



STATE OF ARIZONA

JANICE K. BREWER  
GOVERNOR

EXECUTIVE OFFICE

April 24, 2014

The Honorable Ken Bennett  
Secretary of State  
1700 West Washington  
Phoenix, Arizona 85007

Re: Senate Bill 1366 (firearm; definition)

Dear Secretary Bennett,

Today, I vetoed Senate Bill 1366, which would have changed the existing firearm definition, thereby excluding certain weapons that could cause a serious injury or a fatality. Those weapons would then be permitted into public buildings, including courts, community corrections facilities and polling places. Law enforcement officers also would be prohibited from temporarily taking such a weapon away from someone during an interaction or an interview.

Additionally, this bill removes the "readily convertible" definition of a firearm. As a result, that could permit an individual and an accomplice to carry two pieces of a weapon into a public building. Once inside, the weapon could then be easily reassembled as a firearm.

These concerns are among the primary reasons I have vetoed Senate Bill 1366.

Sincerely,

A handwritten signature in cursive script that reads "Janice K. Brewer".

Janice K. Brewer  
Governor

cc: The Honorable Andy Tobin  
The Honorable Andy Biggs  
The Honorable Rick Murphy

House Engrossed Senate Bill

State of Arizona  
Senate  
Fifty-first Legislature  
Second Regular Session  
2014

# **SENATE BILL 1366**

AN ACT

AMENDING SECTIONS 13-3101, 13-3102 AND 13-3107, ARIZONA REVISED STATUTES;  
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. Section 13-3101, Arizona Revised Statutes, is amended to  
3 read:

4 13-3101. Definitions

5 A. In this chapter, unless the context otherwise requires:

6 1. "Deadly weapon" means anything that is designed for lethal use.  
7 The term includes a firearm.

8 2. "Deface" means to remove, alter or destroy the manufacturer's  
9 serial number.

10 3. "Explosive" means any dynamite, nitroglycerine, black powder, or  
11 other similar explosive material, including plastic explosives. Explosive  
12 does not include ammunition or ammunition components such as primers,  
13 percussion caps, smokeless powder, black powder and black powder substitutes  
14 used for hand loading purposes.

15 4. "Firearm" means any loaded or unloaded handgun, pistol, revolver,  
16 rifle, shotgun or other weapon that will expel, ~~OR~~ is designed to expel ~~or~~  
17 ~~may readily be converted to expel~~ a SOLID projectile OR PROJECTILES THROUGH A  
18 BARREL OR TUBE by the action of ~~an explosive~~ RAPIDLY EXPANDING GASES CREATED  
19 BY A BURNING PROPELLANT OR BURNING POWDER. Firearm does not include a  
20 firearm in permanently inoperable condition.

21 5. "Improvised explosive device" means a device that incorporates  
22 explosives or destructive, lethal, noxious, pyrotechnic or incendiary  
23 chemicals and that is designed to destroy, disfigure, terrify or harass.

24 6. "Occupied structure" means any building, object, vehicle,  
25 watercraft, aircraft or place with sides and a floor that is separately  
26 securable from any other structure attached to it, that is used for lodging,  
27 business, transportation, recreation or storage and in which one or more  
28 human beings either are or are likely to be present or so near as to be in  
29 equivalent danger at the time the discharge of a firearm occurs. Occupied  
30 structure includes any dwelling house, whether occupied, unoccupied or  
31 vacant.

32 7. "Prohibited possessor" means any person:

33 (a) Who has been found to constitute a danger to self or to others or  
34 to be persistently or acutely disabled or gravely disabled pursuant to court  
35 order under section 36-540, and whose right to possess a firearm has not been  
36 restored pursuant to section 13-925.

37 (b) Who has been convicted within or without this state of a felony or  
38 who has been adjudicated delinquent for a felony and whose civil right to  
39 possess or carry a gun or firearm has not been restored.

40 (c) Who is at the time of possession serving a term of imprisonment in  
41 any correctional or detention facility.

42 (d) Who is at the time of possession serving a term of probation  
43 pursuant to a conviction for a domestic violence offense as defined in  
44 section 13-3601 or a felony offense, parole, community supervision, work  
45 furlough, home arrest or release on any other basis or who is serving a term

1 of probation or parole pursuant to the interstate compact under title 31,  
2 chapter 3, article 4.1.

