

House Engrossed

FILED

KEN BENNETT

SECRETARY OF STATE

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

CHAPTER 128

HOUSE BILL 2728

AN ACT

AMENDING TITLE 17, CHAPTER 2, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 17-251; AMENDING SECTION 17-309, ARIZONA REVISED STATUTES; RELATING TO THE DEPARTMENT OF GAME AND FISH.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 17, chapter 2, article 3, Arizona Revised Statutes,
3 is amended by adding section 17-251, to read:

4 17-251. Possession or use of a firearm silencer or muffler
5 while hunting; definition

6 A. THE COMMISSION SHALL NOT ADOPT OR ENFORCE ANY RULE THAT PROHIBITS
7 THE LAWFUL POSSESSION OR USE OF A FIREARM SILENCER OR MUFFLER, INCLUDING FOR
8 THE TAKING OF WILDLIFE OR WHILE HUNTING.

9 B. THIS SECTION DOES NOT LIMIT THE AUTHORITY OF THE COMMISSION TO
10 PRESCRIBE THE TYPE AND CALIBER OF FIREARM OR AMMUNITION THAT MAY BE USED FOR
11 TAKING WILDLIFE.

12 C. FOR THE PURPOSES OF THIS SECTION, "FIREARM SILENCER OR MUFFLER"
13 MEANS ANY DEVICE THAT IS DESIGNED, MADE OR ADAPTED TO MUFFLE THE REPORT OF A
14 FIREARM.

15 Sec. 2. Section 17-309, Arizona Revised Statutes, is amended to read:

16 17-309. Violations; classification

17 A. Unless otherwise prescribed by this title, it is unlawful for a
18 person to:

19 1. Violate any provision of this title or any rule adopted pursuant to
20 this title.

21 2. Take, possess, transport, buy, sell or offer or expose for sale
22 wildlife except as expressly permitted by this title.

23 3. Destroy, injure or molest livestock, growing crops, personal
24 property, notices or signboards, or other improvements while hunting,
25 trapping or fishing.

26 4. Discharge a firearm while taking wildlife within one-fourth mile of
27 an occupied farmhouse or other residence, cabin, lodge or building without
28 permission of the owner or resident.

29 5. Take a game bird, game mammal or game fish and knowingly permit an
30 edible portion thereof to go to waste, except as provided in section 17-302.

31 6. Take big game, except bear or mountain lion, with the aid of dogs.

32 7. Make more than one use of a shipping permit or coupon issued by the
33 commission.

34 8. Obtain a license or take wildlife during the period for which the
35 person's license has been revoked or suspended or the person has been denied
36 a license.

37 9. Litter hunting and fishing areas while taking wildlife.

38 ~~10. Possess while hunting any contrivance designed to silence, muffle~~
39 ~~or minimize the report of a firearm.~~

40 ~~11.~~ 10. Take wildlife during the closed season.

41 ~~12.~~ 11. Take wildlife in an area closed to the taking of that
42 wildlife.

43 ~~13.~~ 12. Take wildlife with an unlawful device.

44 ~~14.~~ 13. Take wildlife by an unlawful method.

45 ~~15.~~ 14. Take wildlife in excess of the bag limit.

- 1 ~~16.~~ 15. Possess wildlife in excess of the possession limit.
2 ~~17.~~ 16. Possess or transport any wildlife or parts of the wildlife
3 ~~which~~ THAT was unlawfully taken.
4 ~~18.~~ 17. Possess or transport the carcass of big game without a valid
5 tag being attached.
6 ~~19.~~ 18. Use the edible parts of any game mammal or any part of any game
7 bird or nongame bird as bait.
8 ~~20.~~ 19. Possess or transport the carcass or parts of a carcass of any
9 wildlife ~~which~~ THAT cannot be identified as to species and legality.
10 ~~21.~~ 20. Take game animals, game birds and game fish with an explosive
11 compound, poison or any other deleterious substances.
12 ~~22.~~ 21. Import into this state or export from this state the carcass
13 or parts of a carcass of any wildlife unlawfully taken or possessed.
14 B. Unless a different or other penalty or punishment is specifically
15 prescribed a person who violates any provision of this title, or who violates
16 or fails to comply with a lawful order or rule of the commission, is guilty
17 of a class 2 misdemeanor.
18 C. A person who knowingly takes any big game during a closed season or
19 who knowingly possesses, transports or buys any big game ~~which~~ THAT was
20 unlawfully taken during a closed season is guilty of a class 1 misdemeanor.
21 D. A person is guilty of a class 6 felony who knowingly:
22 1. Barters, sells or offers for sale any big game or parts of big game
23 taken unlawfully.
24 2. Barters, sells or offers for sale any wildlife or parts of wildlife
25 unlawfully taken during a closed season.
26 3. Barters, sells or offers for sale any wildlife or parts of wildlife
27 imported or purchased in violation of this title or a lawful rule of the
28 commission.
29 4. Assists another person for monetary gain with the unlawful taking
30 of big game.
31 5. Takes or possesses wildlife while under permanent revocation under
32 section 17-340, subsection B, PARAGRAPH 3.
33 E. A peace officer who knowingly fails to enforce a lawful rule of the
34 commission or this title is guilty of a class 2 misdemeanor.

APPROVED BY THE GOVERNOR MARCH 29, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 29, 2012.

Passed the House February 28, 20 12

Passed the Senate March 27, 20 12

by the following vote: 42 Ayes,

by the following vote: 20 Ayes,

14 Nays, 3 Not Voting
1 vacant

9 Nays, 1 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

28 day of March, 20 12

at 2:15 o'clock P M.

[Signature]
Secretary to the Governor

Approved this 29th day of

March

at 10:50 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 29th day of March, 20 12

at 4:58 o'clock P M.

[Signature]
Secretary of State

H.B. 2728