

House Engrossed

**FILED**

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

State of Arizona  
House of Representatives  
Fifty-first Legislature  
First Regular Session  
2013

CHAPTER 177

# **HOUSE BILL 2516**

AN ACT

AMENDING SECTION 38-1102, ARIZONA REVISED STATUTES; RELATING TO LAW ENFORCEMENT OFFICERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 38-1102, Arizona Revised Statutes, is amended to  
3 read:

4 38-1102. Carrying of firearms by peace officers; exceptions;  
5 definitions

6 A. Notwithstanding any other law and except as provided pursuant to  
7 subsection C of this section, a peace officer shall not be prohibited from  
8 carrying a firearm if the peace officer is in compliance with the firearm  
9 requirements prescribed by the Arizona peace officer standards and training  
10 board.

11 B. Notwithstanding any other law and except as provided pursuant to  
12 subsection C, paragraphs 1, 2, 4, 5, 6, 7 and 8, a retired peace officer  
13 shall not be prohibited from carrying a firearm.

14 C. A peace officer or retired peace officer may be prohibited from  
15 carrying a firearm as follows:

16 1. In a jail, correctional facility or juvenile detention facility.

17 2. EXCEPT FOR PEACE OFFICERS ACTING IN THEIR OFFICIAL CAPACITY AND  
18 CARRYING OFFICIAL PEACE OFFICER IDENTIFICATION, by order of:

19 (a) The presiding judge or justice when attending any court that is  
20 established pursuant to the constitution of this state or title 12, except if  
21 the peace officer or retired peace officer is providing court security or  
22 responding to an emergency.

23 (b) A justice court when attending the justice court, except if the  
24 peace officer or retired peace officer is providing court security or  
25 responding to an emergency.

26 (c) A municipal court when attending the municipal court, except if  
27 the peace officer or retired peace officer is providing court security or  
28 responding to an emergency.

29 3. When the peace officer is relieved of duty and is under a criminal  
30 or administrative investigation.

31 4. When in a secured police facility.

32 5. When consuming alcohol at a licensed liquor establishment operated  
33 by this state, a county, a city or town or any other political subdivision of  
34 this state, except if a peace officer's employing agency authorizes the  
35 consumption of alcohol in the performance of the peace officer's duties.

36 6. In a location prohibited by federal law.

37 7. Pursuant to court order.

38 8. Pursuant to any state or federal law that makes the officer a  
39 prohibited possessor.

40 9. When in the judgment of the department head, or the department  
41 head's designee, the peace officer exhibits any impairment, including any  
42 physical or mental impairment that would cause concern for the well-being and  
43 safety of the officer, the officer's law enforcement agency, law enforcement  
44 agency employees or the community.

1 D. A law enforcement agency that employs a peace officer may establish  
2 rules that are consistent with this section. The law enforcement agency may  
3 determine the number, type, model, caliber and brand of firearm and the  
4 ammunition that is carried by its peace officers on or off duty.

5 E. A PRESIDING JUDGE MAY ESTABLISH RULES OR POLICIES THAT ARE  
6 CONSISTENT WITH THIS SECTION FOR THE PROTECTION OF THE COURT.

7 ~~E.~~ F. This section does not create any civil liability for acting or  
8 failing to act.

9 ~~F.~~ G. For the purposes of this section:

10 1. "Firearm" has the same meaning prescribed in section 13-105.

11 2. "Peace officer" has the same meaning prescribed in section 1-215.

12 3. "Relieved of duty" means when a peace officer is no longer required  
13 to perform, either temporarily or permanently, the duties for which the  
14 officer was employed.

15 4. "Retired peace officer" means a person who has honorably served as  
16 a law enforcement officer in the United States for at least ten consecutive  
17 years and who possesses a photographic identification or a letter from a law  
18 enforcement agency that states the person has served for at least ten  
19 consecutive years as a law enforcement officer in the United States.

20 5. "Secured police facility" means a building or structure that is  
21 used primarily by a public agency and that is not accessible to the general  
22 public except by controlled access.

APPROVED BY THE GOVERNOR MAY 2, 2013.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 2, 2013.

Passed the House February 28, 2013

Passed the Senate May 1, 2013

by the following vote: 50 Ayes,

by the following vote: 27 Ayes,

7 Nays, 3 Not Voting

1 Nays, 2 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

1 day of May, 2013

at 2:25 o'clock P M.

[Signature]  
Secretary to the Governor

Approved this 2nd day of

May

at 3:05 o'clock P M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 2nd day of May, 2013

at 4:55 o'clock P M.

[Signature]  
acting Secretary of State

H.B. 2516