Senate Engrossed

State of Arizona
Senate
Forty-seventh Legislature
First Regular Session
2005

CHAPTER 57

SENATE BILL 1269

AN ACT

AMENDING SECTION 13-3112, ARIZONA REVISED STATUTES; RELATING TO CONCEALED WEAPONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 13-3112, Arizona Revised Statutes, is amended to read:

13-3112. Permit to carry concealed weapon; qualification; application; training program; program instructors; report; applicability; violation; classification

A. The department of public safety shall issue a permit to carry a concealed weapon to a person who is qualified under this section. The person shall carry the permit at all times when the person is in actual possession of the concealed weapon and shall present the permit for inspection to any law enforcement officer on request.

B. A person who fails to carry the permit at all times that the person is in actual possession of a concealed weapon may have the permit suspended. The department of public safety shall be notified of all violations of this section and shall immediately suspend the permit. The permittee shall present the permit to the law enforcement agency or the court. On notification of the presentation of the permit, the department shall restore the permit.

C. The permit of a person who is arrested or indicted for an offense that would make the person unqualified under the provisions of section 13-3101, subsection A, paragraph 6 or this section shall be immediately suspended and seized. The permit of a person who becomes unqualified on conviction of that offense shall be revoked. The permit shall be restored on presentation of documentation from the court if the permittee is found not guilty or the charges are dismissed. The permit shall be restored on presentation of documentation from the county attorney that the charges against the permittee were dropped or dismissed.

D. A person who fails to present a permit for inspection on the request of a law enforcement officer is guilty of a class 2 misdemeanor.

E. The department of public safety shall issue a permit to an applicant who meets all of the following conditions:

1. Is a resident of this state or a United States citizen.

2. Is twenty-one years of age or older.

3. Is not under indictment for and has not been convicted in any jurisdiction of a felony.

4. Does not suffer from mental illness and has not been adjudicated mentally incompetent or committed to a mental institution.

5. Is not unlawfully present in the United States.

6. Satisfactorily completes a firearms safety training program approved by the department of public safety pursuant to subsection N of this section. This paragraph does not apply to:

(a) A person who is an active duty Arizona peace officer standards and training board certified or federally credentialed peace officer or who is honorably retired as a federal, state or local peace officer with a minimum of ten years of service.

(b) A PERSON WHO IS AN ACTIVE DUTY COUNTY DETENTION OFFICER AND WHO HAS BEEN WEAPONS CERTIFIED BY THE OFFICER'S EMPLOYING AGENCY.

F. The application shall be completed on a form prescribed by the department of public safety. The form shall not require the applicant to disclose the type of firearm for which a permit is sought. The applicant shall attest under penalty of perjury that all of the statements made by the applicant are true. The applicant shall submit the application to the department with a certificate of completion from an approved firearms safety training program, two sets of fingerprints and a reasonable fee determined by the director of the department.

G. On receipt of an application, the department of public safety shall conduct a check of the applicant's criminal history record pursuant to section 41-1750. The department of public safety may exchange fingerprint card information with the federal bureau of investigation for federal criminal history record checks.

H. The department of public safety shall complete all of the required qualification checks within sixty days after receipt of the application and shall issue a permit within fifteen working days after completing the qualification checks if the applicant meets all of the conditions specified in subsection E of this section. If a permit is denied, the department of public safety shall notify the applicant in writing within fifteen working days after the completion of all of the required qualification checks and shall state the reasons why the application was denied. On receipt of the notification of the denial, the applicant has twenty days to submit any additional documentation to the department. On receipt of the additional documentation, the department shall reconsider its decision and inform the applicant within twenty days of the result of the reconsideration. If denied, the applicant shall be informed that the applicant may request a hearing pursuant to title 41, chapter 6, article 10.

I. On issuance, a permit is valid for four years.

J. The department of public safety shall maintain a computerized permit record system that is accessible to criminal justice agencies for the purpose of confirming the permit status of any person who claims to hold a valid permit issued by this state. This information shall not be available to any other person or entity except on an order from a state or federal court.

K. A permit issued pursuant to this section is renewable every four years. Before a permit may be renewed, a criminal history record check shall be conducted pursuant to section 41-1750 within sixty days after receipt of the application for renewal.

L. Applications for renewal shall be accompanied by a fee determined by the director of the department of public safety. A certificate of completion of a four-hour refresher firearms safety training program approved by the director of the department is required before a renewal permit may be issued and shall accompany an application for renewal.

