



STATE OF ARIZONA  
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY  
GOVERNOR

EXECUTIVE OFFICE

April 30, 2019

The Honorable Katie Hobbs  
Secretary of State  
1700 W. Washington, 7<sup>th</sup> Floor  
Phoenix, AZ 85007

Dear Secretary Hobbs:

I am transmitting to you the following bills from the Fifty-fourth Legislature, 1st Regular Session, which I signed on April 30th, 2019:

H.B. 2036 dual enrollment; reported information; date (Cook)  
H.B. 2080 civil rights restoration; application; procedures (J.Allen)  
H.B. 2122 do-not-resuscitate orders; minors; parental consent (Barto)  
H.B. 2271 public lands day; holiday (Dunn)  
H.B. 2285 pharmacy benefit managers; pharmacy benefits (Cobb)  
H.B. 2366 motor vehicle accidents; restricted license (Toma)  
H.B. 2432 state treasurer's office; funds; consolidation (Cobb)  
H.B. 2477 adjudication statutes; unconstitutional provisions; repeal (Bowers)  
H.B. 2550 regulation; kratom products (Rivero)  
H.B. 2606 share the road special plates (Shope)  
S.B. 1016 ASRS; ineligible contributions; unfunded liability (Livingston)  
S.B. 1177 home school district; special education (S. Allen)  
S.B. 1442 state fleet; neighborhood electric vehicles (Pratt)  
S.B. 1453 affordable homeownership special plate (Rios)

Sincerely,

Douglas A. Ducey  
Governor  
State of Arizona

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

House Engrossed  
**FILED**  
**KATIE HOBBS**  
**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fifty-fourth Legislature  
First Regular Session  
2019

**CHAPTER 149**  
**HOUSE BILL 2080**

AN ACT

PROVIDING FOR TRANSFERRING AND RENUMBERING; AMENDING SECTION 8-249, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED; AMENDING SECTION 13-904, ARIZONA REVISED STATUTES; REPEALING SECTION 13-905, ARIZONA REVISED STATUTES; AMENDING SECTION 13-905, ARIZONA REVISED STATUTES, AS RENUMBERED; REPEALING SECTION 13-906, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 9, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 13-906; AMENDING SECTION 13-907, ARIZONA REVISED STATUTES, AS RENUMBERED; REPEALING SECTION 13-908, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 9, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 13-908; REPEALING SECTIONS 13-909 AND 13-910, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 9, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 13-910; REPEALING SECTION 13-911, ARIZONA REVISED STATUTES; AMENDING SECTIONS 13-2604, 13-3101 AND 16-1011, ARIZONA REVISED STATUTES; RELATING TO THE RESTORATION OF CIVIL RIGHTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-912.01, Arizona Revised Statutes, is  
3 transferred and renumbered for placement in title 8, chapter 2, article 4,  
4 Arizona Revised Statutes, as section 8-249 and, as so renumbered, is  
5 amended to read:

6 8-249. Restoration of civil rights; persons adjudicated  
7 delinquent

8 A. A person who was adjudicated delinquent and whose period of  
9 probation has been completed may have the right to possess or carry a gun  
10 or firearm restored by the judge who discharges the person at the end of  
11 the person's term of probation.

12 B. A person who was adjudicated delinquent and who has been  
13 discharged from probation, on proper application, may have the right to  
14 carry or possess a ~~gun or~~ firearm restored by the judge of the juvenile  
15 court in the county where the person was adjudicated delinquent or the  
16 judge's successors. The clerk of the superior court shall process the  
17 application on the request of the person involved or the person's  
18 attorney. The applicant shall serve a copy of the application on the  
19 county attorney.

20 C. If the person's adjudication was for a dangerous offense under  
21 section 13-704, a serious offense as defined in section 13-706, burglary  
22 in the first degree, burglary in the second degree or arson, the person  
23 may not file for the restoration of the right to possess or carry a gun or  
24 firearm until the person attains thirty years of age. If the person's  
25 adjudication was for any other felony offense, the person may not file for  
26 the restoration of the right to possess or carry a gun or firearm for two  
27 years from the date of the person's discharge.

