

House Engrossed

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

State of Arizona  
House of Representatives  
Fifty-first Legislature  
Second Regular Session  
2014

CHAPTER 173

# **HOUSE BILL 2535**

AN ACT

AMENDING TITLE 13, CHAPTER 31, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-3121; RELATING TO FIREARMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 13, chapter 31, Arizona Revised Statutes, is amended  
3 by adding section 13-3121, to read:

4 13-3121. Firearm transfers; chief law enforcement officer  
5 certification; notification; definitions

6 A. IF A CHIEF LAW ENFORCEMENT OFFICER'S CERTIFICATION IS REQUIRED BY  
7 FEDERAL LAW OR REGULATION FOR THE TRANSFER OF A FIREARM, THE CHIEF LAW  
8 ENFORCEMENT OFFICER, WITHIN SIXTY DAYS AFTER RECEIPT OF A REQUEST FOR  
9 CERTIFICATION BY AN APPLICANT, SHALL PROVIDE THE CERTIFICATION IF THE  
10 APPLICANT IS NOT PROHIBITED BY LAW FROM RECEIVING THE FIREARM OR IS NOT THE  
11 SUBJECT OF A PROCEEDING THAT COULD RESULT IN THE APPLICANT BEING PROHIBITED  
12 BY LAW FROM RECEIVING THE FIREARM. IF THE CHIEF LAW ENFORCEMENT OFFICER IS  
13 UNABLE TO PROVIDE A CERTIFICATION AS REQUIRED BY THIS SECTION, THE CHIEF LAW  
14 ENFORCEMENT OFFICER SHALL NOTIFY THE APPLICANT, IN WRITING, OF THE DENIAL AND  
15 THE REASON FOR THIS DETERMINATION.

16 B. THE CHIEF LAW ENFORCEMENT OFFICER OF A LAW ENFORCEMENT AGENCY THAT  
17 HAS FIFTEEN PEACE OFFICERS OR FEWER MAY REFER AN APPLICANT WHO IS REQUESTING  
18 A CERTIFICATION PURSUANT TO THIS SECTION TO THE COUNTY SHERIFF. A COUNTY  
19 SHERIFF WHO RECEIVES A REQUEST FOR CERTIFICATION FROM A REFERRED APPLICANT  
20 SHALL PROVIDE THE CERTIFICATION REQUIRED BY THIS SECTION.

21 C. SECTION 12-820.02 APPLIES TO A CHIEF LAW ENFORCEMENT OFFICER WHO  
22 PROVIDES A CERTIFICATION PURSUANT TO THIS SECTION.

23 D. THIS SECTION DOES NOT APPLY TO A COUNTY ATTORNEY OR A TRIBAL  
24 AGENCY. THIS SUBSECTION DOES NOT PROHIBIT A COUNTY ATTORNEY OR A TRIBAL  
25 AGENCY FROM PROVIDING AN APPLICANT WITH A CERTIFICATION.

26 E. A CHIEF LAW ENFORCEMENT OFFICER IS NOT REQUIRED TO PROVIDE A  
27 CERTIFICATION PURSUANT TO THIS SECTION THAT THE OFFICER KNOWS IS UNTRUE BUT  
28 MAY NOT REFUSE TO PROVIDE A CERTIFICATION THAT IS BASED ON A GENERALIZED  
29 OBJECTION TO PRIVATE PERSONS OR ENTITIES MAKING, POSSESSING OR RECEIVING  
30 FIREARMS OR ANY CERTAIN TYPE OF FIREARM THE POSSESSION OF WHICH IS NOT  
31 PROHIBITED BY LAW.

32 F. FOR THE PURPOSES OF THIS SECTION:

33 1. "CERTIFICATION" MEANS THE PARTICIPATION AND ASSENT THAT IS REQUIRED  
34 BY FEDERAL LAW FOR THE APPROVAL OF AN APPLICATION TO TRANSFER OR MAKE A  
35 FIREARM.

36 2. "CHIEF LAW ENFORCEMENT OFFICER" MEANS ANY OFFICIAL THAT THE BUREAU  
37 OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES, OR ANY SUCCESSOR AGENCY,  
38 IDENTIFIES BY REGULATION OR OTHERWISE AS ELIGIBLE TO PROVIDE ANY REQUIRED  
39 CERTIFICATION TO MAKE OR TRANSFER A FIREARM.

40 3. "FIREARM" HAS THE SAME MEANING PRESCRIBED IN 26 UNITED STATES CODE  
41 SECTION 5845(a).

42 4. "PROCEEDING" INCLUDES AN ONGOING CRIMINAL INVESTIGATION THAT COULD  
43 RESULT IN THE APPLICANT BEING PROHIBITED BY LAW FROM RECEIVING A FIREARM.

**APPROVED BY THE GOVERNOR APRIL 23, 2014.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 24, 2014.**

Passed the House March 13, 2014

Passed the Senate April 22, 2014

by the following vote: 34 Ayes,

by the following vote: 18 Ayes,

22 Nays, 4 Not Voting

10 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

23rd day of April, 2014

at 11:50 o'clock A M.

[Signature]  
Secretary to the Governor

Approved this 23rd day of

April

at 4:15 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 24th day of April, 2014

at 3:57 o'clock a M.

[Signature]  
Secretary of State

H.B. 2535