3 (e) Who is an undocumented alien or a nonimmigrant alien traveling  
4 with or without documentation in this state for business or pleasure or who  
5 is studying in this state and who maintains a foreign residence abroad. This  
6 subdivision does not apply to:

7 (i) Nonimmigrant aliens who possess a valid hunting license or permit  
8 that is lawfully issued by a state in the United States.

9 (ii) Nonimmigrant aliens who enter the United States to participate in  
10 a competitive target shooting event or to display firearms at a sports or  
11 hunting trade show that is sponsored by a national, state or local firearms  
12 trade organization devoted to the competitive use or other sporting use of  
13 firearms.

14 (iii) Certain diplomats.

15 (iv) Officials of foreign governments or distinguished foreign  
16 visitors who are designated by the United States department of state.

17 (v) Persons who have received a waiver from the United States attorney  
18 general.

19 8. "Prohibited weapon":

20 (a) Includes the following:

21 (i) An item that is a bomb, grenade, rocket having a propellant charge  
22 of more than four ounces or mine and that is explosive, incendiary or poison  
23 gas.

24 (ii) A device that is designed, made or adapted to muffle the report  
25 of a firearm.

26 (iii) A firearm that is capable of shooting more than one shot  
27 automatically, without manual reloading, by a single function of the trigger.

28 (iv) A rifle with a barrel length of less than sixteen inches, or  
29 shotgun with a barrel length of less than eighteen inches, or any firearm  
30 that is made from a rifle or shotgun and that, as modified, has an overall  
31 length of less than twenty-six inches.

32 (v) An instrument, including a nunchaku, that consists of two or more  
33 sticks, clubs, bars or rods to be used as handles, connected by a rope, cord,  
34 wire or chain, in the design of a weapon used in connection with the practice  
35 of a system of self-defense.

36 (vi) A breakable container that contains a flammable liquid with a  
37 flash point of one hundred fifty degrees Fahrenheit or less and that has a  
38 wick or similar device capable of being ignited.

39 (vii) A chemical or combination of chemicals, compounds or materials,  
40 including dry ice, that is possessed or manufactured for the purpose of  
41 generating a gas to cause a mechanical failure, rupture or bursting or an  
42 explosion or detonation of the chemical or combination of chemicals,  
43 compounds or materials.

44 (viii) An improvised explosive device.

1 (ix) Any combination of parts or materials that is designed and  
2 intended for use in making or converting a device into an item set forth in  
3 item (i), (vi) or (viii) of this subdivision.

4 (b) Does not include:

5 (i) Any fireworks that are imported, distributed or used in compliance  
6 with state laws or local ordinances.

7 (ii) Any propellant, propellant actuated devices or propellant  
8 actuated industrial tools that are manufactured, imported or distributed for  
9 their intended purposes.

10 (iii) A device that is commercially manufactured primarily for the  
11 purpose of illumination.

12 9. "Trafficking" means to sell, transfer, distribute, dispense or  
13 otherwise dispose of a weapon or explosive to another person, or to buy,  
14 receive, possess or obtain control of a weapon or explosive, with the intent  
15 to sell, transfer, distribute, dispense or otherwise dispose of the weapon or  
16 explosive to another person.

17 B. The items set forth in subsection A, paragraph 8, subdivision (a),  
18 items (i), (ii), (iii) and (iv) of this section do not include any firearms  
19 or devices that are registered in the national firearms registry and transfer  
20 records of the United States treasury department or any firearm that has been  
21 classified as a curio or relic by the United States treasury department.