M. The department of public safety shall suspend or revoke a permit issued under this section if the permit holder becomes ineligible pursuant to subsection E of this section. The department of public safety shall notify the permit holder in writing within fifteen working days after the revocation or suspension and shall state the reasons for the revocation or suspension.

N. An organization shall apply to the department of public safety for approval of its firearms safety training program. The department shall approve a program that meets the following requirements:

1. Is at least sixteen hours in length.

2. Is conducted on a pass or fail basis.

3. Addresses all of the following topics in a format approved by the director of the department:

(a) Legal issues relating to the use of deadly force.

(b) Weapon care and maintenance.

(c) Mental conditioning for the use of deadly force.

(d) Safe handling and storage of weapons.

(e) Marksmanship.

(f) Judgmental shooting.

4. Is conducted by instructors who submit to a background investigation, including a check for warrants and a criminal history record check.

O. If approved pursuant to subsection N of this section, the organization shall submit to the department of public safety two sets of fingerprints from each instructor and a fee to be determined by the director of the department of public safety. On receipt of the fingerprints and fee, the department of public safety shall conduct a check of each instructor's criminal history record pursuant to section 41-1750. The department of public safety may exchange this fingerprint card information with the federal bureau of investigation for federal criminal history record checks.

P. The proprietary interest of all approved instructors and programs shall be safeguarded, and the contents of any training program shall not be disclosed to any person or entity other than a bona fide criminal justice agency, except upon an order from a state or federal court.

Q. If the department of public safety rejects a program, the rejected organization may request a hearing pursuant to title 41, chapter 6, article 10.

R. The department of public safety shall maintain information comparing the number of permits requested, the number of permits issued and the number of permits denied. The department shall annually report this information to the governor and the legislature.

S. The director of the department of public safety shall adopt rules for the purpose of implementing and administering the concealed weapons permit program, including fees relating to permits issued pursuant to this section.

T. The department of public safety shall enter into reciprocal agreements with states that have concealed weapons laws substantially similar to this section for the purpose of establishing a basis under which a concealed weapons license or permit that is issued by either state may be used by the licensee or permittee within the jurisdiction of either state. If another state requires this state to enter into a reciprocal agreement before accepting a concealed weapons permit issued in this state, the department of public safety shall enter into the agreement if the issuing authority for the other state:

1. Issues a permit with an expiration date printed on the permit.

2. Is available to verify the permit status for law enforcement purposes within three business days of a request for verification.

3. Has disqualification, suspension and revocation requirements for concealed weapons permits.

4. Requires that an applicant for a concealed weapons permit meet all of the following conditions:

(a) ~~Submit~~ SUBMITS to a criminal history record check.

(b) Is not prohibited from possessing firearms pursuant to federal law.

(c) Satisfactorily completes a firearms safety program.

U. Notwithstanding subsection T of this section, unless a person would be a prohibited possessor in this state, a person who is a resident of another state and who is temporarily in this state may carry a concealed weapon in this state without a permit issued pursuant to this section if both of the following apply:

1. The person is legally in this state.

2. The person presents a valid concealed weapons permit from another state on the request of a law enforcement officer if the issuing authority for the other state:

(a) Issues a permit with an expiration date printed on the permit.

(b) Has disqualification, suspension and revocation requirements for concealed weapons permits.

(c) Requires that an applicant for a concealed weapons permit meet all of the following conditions:

(i) Submits to a criminal history record check.

(ii) Is not prohibited from possessing firearms pursuant to federal law.

(iii) Satisfactorily completes a firearms safety program.

V. Notwithstanding the provisions of this section, a person with a concealed weapons permit from another state may not carry a concealed weapon in this state if the person is under twenty-one years of age or is under indictment for, or has been convicted of, a felony offense in any jurisdiction, even if the person's rights have been restored and the conviction is expunged, set aside or vacated.

APPROVED BY THE GOVERNOR APRIL 11, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 11, 2005.

Passed the House April 4, 2005,

by the following vote: 53 Ayes,

2 Nays, 5 Not Voting

Speaker of the House

Norman L. Moore

Chief Clerk of the House

Passed the Senate February 22, 2005,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

President of the Senate

Chauncey Billington

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

5th day of April, 2005

at 2:15 o'clock P. M.

Jennifer Harris

Secretary to the Governor

Approved this 11 day of

April, 2005,

at 10 10 o'clock A M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 11 day of April, 2005

at 1:35 o'clock P. M.

Janice K. Brewer

Secretary of State

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