28 Sec. 2. Section 13-904, Arizona Revised Statutes, is amended to  
29 read:

30 13-904. Suspension of civil rights and occupational  
31 disabilities

32 A. A conviction for a felony suspends the following civil rights of  
33 the person sentenced:

- 34 1. The right to vote.
- 35 2. The right to hold public office of trust or profit.
- 36 3. The right to serve as a juror.

37 4. During any period of imprisonment any other civil rights the  
38 suspension of which is reasonably necessary for the security of the  
39 institution in which the person sentenced is confined or for the  
40 reasonable protection of the public.

- 41 5. The right to possess a ~~gun or~~ firearm.

42 B. Persons sentenced to imprisonment shall not thereby be rendered  
43 incompetent as witnesses on the trial of a criminal action or proceeding,  
44 or incapable of making and acknowledging a sale or conveyance of property.

1 C. A person sentenced to imprisonment is under the protection of  
2 the law, and any injury to his person, not authorized by law, is  
3 punishable in the same manner as if the person was not convicted and  
4 sentenced.

5 D. The conviction of a person for any offense shall not work  
6 forfeiture of any property, except if a forfeiture is expressly imposed by  
7 law. All forfeitures to the state, unless expressly imposed by law, are  
8 abolished.

9 E. A person shall not be disqualified from employment by this state  
10 or any of its agencies or political subdivisions solely because of a prior  
11 conviction for a felony or misdemeanor within or without this state. A  
12 person may be denied employment by this state or any of its agencies or  
13 political subdivisions by reason of the prior conviction of a felony or  
14 misdemeanor if the offense has a reasonable relationship to the functions  
15 of the employment sought.

16 F. Subsection E of this section is not applicable to any law  
17 enforcement agency.

18 G. Any complaints concerning a violation of subsection E of this  
19 section shall be adjudicated in accordance with the procedures set forth  
20 in title 41, chapter 6 and title 12, chapter 7, article 6.

21 H. A person who is adjudicated delinquent under section 8-341 for a  
22 felony does not have the right to carry or possess a ~~gun~~ or firearm.

23 Sec. 3. Repeal

24 Section 13-905, Arizona Revised Statutes, is repealed.

25 Sec. 4. Section 13-907, Arizona Revised Statutes, is renumbered as  
26 section 13-905 and, as so renumbered, is amended to read:

27 13-905. Setting aside judgment of convicted person on  
28 discharge; application; release from disabilities;  
29 firearm possession; exceptions

30 A. Except as provided in subsection K of this section, every person  
31 convicted of a criminal offense, on fulfillment of the conditions of  
32 probation or sentence and discharge by the court, may apply to the court  
33 to have the judgment of guilt set aside. The convicted person shall be  
34 informed of this right at the time of sentencing.

35 B. The person or the person's attorney or probation officer may  
36 apply to set aside the judgment. The clerk of the court may not charge a  
37 filing fee for an application to have a judgment of guilt set aside.

38 C. The court shall consider the following factors when determining  
39 whether to set aside the conviction:

40 1. The nature and circumstances of the offense that the conviction  
41 is based on.

42 2. The applicant's compliance with the conditions of probation, the  
43 sentence imposed and any state department of corrections' rules or  
44 regulations, if applicable.

45 3. Any prior or subsequent convictions.