22 Sec. 2. Section 13-3102, Arizona Revised Statutes, is amended to read:

23 13-3102. Misconduct involving weapons; defenses;  
24 classification; definitions

25 A. A person commits misconduct involving weapons by knowingly:

26 1. Carrying a deadly weapon except a pocket knife concealed on his  
27 person or within his immediate control in or on a means of transportation:

28 (a) In the furtherance of a serious offense as defined in section  
29 13-706, a violent crime as defined in section 13-901.03 or any other felony  
30 offense; or

31 (b) When contacted by a law enforcement officer and failing to  
32 accurately answer the officer if the officer asks whether the person is  
33 carrying a concealed deadly weapon; or

34 2. Carrying a deadly weapon except a pocket knife concealed on his  
35 person or concealed within his immediate control in or on a means of  
36 transportation if the person is under twenty-one years of age; or

37 3. Manufacturing, possessing, transporting, selling or transferring a  
38 prohibited weapon, except that if the violation involves dry ice, a person  
39 commits misconduct involving weapons by knowingly possessing the dry ice with  
40 the intent to cause injury to or death of another person or to cause damage  
41 to the property of another person; or

42 4. Possessing a deadly weapon, ~~or~~ A prohibited weapon OR ANY DEVICE  
43 WHICH MAY BE READILY CONVERTED INTO A FIREARM if such person is a prohibited  
44 possessor; or

- 1           5. Selling or transferring a deadly weapon to a prohibited possessor;
- 2 or
- 3           6. Defacing a deadly weapon; or
- 4           7. Possessing a defaced deadly weapon knowing the deadly weapon was
- 5 defaced; or
- 6           8. Using or possessing a deadly weapon during the commission of any
- 7 felony offense included in chapter 34 of this title; or
- 8           9. Discharging a firearm at an occupied structure in order to assist,
- 9 promote or further the interests of a criminal street gang, a criminal
- 10 syndicate or a racketeering enterprise; or
- 11           10. Unless specifically authorized by law, entering any public
- 12 establishment or attending any public event and carrying a deadly weapon on
- 13 his person after a reasonable request by the operator of the establishment or
- 14 the sponsor of the event or the sponsor's agent to remove his weapon and
- 15 place it in the custody of the operator of the establishment or the sponsor
- 16 of the event for temporary and secure storage of the weapon pursuant to
- 17 section 13-3102.01; or
- 18           11. Unless specifically authorized by law, entering an election polling
- 19 place on the day of any election carrying a deadly weapon; or
- 20           12. Possessing a deadly weapon on school grounds; or
- 21           13. Unless specifically authorized by law, entering a nuclear or
- 22 hydroelectric generating station carrying a deadly weapon on his person or
- 23 within the immediate control of any person; or
- 24           14. Supplying, selling or giving possession or control of a firearm to
- 25 another person if the person knows or has reason to know that the other
- 26 person would use the firearm in the commission of any felony; or
- 27           15. Using, possessing or exercising control over a deadly weapon in
- 28 furtherance of any act of terrorism as defined in section 13-2301 or
- 29 possessing or exercising control over a deadly weapon knowing or having
- 30 reason to know that it will be used to facilitate any act of terrorism as
- 31 defined in section 13-2301.
- 32           16. Trafficking in weapons or explosives for financial gain in order to
- 33 assist, promote or further the interests of a criminal street gang, a
- 34 criminal syndicate or a racketeering enterprise.
- 35           B. Subsection A, paragraph 2 of this section shall not apply to:
- 36           1. A person in his dwelling, on his business premises or on real
- 37 property owned or leased by that person or that person's parent, grandparent
- 38 or legal guardian.
- 39           2. A member of the sheriff's volunteer posse or reserve organization
- 40 who has received and passed firearms training that is approved by the Arizona
- 41 peace officer standards and training board and who is authorized by the
- 42 sheriff to carry a concealed weapon pursuant to section 11-441.
- 43           3. A firearm that is carried in:
- 44           (a) A manner where any portion of the firearm or holster in which the
- 45 firearm is carried is visible.

1 (b) A holster that is wholly or partially visible.

2 (c) A scabbard or case designed for carrying weapons that is wholly or  
3 partially visible.

4 (d) Luggage.

5 (e) A case, holster, scabbard, pack or luggage that is carried within  
6 a means of transportation or within a storage compartment, map pocket, trunk  
7 or glove compartment of a means of transportation.

