

House Engrossed Senate Bill

**FILED**  
**KEN BENNETT**  
**SECRETARY OF STATE**

State of Arizona  
Senate  
Fiftieth Legislature  
First Regular Session  
2011

CHAPTER 349

## **SENATE BILL 1334**

AN ACT

AMENDING SECTIONS 13-3107 AND 13-3108, ARIZONA REVISED STATUTES; RELATING TO HUNTING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-3107, Arizona Revised Statutes, is amended to  
3 read:

4 13-3107. Unlawful discharge of firearms; exceptions;  
5 classification; definitions

6 A. A person who with criminal negligence discharges a firearm within  
7 or into the limits of any municipality is guilty of a class 6 felony.

8 B. Notwithstanding the fact that the offense involves the discharge of  
9 a deadly weapon, unless a dangerous offense is alleged and proven pursuant to  
10 section 13-704, subsection L, section 13-604 applies to this offense.

11 C. This section does not apply if the firearm is discharged:

12 1. As allowed pursuant to chapter 4 of this title.

13 2. On a properly supervised range.

14 ~~3. In an area recommended as a hunting area by the Arizona game and~~  
15 ~~fish department, approved and posted as required by the chief of police, but~~  
16 ~~any such area may be closed when deemed unsafe by the chief of police or the~~  
17 ~~director of the Arizona game and fish department.~~

18 3. TO LAWFULLY TAKE WILDLIFE DURING AN OPEN SEASON ESTABLISHED BY THE  
19 ARIZONA GAME AND FISH COMMISSION AND SUBJECT TO THE LIMITATIONS PRESCRIBED BY  
20 TITLE 17 AND ARIZONA GAME AND FISH COMMISSION RULES AND ORDERS. THIS  
21 PARAGRAPH DOES NOT PREVENT A CITY, TOWN OR COUNTY FROM ADOPTING AN ORDINANCE  
22 OR RULE RESTRICTING THE DISCHARGE OF A FIREARM WITHIN ONE-FOURTH MILE OF AN  
23 OCCUPIED STRUCTURE. FOR PURPOSES OF THIS PARAGRAPH, "TAKE" HAS THE SAME  
24 MEANING PRESCRIBED IN SECTION 17-101.

25 4. For the control of nuisance wildlife by permit from the Arizona  
26 game and fish department or the United States fish and wildlife service.

27 5. By special permit of the chief of police of the municipality.

28 6. As required by an animal control officer in the performance of  
29 duties as specified in section 9-499.04.

30 7. Using blanks.

31 8. More than one mile from any occupied structure as defined in  
32 section 13-3101.

33 9. In self-defense or defense of another person against an animal  
34 attack if a reasonable person would believe that deadly physical force  
35 against the animal is immediately necessary and reasonable under the  
36 circumstances to protect oneself or the other person.

37 D. For the purposes of this section:

38 1. "Municipality" means any city or town and includes any property  
39 that is fully enclosed within the city or town.

40 2. "Properly supervised range" means a range that is any of the  
41 following:

42 (a) Operated by a club affiliated with the national rifle association  
43 of America, the amateur trapshooting association, the national skeet  
44 association or any other nationally recognized shooting organization, or by  
45 any public or private school.

1 (b) Approved by any agency of the federal government, this state or a  
2 county or city within which the range is located.

3 (c) Operated with adult supervision for shooting air or carbon dioxide  
4 gas operated guns, or for shooting in underground ranges on private or public  
5 property.

6 Sec. 2. Section 13-3108, Arizona Revised Statutes, is amended to read:  
7 13-3108. Firearms regulated by state; state preemption;  
8 violation; classification; definition

9 A. Except as provided in subsection E- F of this section, a political  
10 subdivision of this state shall not enact any ordinance, rule or tax relating  
11 to the transportation, possession, carrying, sale, transfer, purchase,  
12 acquisition, gift, devise, storage, licensing, registration, discharge or use  
13 of firearms or ammunition or any firearm or ammunition components or related  
14 accessories in this state.

15 B. A political subdivision of this state shall not require the  
16 licensing or registration of firearms or ammunition or any firearm or  
17 ammunition components or related accessories or prohibit the ownership,  
18 purchase, sale or transfer of firearms or ammunition or any firearm or  
19 ammunition components, or related accessories.

20 C. A political subdivision of this state shall not require or maintain  
21 a record in any form, whether permanent or temporary, including a list, log  
22 or database, of any of the following:

23 1. Any identifying information of a person who leaves a weapon in  
24 temporary storage at any public establishment or public event, except that  
25 the operator of the establishment or the sponsor of the event may require  
26 that a person provide a government issued identification or a reasonable copy  
27 of a government issued identification for the purpose of establishing  
28 ownership of the weapon. The operator or sponsor shall store any provided  
29 identification with the weapon and shall return the identification to the  
30 person when the weapon is retrieved. The operator or sponsor shall not  
31 retain records or copies of any identification provided pursuant to this  
32 paragraph after the weapon is retrieved.

33 2. Except in the course of a law enforcement investigation, any  
34 identifying information of a person who purchases, sells or transfers a  
35 firearm, unless the transaction involves a federally licensed firearms  
36 dealer.

37 3. The description, including the serial number, of a weapon that is  
38 left in temporary storage at any public establishment or public event.

39 D. A political subdivision of this state shall not enact any rule or  
40 ordinance that relates to firearms and is more prohibitive than or that has a  
41 penalty that is greater than any state law penalty. A political  
42 subdivision's rule or ordinance that relates to firearms and that is  
43 inconsistent with or more restrictive than state law, whether enacted before  
44 or after the effective date of the amendment to this section, is null and  
45 void.

