Senate Engrossed House Bill

FILED

JANICE K. BREWER
SECRETARY OF STATE

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

CHAPTER 79

HOUSE BILL 2457

AN ACT

AMENDING TITLE 38, CHAPTER 8, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 38-1102; RELATING TO THE CARRYING OF FIREARMS BY PEACE OFFICERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Title 38, chapter 8, article 1, Arizona Revised Statutes, is amended by adding section 38-1102, to read:

38-1102. Carrying of firearms by peace officers; exceptions; definitions

A. THIS STATE, A COUNTY, A CITY OR TOWN OR ANY OTHER POLITICAL SUBDIVISION OF THIS STATE SHALL NOT PROHIBIT A PEACE OFFICER FROM CARRYING A FIREARM IF THE PEACE OFFICER IS IN COMPLIANCE WITH THE FIREARM REQUIREMENTS PRESCRIBED BY THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD.

B. A PEACE OFFICER MAY BE PROHIBITED FROM CARRYING A FIREARM AS FOLLOWS:

1. IN A JAIL, CORRECTIONAL FACILITY OR JUVENILE DETENTION FACILITY.

2. BY ORDER OF:

(a) THE PRESIDING JUDGE OR JUSTICE WHEN ATTENDING ANY COURT THAT IS ESTABLISHED PURSUANT TO THE CONSTITUTION OF THIS STATE OR TITLE 12, EXCEPT IF THE PEACE OFFICER IS PROVIDING COURT SECURITY OR RESPONDING TO AN EMERGENCY.

(b) A JUSTICE COURT WHEN ATTENDING THE JUSTICE COURT, EXCEPT IF THE PEACE OFFICER IS PROVIDING COURT SECURITY OR RESPONDING TO AN EMERGENCY.

(c) A MUNICIPAL COURT WHEN ATTENDING THE MUNICIPAL COURT, EXCEPT IF THE PEACE OFFICER IS PROVIDING COURT SECURITY OR RESPONDING TO AN EMERGENCY.

3. WHEN THE PEACE OFFICER IS RELIEVED OF THE PEACE OFFICER'S DUTIES AND IS UNDER A CRIMINAL OR ADMINISTRATIVE INVESTIGATION.

4. WHEN IN A SECURED POLICE FACILITY.

5. WHEN CONSUMING ALCOHOL AT A LICENSED LIQUOR ESTABLISHMENT OPERATED BY THIS STATE, A COUNTY, A CITY OR TOWN, OR ANY OTHER POLITICAL SUBDIVISION OF THIS STATE, EXCEPT IF THE PEACE OFFICER'S EMPLOYING AGENCY AUTHORIZES THE CONSUMPTION OF ALCOHOL IN THE PERFORMANCE OF THE PEACE OFFICER'S DUTIES.

6. IN A LOCATION PROHIBITED BY FEDERAL LAW.

7. PURSUANT TO COURT ORDER.

8. PURSUANT TO ANY STATE OR FEDERAL LAW THAT MAKES THE OFFICER A PROHIBITED POSSESSOR.

9. WHEN IN THE JUDGMENT OF THE DEPARTMENT HEAD, OR THE DEPARTMENT HEAD'S DESIGNEE, THE PEACE OFFICER EXHIBITS ANY IMPAIRMENT, INCLUDING ANY PHYSICAL OR MENTAL IMPAIRMENT THAT WOULD CAUSE CONCERN FOR THE WELL-BEING AND SAFETY OF THE OFFICER, THE OFFICER'S LAW ENFORCEMENT AGENCY, LAW ENFORCEMENT AGENCY EMPLOYEES OR THE COMMUNITY.

C. A LAW ENFORCEMENT AGENCY THAT EMPLOYS A PEACE OFFICER MAY ESTABLISH RULES THAT ARE CONSISTENT WITH THIS SECTION. THE LAW ENFORCEMENT AGENCY MAY DETERMINE THE NUMBER, TYPE, MODEL, CALIBER AND BRAND OF FIREARM AND THE AMMUNITION THAT IS CARRIED BY ITS PEACE OFFICERS ON OR OFF DUTY.

D. THIS SECTION DOES NOT CREATE ANY CIVIL LIABILITY FOR ACTING OR FAILING TO ACT.

E. FOR THE PURPOSES OF THIS SECTION:

1. "FIREARM" HAS THE SAME MEANING PRESCRIBED IN SECTION 13-105.

2. "PEACE OFFICER" HAS THE SAME MEANING PRESCRIBED IN SECTION 1-215.

1 3. "RELIEVED OF DUTY" MEANS WHEN A PEACE OFFICER IS NO LONGER REQUIRED
2 TO PERFORM, EITHER TEMPORARILY OR PERMANENTLY, THE DUTIES FOR WHICH THE
3 OFFICER WAS EMPLOYED.
4 4. "SECURED POLICE FACILITY" MEANS A BUILDING OR STRUCTURE THAT IS
5 USED PRIMARILY BY A PUBLIC AGENCY AND THAT IS NOT ACCESSIBLE TO THE GENERAL
6 PUBLIC EXCEPT BY CONTROLLED ACCESS.

APPROVED BY THE GOVERNOR APRIL 16, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 16, 2007.

Passed the House February 12, 20 07

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting

Speaker of the House

Chief Clerk of the House

Passed the Senate April 3, 20 07

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20_____

at _____ o'clock _____M.

Secretary to the Governor

Approved this _____day of

at _____o'clock _____M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20_____

at _____ o'clock _____M.

Secretary of State

H.B. 2457

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 10, 2007,

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting

Speaker of the House

Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

10th day of April, 2007

at 11:25 o'clock a. M.

Secretary to the Governor

Approved this 16 day of

April, 2007,

at 2:30 o'clock P. M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 16 day of April, 2007,

at 4:56 o'clock p. M.

Secretary of State

H.B. 2457