

Constitutional Carry (“Freedom To Carry”) Is Enacted in Arizona! SB1108

Senate Bill 1108 frees people in Arizona, who can legally possess firearms, to carry them discreetly without government approval or the need for a permission slip known as a CCW permit. A number of other important advances to our freedoms are included, described below. It was signed 4/16/10 and becomes effective on 7/29/10. SB 1108 makes our statutes match our state Constitution which says in pertinent part: “The right of the individual citizen to bear arms in defense of himself or the state shall not be impaired...” (Article II, Section 26)

Page 53 and the top two paragraphs of p. 54 in the 24th edition of *The Arizona Gun Owner's Guide* are now ancient history. Virtually any legal open or discreet carry is not banned. The things to watch for are prohibited places noted in chapters 2 and 4. The *Constitutional Carry* portion of the new bill amends state law A.R.S. §13-3102:

Unimpaired carry restored: Discreet carry of firearms is no longer banned for people at least 21 years old who can legally bear arms. It is illegal to carry a deadly weapon (except a pocket knife) concealed on yourself or within your immediate control in a means of transportation to further a *serious offense* (§13-706), *violent crime* (§13-901.03) or any felony. If a law enforcement officer officially contacts you and asks if you have a concealed weapon you must answer truthfully. “Concealed” carry is often used to imply hiding or being clandestine, which are undesirable negative connotations. “Discreet,” “unobtrusive,” “unimpaired,” “constitutional,” “free,” “handbag” carry and similar phrases are the preferred terms in Arizona.

Age, Posse and LEOs: A person under 21 is free to carry discreetly in the person's dwelling, business premises, owned or leased real property, or the same places of a parent, grandparent or legal guardian. Properly trained and authorized members of the Sheriff's posse or reserves (defined in the bill) who are under 21 may also carry discreetly. Law enforcement officers properly covered under LEOSA (18 USC §926B & C) are granted federal and state permission to carry discreetly (ask your dept.).

Open carry clarified: The bill also makes clear that firearms may be legally carried: if any portion of the firearm or holster is visible; in a holster that is wholly or partially visible; in a scabbard or case designed for carrying weapons that is wholly or partially visible; in luggage; in a case, holster, scabbard, pack or luggage in a means of transportation; or within a storage compartment, map pocket, trunk or glove compartment of a means of transportation.

Temporary possession: A law enforcement officer who “contacts” you has had presumed authority to temporarily take possession of your firearm for the duration of the contact. This is now spelled out in statute. Some departments have used temporary custody to register firearms. This is now specifically banned by §13-3108.