House Engrossed Senate Bill

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

CHAPTER 177

SENATE BILL 1168

AN ACT

AMENDING TITLE 12, CHAPTER 6, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 18; RELATING TO TRANSPORTATION AND STORAGE OF FIREARMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Title 12, chapter 6, Arizona Revised Statutes, is amended by adding article 18, to read:

ARTICLE 18. FIREARMS STORAGE AND TRANSPORTATION

12-781. Transportation or storage of firearms; motor vehicles; applicability

A. A PROPERTY OWNER, TENANT, PUBLIC OR PRIVATE EMPLOYER OR BUSINESS ENTITY SHALL NOT ESTABLISH, MAINTAIN OR ENFORCE A POLICY OR RULE THAT PROHIBITS A PERSON FROM LAWFULLY TRANSPORTING OR LAWFULLY STORING ANY FIREARM THAT IS BOTH:

1. IN THE PERSON'S LOCKED AND PRIVATELY OWNED MOTOR VEHICLE OR IN A LOCKED COMPARTMENT ON THE PERSON'S PRIVATELY OWNED MOTORCYCLE.

2. NOT VISIBLE FROM THE OUTSIDE OF THE MOTOR VEHICLE OR MOTORCYCLE.

B. ANY POLICY OR RULE THAT IS ESTABLISHED OR MAINTAINED OR THE ATTEMPTED ENFORCEMENT OF ANY POLICY OR RULE THAT IS IN VIOLATION OF SUBSECTION A IS CONTRARY TO PUBLIC POLICY, IS NULL AND VOID AND DOES NOT HAVE LEGAL FORCE OR EFFECT.

C. THIS SECTION DOES NOT APPLY IF:

1. THE POSSESSION OF THE FIREARM IS PROHIBITED BY FEDERAL OR STATE LAW.

2. THE MOTOR VEHICLE IS OWNED OR LEASED BY A PUBLIC OR PRIVATE EMPLOYER OR BUSINESS ENTITY AND IS USED BY AN EMPLOYEE IN THE COURSE OF THE EMPLOYMENT, UNLESS THE EMPLOYEE IS REQUIRED TO STORE OR TRANSPORT A FIREARM IN THE OFFICIAL DISCHARGE OF THE EMPLOYEE'S DUTIES OR IF THE PUBLIC OR PRIVATE EMPLOYER OR BUSINESS ENTITY CONSENTS TO THE TRANSPORTATION OR STORAGE OF THE FIREARM.

3. THE PROPERTY OWNER, TENANT, PUBLIC OR PRIVATE EMPLOYER OR BUSINESS ENTITY PROVIDES A PARKING LOT, PARKING GARAGE OR OTHER AREA DESIGNATED FOR PARKING MOTOR VEHICLES, THAT:

(a) IS SECURED BY A FENCE OR OTHER PHYSICAL BARRIER.

(b) LIMITS ACCESS BY A GUARD OR OTHER SECURITY MEASURE.

(c) PROVIDES TEMPORARY AND SECURE FIREARM STORAGE. THE STORAGE SHALL BE MONITORED AND READILY ACCESSIBLE ON ENTRY INTO THE PREMISES AND ALLOW FOR THE IMMEDIATE RETRIEVAL OF THE FIREARM ON EXIT FROM THE PREMISES.

4. THE PROPERTY OWNER'S, TENANT'S, PUBLIC OR PRIVATE EMPLOYER'S OR BUSINESS ENTITY'S COMPLIANCE WITH THIS SECTION NECESSITATES THE VIOLATION OF ANOTHER APPLICABLE FEDERAL OR STATE LAW OR REGULATION.

5. THE PROPERTY OWNER, TENANT, PUBLIC OR PRIVATE EMPLOYER OR BUSINESS ENTITY IS A NUCLEAR GENERATING STATION THAT PROVIDES A SECURED AND GATED OR FENCED PARKING LOT, PARKING GARAGE OR OTHER AREA DESIGNATED FOR PARKING MOTOR VEHICLES AND PROVIDES TEMPORARY AND SECURE FIREARM STORAGE. THE STORAGE SHALL BE READILY ACCESSIBLE ON ENTRY INTO THE PREMISES AND ALLOW FOR THE IMMEDIATE RETRIEVAL OF THE FIREARM ON EXIT FROM THE PREMISES.