- 1           4. The victim's input and the status of victim restitution, if any.
- 2           5. The length of time that has elapsed since the completion of the
- 3 applicant's sentence.
- 4           6. The applicant's age at THE time of the conviction.
- 5           7. Any other factor that is relevant to the application.
- 6           D. If the application is granted, the court shall set aside the
- 7 judgment of guilt, dismiss the complaint, information or indictment and
- 8 order that the person be released from all penalties and disabilities
- 9 resulting from the conviction except those imposed by:
  - 10           1. The department of transportation pursuant to section 28-3304,
  - 11 28-3305, 28-3306, 28-3307, 28-3308, 28-3312 or 28-3319.
  - 12           2. The game and fish commission pursuant to section 17-314 or
  - 13 17-340.
- 14           E. A conviction that is set aside may be:
  - 15           1. Used as a conviction if the conviction would be admissible had
  - 16 it not been set aside.
  - 17           2. Alleged as an element of an offense.
  - 18           3. Used as a prior conviction.
  - 19           4. Pleaded and proved in any subsequent prosecution of the person
  - 20 by this state or any POLITICAL subdivision of this state for any offense.
  - 21           5. Used by the department of transportation in enforcing section
  - 22 28-3304, 28-3305, 28-3306, 28-3307, 28-3308, 28-3312 or 28-3319 as if the
  - 23 judgment of guilt had not been set aside.
- 24           F. The clerk of the court must notify the department of public
- 25 safety if a conviction is set aside. The department of public safety must
- 26 update the person's criminal history with an annotation that the
- 27 conviction has been set aside but may not redact or remove any part of the
- 28 person's record.
- 29           G. This section does not:
  - 30           1. Require a law enforcement agency to redact or remove a record or
  - 31 information from the record of a person whose conviction is set aside.
  - 32           2. Preclude the department of public safety or the board of
  - 33 fingerprinting from considering a conviction that has been set aside when
  - 34 evaluating an application for a fingerprint clearance card pursuant to
  - 35 section 41-1758.03 or 41-1758.07.
- 36           H. If the court denies an application to have a judgment of guilt
- 37 set aside, the court shall state its reasons for the denial in writing and
- 38 on the record.
- 39           I. A victim has the right to be present and be heard at any
- 40 proceeding in which the defendant has filed an application to have a
- 41 judgment of guilt set aside pursuant to this section. If the victim has
- 42 made a request for postconviction notice, the attorney for the state shall
- 43 provide the victim with notice of the defendant's application and of the
- 44 rights provided to the victim in this section.

1 J. Notwithstanding section ~~13-905 or 13-906~~ 13-910, if a conviction  
2 is set aside, the person's right to possess a ~~gun or~~ firearm is  
3 restored. This subsection does not apply to a person who was convicted of  
4 a serious offense as defined in section 13-706.

5 K. This section does not apply to a person who was convicted of any  
6 of the following:

7 1. A dangerous offense.

8 2. An offense for which the person is required or ordered by the  
9 court to register pursuant to section 13-3821.

10 3. An offense for which there has been a finding of sexual  
11 motivation pursuant to section 13-118.

12 4. An offense in which the victim is a minor under fifteen years of  
13 age.

14 5. An offense in violation of section 28-3473, any local ordinance  
15 relating to stopping, standing or operation of a vehicle or title 28,  
16 chapter 3, except a violation of section 28-693 or any local ordinance  
17 relating to the same subject matter as section 28-693.

18 Sec. 5. Repeal

19 Section 13-906, Arizona Revised Statutes, is repealed.

20 Sec. 6. Title 13, chapter 9, Arizona Revised Statutes, is amended  
21 by adding a new section 13-906, to read:

22 13-906. Restoration of civil rights; process

23 A. AT THE TIME OF SENTENCING, THE COURT SHALL INFORM A PERSON IN  
24 WRITING OF THE PERSON'S RIGHT TO THE RESTORATION OF CIVIL RIGHTS.

25 B. THE CLERK OF THE COURT SHALL NOTIFY THE DEPARTMENT OF PUBLIC  
26 SAFETY IF THE COURT RESTORES THE PERSON'S CIVIL RIGHTS, INCLUDING WHETHER  
27 A PERSON'S RIGHT TO POSSESS A FIREARM IS RESTORED. THE DEPARTMENT OF  
28 PUBLIC SAFETY SHALL UPDATE THE PERSON'S CRIMINAL HISTORY WITH AN  
29 ANNOTATION THAT THE PERSON'S CIVIL RIGHTS HAVE BEEN RESTORED AND ANY  
30 EXCEPTIONS ORDERED BUT MAY NOT REDACT OR REMOVE ANY PART OF THE PERSON'S  
31 RECORD.