8 C. Subsection A, paragraphs 2, 3, 7, 10, 11, 12 and 13 of this section  
9 shall not apply to:

10 1. A peace officer or any person summoned by any peace officer to  
11 assist and while actually assisting in the performance of official duties; or

12 2. A member of the military forces of the United States or of any  
13 state of the United States in the performance of official duties; or

14 3. A warden, deputy warden, community correctional officer, detention  
15 officer, special investigator or correctional officer of the state department  
16 of corrections or the department of juvenile corrections; or

17 4. A person specifically licensed, authorized or permitted pursuant to  
18 a statute of this state or of the United States.

19 D. Subsection A, paragraphs 3 and 7 of this section shall not apply  
20 to:

21 1. The possessing, transporting, selling or transferring of weapons by  
22 a museum as a part of its collection or an educational institution for  
23 educational purposes or by an authorized employee of such museum or  
24 institution, if:

25 (a) Such museum or institution is operated by the United States or  
26 this state or a political subdivision of this state, or by an organization  
27 described in 26 United States Code section 170(c) as a recipient of a  
28 charitable contribution; and

29 (b) Reasonable precautions are taken with respect to theft or misuse  
30 of such material.

31 2. The regular and lawful transporting as merchandise; or

32 3. Acquisition by a person by operation of law such as by gift, devise  
33 or descent or in a fiduciary capacity as a recipient of the property or  
34 former property of an insolvent, incapacitated or deceased person.

35 E. Subsection A, paragraph 3 of this section shall not apply to the  
36 merchandise of an authorized manufacturer of or dealer in prohibited weapons,  
37 when such material is intended to be manufactured, possessed, transported,  
38 sold or transferred solely for or to a dealer, a regularly constituted or  
39 appointed state, county or municipal police department or police officer, a  
40 detention facility, the military service of this or another state or the  
41 United States, a museum or educational institution or a person specifically  
42 licensed or permitted pursuant to federal or state law.

43 F. Subsection A, paragraph 10 of this section shall not apply to  
44 shooting ranges or shooting events, hunting areas or similar locations or  
45 activities.

1           G. Subsection A, paragraph 3 of this section shall not apply to a  
2 weapon described in section 13-3101, subsection A, paragraph 8, subdivision  
3 (a), item (v), if such weapon is possessed for the purposes of preparing for,  
4 conducting or participating in lawful exhibitions, demonstrations, contests  
5 or athletic events involving the use of such weapon. Subsection A, paragraph  
6 12 of this section shall not apply to a weapon if such weapon is possessed  
7 for the purposes of preparing for, conducting or participating in hunter or  
8 firearm safety courses.

9           H. Subsection A, paragraph 12 of this section shall not apply to the  
10 possession of a:

11           1. Firearm that is not loaded and that is carried within a means of  
12 transportation under the control of an adult provided that if the adult  
13 leaves the means of transportation the firearm shall not be visible from the  
14 outside of the means of transportation and the means of transportation shall  
15 be locked.

16           2. Firearm for use on the school grounds in a program approved by a  
17 school.

18           3. Firearm by a person who possesses a certificate of firearms  
19 proficiency pursuant to section 13-3112, subsection T and who is authorized  
20 to carry a concealed firearm pursuant to the law enforcement officers safety  
21 act of 2004 (P.L. 108-277; 118 Stat. 865; 18 United States Code sections 926B  
22 and 926C).

23           I. Subsection A, paragraphs 2, 3, 7 and 13 of this section shall not  
24 apply to commercial nuclear generating station armed nuclear security guards  
25 during the performance of official duties or during any security training  
26 exercises sponsored by the commercial nuclear generating station or local,  
27 state or federal authorities.

28           J. The operator of the establishment or the sponsor of the event or  
29 the employee of the operator or sponsor or the agent of the sponsor,  
30 including a public entity or public employee, is not liable for acts or  
31 omissions pursuant to subsection A, paragraph 10 of this section unless the  
32 operator, sponsor, employee or agent intended to cause injury or was grossly  
33 negligent.

34           K. If a law enforcement officer contacts a person who is in possession  
35 of a firearm, the law enforcement officer may take temporary custody of the  
36 firearm for the duration of that contact.