6. THE PARKING LOT, PARKING GARAGE OR OTHER AREA DESIGNATED FOR PARKING MOTOR VEHICLES IS ON AN OWNER OCCUPIED SINGLE FAMILY DETACHED RESIDENCE OR A TENANT OCCUPIED SINGLE FAMILY DETACHED RESIDENCE.

7. THE PROPERTY OWNER, TENANT, PUBLIC OR PRIVATE EMPLOYER OR BUSINESS ENTITY IS A CURRENT UNITED STATES DEPARTMENT OF DEFENSE CONTRACTOR AND THE PROPERTY IS LOCATED IN WHOLE OR IN PART ON A UNITED STATES MILITARY BASE OR A UNITED STATES MILITARY INSTALLATION. IF ANY PART OF THE PROPERTY IS NOT LOCATED ON THE UNITED STATES MILITARY BASE OR UNITED STATES MILITARY INSTALLATION, THE PROPERTY SHALL BE CONTIGUOUS WITH THE BASE OR INSTALLATION.

8. THE PROPERTY OWNER, TENANT, PUBLIC OR PRIVATE EMPLOYER OR BUSINESS ENTITY PROVIDES ALTERNATIVE PARKING IN A LOCATION REASONABLY PROXIMATE TO THE PRIMARY PARKING AREA FOR INDIVIDUALS WHO DESIRE TO TRANSPORT OR STORE A FIREARM IN THE INDIVIDUAL'S MOTOR VEHICLE AND DOES NOT CHARGE AN EXTRA FEE FOR SUCH PARKING.

Sec. 2. Legislative findings

A. The Legislature finds that:

1. Article II, section 26, Constitution of Arizona, as well as the Second Amendment to the United States Constitution, protects an individual's right to bear arms in self-defense, that this right is fundamental and is derived from the inherent and fundamental principle of self-preservation and that individuals have a need to protect themselves in both their homes and in their movement throughout this state.

2. The enjoyment of this right would be impaired if individuals are deprived of the means of self-defense in their personal motor vehicles.

3. Individuals are deprived of the means of self-defense in their personal motor vehicles when property owners, tenants, employers or business entities forbid their invitees, customers, employees and others who are lawfully permitted on their property to possess and store firearms in a locked and privately owned motor vehicle.

4. An individual's locked and privately owned motor vehicle is not a public space and an individual has a right to furnish their motor vehicle with items that the individual may legally possess and that enhance the individual's comfort, security, ease of movement and enjoyment of liberty.

5. Property owners, tenants, employers or business entities that allow privately owned motor vehicles on their property are not unduly burdened by the presence of legally possessed items that the owner of the motor vehicle has secured within the motor vehicle.

6. This act is for the benefit and protection of those individuals who choose to exercise and enforce their fundamental right to bear arms in self-defense in their movements throughout this state, including in their personal motor vehicles.

APPROVED BY THE GOVERNOR JULY 13, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 13, 2009.

Passed the House June 26, 2009,

by the following vote: 37 Ayes,

14 Nays, 9 Not Voting

Speaker of the House

Pro Tempore

Norman L. Moore

Chief Clerk of the House

Passed the Senate June 15, 2009,

by the following vote: 22 Ayes,

6 Nays, 2 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

_____
Secretary to the Governor

Approved this _____ day of

_____, 20_____,

at _____ o'clock _____ M.

_____
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

_____
Secretary of State

S.B. 1168

SENATE CONCURS IN HOUSE AMENDMENTS AND FINAL PASSAGE

Passed the Senate June 29, 20 09

by the following vote: 18 Ayes,

9 Nays, 3 Not Voting

Robert L. Burns
President of the Senate

Shannon Billington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

1st day of July, 20 09

at 8:53 o'clock A. M.

Susan K. Myers
Secretary to the Governor

Approved this 13th day of

July 2009

at 5:54 o'clock P M.

Janice K. Brewer
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 13th day of July, 20 09

at 7:35 o'clock P M.

Ken Bennett
Secretary of State

S.B. 1168