1           E. A POLITICAL SUBDIVISION OF THIS STATE SHALL NOT ENACT ANY  
2 ORDINANCE, RULE OR REGULATION LIMITING THE LAWFUL TAKING OF WILDLIFE DURING  
3 AN OPEN SEASON ESTABLISHED BY THE ARIZONA GAME AND FISH COMMISSION UNLESS THE  
4 ORDINANCE, RULE OR REGULATION IS CONSISTENT WITH TITLE 17 AND RULES AND  
5 ORDERS ADOPTED BY THE ARIZONA GAME AND FISH COMMISSION. THIS SUBSECTION DOES  
6 NOT PREVENT A POLITICAL SUBDIVISION FROM ADOPTING AN ORDINANCE OR RULE  
7 RESTRICTING THE DISCHARGE OF A FIREARM WITHIN ONE-FOURTH MILE OF AN OCCUPIED  
8 STRUCTURE. FOR PURPOSES OF THIS SUBSECTION, "TAKE" HAS THE SAME MEANING  
9 PRESCRIBED IN SECTION 17-101.

10           E. F. This section does not prohibit a political subdivision of this  
11 state from enacting and enforcing any ordinance or rule pursuant to state law  
12 or relating to any of the following:

13           1. Imposing any privilege or use tax on the retail sale, lease or  
14 rental of, or the gross proceeds or gross income from the sale, lease or  
15 rental of, firearms or ammunition or any firearm or ammunition components at  
16 a rate that applies generally to other items of tangible personal property.

17           2. Prohibiting a minor who is unaccompanied by a parent, grandparent  
18 or guardian or a certified hunter safety instructor or certified firearms  
19 safety instructor acting with the consent of the minor's parent, grandparent  
20 or guardian from knowingly possessing or carrying on the minor's person,  
21 within the minor's immediate control or in or on a means of transportation a  
22 firearm in any place that is open to the public or on any street or highway  
23 or on any private property except private property that is owned or leased by  
24 the minor or the minor's parent, grandparent or guardian. Any ordinance or  
25 rule that is adopted pursuant to this paragraph shall not apply to a minor  
26 who is fourteen, fifteen, sixteen or seventeen years of age and who is  
27 engaged in any of the following:

28           (a) Lawful hunting or shooting events or marksmanship practice at  
29 established ranges or other areas where the discharge of a firearm is not  
30 prohibited.

31           (b) Lawful transportation of an unloaded firearm for the purpose of  
32 lawful hunting.

33           (c) Lawful transportation of an unloaded firearm for the purpose of  
34 attending shooting events or marksmanship practice at established ranges or  
35 other areas where the discharge of a firearm is not prohibited.

36           (d) Any activity that is related to the production of crops,  
37 livestock, poultry, livestock products, poultry products or ratites or  
38 storage of agricultural commodities.

39           3. The regulation of land and structures, including a business  
40 relating to firearms or ammunition or their components or a shooting range in  
41 the same manner as other commercial businesses. Notwithstanding any other  
42 law, this paragraph does not authorize a political subdivision to regulate  
43 the sale or transfer of firearms on property it owns, leases, operates or  
44 controls in a manner that is different than or inconsistent with state  
45 law. For the purposes of this paragraph, a use permit or other contract that

1 provides for the use of property owned, leased, operated or controlled by a  
2 political subdivision shall not be considered a sale, conveyance or  
3 disposition of property.

4 4. Regulating employees or independent contractors of the political  
5 subdivision who are acting within the course and scope of their employment or  
6 contract.

7 5. Limiting or prohibiting the discharge of firearms in parks and  
8 preserves except:

9 (a) As allowed pursuant to chapter 4 of this title.

10 (b) On a properly supervised range as defined in section 13-3107.

11 (c) In an area approved as a hunting area by the Arizona game and fish  
12 department. Any such area may be closed when deemed unsafe by the director  
13 of the Arizona game and fish department.

14 (d) To control nuisance wildlife by permit from the Arizona game and  
15 fish department or the United States fish and wildlife service.

16 (e) By special permit of the chief law enforcement officer of the  
17 political subdivision.

18 (f) As required by an animal control officer in performing duties  
19 specified in section 9-499.04 and title 11, chapter 7, article 6.

20 (g) In self-defense or defense of another person against an animal  
21 attack if a reasonable person would believe that deadly physical force  
22 against the animal is immediately necessary and reasonable under the  
23 circumstances to protect oneself or the other person.

24 ~~F.~~ G. A violation of any ordinance established pursuant to subsection  
25 ~~E-~~ F, paragraph 5 of this section is a class 2 misdemeanor unless the  
26 political subdivision designates a lesser classification by ordinance.

27 ~~G.~~ H. For the purposes of this section, "political subdivision"  
28 includes a political subdivision acting in any capacity, including under  
29 police power, in a proprietary capacity or otherwise.

APPROVED BY THE GOVERNOR APRIL 29, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 29, 2011.

Passed the House April 18, 2011,

by the following vote: 41 Ayes,

17 Nays, 2 Not Voting

[Signature]  
Speaker of the House

Cheryl Laube  
Chief Clerk of the House

Passed the Senate January 28, 2011,

by the following vote: 20 Ayes,

9 Nays, 1 Not Voting

[Signature]  
President of the Senate

Charmin Bellinger  
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

**S.B. 1334**

**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

SENATE CONCURS IN HOUSE  
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 19, 20 11

by the following vote: 21 Ayes,

9 Nays, 0 Not Voting

[Signature]  
President of the Senate

[Signature]  
Assistant Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

20 day of April, 20 11

at 12:00 o'clock P M.

[Signature]  
Secretary to the Governor

Approved this 28<sup>th</sup> day of

April

at 8:45 o'clock A M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 29<sup>th</sup> day of April, 20 11

S.B. 1334

at 7:30 o'clock P M.

[Signature]  
Secretary of State