



DOUGLAS A. DUCEY
GOVERNOR

STATE OF ARIZONA
OFFICE OF THE GOVERNOR

EXECUTIVE OFFICE

May 16, 2018

The Honorable Michele Reagan
Secretary of State
1700 W. Washington, 7th Floor
Phoenix, AZ 85007

Dear Secretary Reagan:

I am transmitting to you the following bills from the Fifty-third Legislature, 2nd Regular Session, which I signed on May 16, 2018:

- HB 2088 pupils; concussions; parental notification (Carter)
- HB 2197 health professionals; workforce data (Carter)
- HB 2209 internet protocol; corporation commission (Grantham)
- HB 2212 firearm possession; peace officers; definition (Thorpe)
- HB 2235 dental therapy; regulation; licensure (Thorpe)
- HB 2253 schools; exchange teachers; employment duration (Carter)
- HB 2307 scrap vehicles; sales (Campbell)
- HB 2310 underground storage tanks; reimbursement claims (Bowers)
- HB 2324 community health workers; voluntary certification (Carter)
- HB 2356 juvenile court; jurisdiction; age (Bowers)
- HB 2383 HOV lanes; emergency vehicles (Clodfelter)
- HB 2384 unlawful flight; vehicle impoundment (Clodfelter)
- HB 2414 state employee health plan; incentives (Kern)
- HB 2416 appropriation; study; prime contracting classification (Cobb)
- HB 2422 personal delivery devices (Townsend)
- HB 2455 commercial vehicles definition; driver licenses (Cook)
- HB 2510 auto dealers; task force; fund (John)

HB 2520 schools; reading requirement (Coleman)
HB 2522 traffic violations; penalties (Syms)
HB 2526 career technical education districts (Clodfelter)
HB 2527 ticket surcharge; public safety equipment (Clodfelter)
HB 2529 assisted living; referrals; disclosure (Campbell)
HB 2532 occupational regulation; municipalities; counties; hearings (Payne)
HB 2534 teachers; certification requirements (Carter)
HB 2538 U.S. House vacancy; special election (Coleman)
HB 2564 court fees; EORP; state contribution (Livingston)
HB 2589 department of gaming omnibus (Cook)
HB 2596 property taxes; procedures; abatement (Toma)
HB 2648 ballot measures; paid circulator definition (Leach)
HB 2649 public meetings; recordings; posting; definition (Grantham)
HB 2650 commercial license; defensive driving school (Toma)
HB 2651 landlord tenant; security deposits (Toma)
HB 2652 electric bicycles; definition; use (Allen, J.)
HB 2653 expenditure limitation; waiver of penalties (Cobb)
HB 2654 illegal substances education; partnership (Thorpe)
HB 2655 real estate licenses; online classes (Mosley)
HB 2656 electronic wills and trusts (Leach)
HB 2657 interscholastic activities; health dangers; information (Carter)
SB 1039 appropriation; Arizona water protection fund (Griffin)
SB 1140 certificates of authority; video service (Griffin)
SB 1167 merit council; law enforcement qualifications (Griffin)
SB 1181 corporation commission; railway safety inspectors (Griffin)
SB 1245 appropriation; SNAP; benefit match; produce (Brophy McGee)
SB 1254 school district consolidation (Allen, S.)
SB 1271 construction liability; apportionment; study (Fann)
SB 1273 administrative proceedings; rules; contested cases (Petersen)
SB 1293 department of revenue; administrative efficiency (Farnsworth, D.)
SB 1296 government communications; emergency response interpreters (Bowie)
SB 1398 unemployment; return-to-work program; suitable work (Smith)
SB 1409 TPT; prime contracting; alteration; replacement (Fann)
SB 1476 county sheriff; reentry planning; appropriation (Gray)
SB 1478 employer contributions; EORP (Fann)
SB 1496 prisoners; drug sentences; out-of-custody treatment (Smith)
SB 1498 AZPOST; membership; training; AMBER alert (Smith)

SB 1504 developmental disability rates; appropriation (Smith)

Sincerely,

A handwritten signature in black ink that reads "Douglas A. Ducey". The signature is written in a cursive style with a large, prominent initial "D".

Douglas A. Ducey
Governor
State of Arizona

cc: Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service

House Engrossed

FILED

MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 295
HOUSE BILL 2212

AN ACT

AMENDING SECTION 38-1113, ARIZONA REVISED STATUTES; RELATING TO PEACE OFFICERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 38-1113, Arizona Revised Statutes, is amended to
3 read:

4 38-1113. 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~~ EXCEPT THAT IF THE PEACE
9 OFFICER IS EMPLOYED AS A LAW ENFORCEMENT OFFICER IN THIS STATE, THE PEACE
10 OFFICER MUST BE in compliance with the firearm requirements prescribed by
11 the Arizona peace officer standards and training board.

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

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

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

18 2. Except for peace officers acting in their official capacity and
19 carrying official peace officer identification, by order of:

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

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

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

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

32 4. When in a secured police facility.

33 5. When consuming alcohol at a licensed liquor establishment,
34 except if a peace officer's employing agency authorizes the consumption of
35 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
43 and safety of the officer, the officer's law enforcement agency, law
44 enforcement agency employees or the community.

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

6 E. A presiding judge may establish rules or policies that are
7 consistent with this section for the protection of the court.

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

10 G. For the purposes of this section:

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

12 2. "Peace officer" has the same meaning prescribed in section 1-215
13 and includes:

14 (a) Municipal, county and state prosecutors who annually pass a
15 pistol qualifying examination THAT IS approved by the Arizona peace
16 officer standards and training board for obtaining and maintaining peace
17 officer certification requirements and that is conducted by an Arizona
18 peace officer standards and training board recognized instructor or a
19 national rifle association certified firearms instructor.

20 (b) A PERSON WHO IS EMPLOYED AS A LAW ENFORCEMENT OFFICER BY ANY
21 STATE OR POLITICAL SUBDIVISION OF ANY STATE OF THE UNITED STATES OR ANY
22 INDIAN TRIBE AND WHO IS CERTIFIED BY AN ENTITY IN THAT STATE, POLITICAL
23 SUBDIVISION OR TRIBAL GOVERNMENT THAT IS EQUIVALENT TO THE ARIZONA PEACE
24 OFFICER STANDARDS AND TRAINING BOARD.

25 (c) A FEDERALLY CERTIFIED LAW ENFORCEMENT OFFICER.

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

29 4. "Retired peace officer" means a person who has honorably served
30 as a law enforcement officer in the United States for at least ten
31 consecutive years and who possesses a photographic identification or a
32 letter from a law enforcement agency that states the person has served for
33 at least ten consecutive years as a law enforcement officer in the United
34 States.

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

APPROVED BY THE GOVERNOR MAY 16, 2018

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 16, 2018

Passed the House February 15, 20 18

Passed the Senate May 2, 20 18

by the following vote: 35 Ayes,

by the following vote: 17 Ayes,

22 Nays, 3 Not Voting

13 Nays, 0 Not Voting

[Signature]
Speaker of the House
 Pro Tempore

[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

3rd day of May, 20 18

at 5:54 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this 16th day of

May 2018

at 2:23 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 16 day of May, 20 18

at 4:28 o'clock P. M.

[Signature]
Secretary of State

H.B. 2212