37           L. Misconduct involving weapons under subsection A, paragraph 15 of  
38 this section is a class 2 felony. Misconduct involving weapons under  
39 subsection A, paragraph 9, 14 or 16 of this section is a class 3 felony.  
40 Misconduct involving weapons under subsection A, paragraph 3, 4, 8 or 13 of  
41 this section is a class 4 felony. Misconduct involving weapons under  
42 subsection A, paragraph 12 of this section is a class 1 misdemeanor unless  
43 the violation occurs in connection with conduct that violates section  
44 13-2308, subsection A, paragraph 5, section 13-2312, subsection C, section  
45 13-3409 or section 13-3411, in which case the offense is a class 6 felony.

1 Misconduct involving weapons under subsection A, paragraph 1, subdivision (a)  
2 of this section or subsection A, paragraph 5, 6 or 7 of this section is a  
3 class 6 felony. Misconduct involving weapons under subsection A, paragraph  
4 1, subdivision (b) of this section or subsection A, paragraph 10 or 11 of  
5 this section is a class 1 misdemeanor. Misconduct involving weapons under  
6 subsection A, paragraph 2 of this section is a class 3 misdemeanor.

7 M. For the purposes of this section:

8 1. "Contacted by a law enforcement officer" means a lawful traffic or  
9 criminal investigation, arrest or detention or an investigatory stop by a law  
10 enforcement officer that is based on reasonable suspicion that an offense has  
11 been or is about to be committed.

12 2. "Public establishment" means a structure, vehicle or craft that is  
13 owned, leased or operated by this state or a political subdivision of this  
14 state.

15 3. "Public event" means a specifically named or sponsored event of  
16 limited duration that is either conducted by a public entity or conducted by  
17 a private entity with a permit or license granted by a public entity. Public  
18 event does not include an unsponsored gathering of people in a public place.

19 4. "School" means a public or nonpublic kindergarten program, common  
20 school or high school.

21 5. "School grounds" means in, or on the grounds of, a school.

22 Sec. 3. Section 13-3107, Arizona Revised Statutes, is amended to read:

23 13-3107. Unlawful discharge of firearms; exceptions;  
24 classification; definitions

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

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

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

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

32 2. On a properly supervised range.

33 3. To lawfully take wildlife during an open season established by the  
34 Arizona game and fish commission and subject to the limitations prescribed by  
35 title 17 and Arizona game and fish commission rules and orders. This  
36 paragraph does not prevent a city, town or county from adopting an ordinance  
37 or rule restricting the discharge of a firearm within one-fourth mile of an  
38 occupied structure. For THE purposes of this paragraph, "take" has the same  
39 meaning prescribed in section 17-101.

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

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

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

45 7. Using blanks.

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

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

7           D. For the purposes of this section:

8           1. "FIREARM" HAS THE SAME MEANING PRESCRIBED IN SECTION 13-3101.

9           ~~1.~~ 2. "Municipality" means any city or town and includes any property  
10 that is fully enclosed within the city or town.

11           ~~2.~~ 3. "Properly supervised range" means a range that is any of the  
12 following:

13           (a) Operated by a club affiliated with the national rifle association  
14 of America, the amateur trapshooting association, the national skeet  
15 association or any other nationally recognized shooting organization, or by  
16 any public or private school.

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

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

Passed the House April 21, 2014,

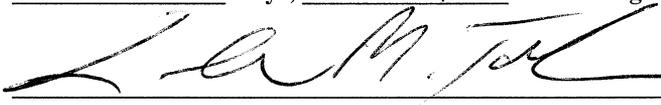
Passed the Senate March 6, 2014,

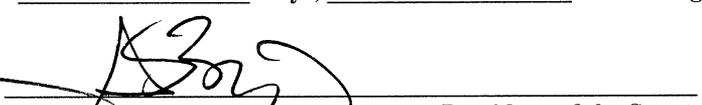
by the following vote: 36 Ayes,

by the following vote: 18 Ayes,

18 Nays, 6 Not Voting

7 Nays, 5 Not Voting





Speaker of the House

President of the Senate





Chief Clerk of the House

*Assistant*

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. 1366

SENATE CONCURS IN HOUSE  
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 22, 2014

by the following vote: 20 Ayes,

8 Nays, 2 Not Voting

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

23 day of April, 2014

at 8:30 o'clock A M.

[Signature]  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

**VETO**  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

S.B. 1366

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State