32 C. THE RESTORATION OF A PERSON'S CIVIL RIGHTS DOES NOT PRECLUDE THE  
33 DEPARTMENT OF PUBLIC SAFETY OR THE BOARD OF FINGERPRINTING FROM  
34 CONSIDERING A CONVICTION OF A PERSON WHOSE CIVIL RIGHTS HAVE BEEN RESTORED  
35 WHEN EVALUATING AN APPLICATION FOR A FINGERPRINT CLEARANCE CARD PURSUANT  
36 TO SECTION 41-1758.03 OR 41-1758.07.

37 D. IF THE COURT DENIES AN APPLICATION FOR THE RESTORATION OF A  
38 PERSON'S CIVIL RIGHTS, THE COURT SHALL STATE ITS REASONS FOR THE DENIAL IN  
39 WRITING.

40 E. IF THE RESTORATION OF A PERSON'S CIVIL RIGHTS IS DISCRETIONARY  
41 WITH THE COURT, A VICTIM HAS THE RIGHT TO BE PRESENT AND BE HEARD AT ANY  
42 PROCEEDING IN WHICH THE DEFENDANT FILES AN APPLICATION FOR THE RESTORATION  
43 OF CIVIL RIGHTS. IF THE VICTIM HAS MADE A REQUEST FOR POSTCONVICTION  
44 NOTICE, THE ATTORNEY FOR THE STATE SHALL PROVIDE THE VICTIM WITH NOTICE OF

1 THE DEFENDANT'S APPLICATION AND OF THE RIGHTS PROVIDED TO THE VICTIM IN  
2 THIS SECTION.

3 Sec. 7. Section 13-912, Arizona Revised Statutes, is renumbered as  
4 section 13-907, and, as so renumbered, is amended to read:

5 13-907. Automatic restoration of civil rights for first  
6 offenders; exception; definition

7 A. ON FINAL DISCHARGE, any person who has not previously been  
8 convicted of ~~any other~~ A felony OFFENSE shall automatically be restored  
9 any civil rights that were lost or suspended ~~by~~ AS A RESULT OF the  
10 conviction if the person ~~both:~~

11 ~~1. Completes a term of probation or receives an absolute discharge~~  
12 ~~from imprisonment.~~

13 ~~2. pays any fine or~~ VICTIM restitution imposed.

14 B. A PERSON WHO IS ENTITLED TO THE RESTORATION OF ANY CIVIL RIGHTS  
15 PURSUANT TO THIS SECTION IS NOT REQUIRED TO FILE AN APPLICATION PURSUANT  
16 TO SECTION 13-908.

17 ~~B.~~ C. This section does not apply to a person's right to possess  
18 ~~weapons~~ A FIREARM as defined in section 13-3101 ~~unless the person applies~~  
19 ~~to a court pursuant to section 13-905 or 13-906.~~ THE COURT MAY ORDER THE  
20 RESTORATION OF THE RIGHT TO POSSESS A FIREARM PURSUANT TO SECTION 13-910.

21 D. FOR THE PURPOSES OF THIS SECTION, "FINAL DISCHARGE" MEANS THE  
22 COMPLETION OF PROBATION OR THE RECEIPT OF AN ABSOLUTE DISCHARGE FROM THE  
23 STATE DEPARTMENT OF CORRECTIONS OR THE UNITED STATES BUREAU OF PRISONS.

24 Sec. 8. Repeal

25 Section 13-908, Arizona Revised Statutes, is repealed.

26 Sec. 9. Title 13, chapter 9, Arizona Revised Statutes, is amended  
27 by adding a new section 13-908, to read:

28 13-908. Restoration of civil rights; application; definition

29 A. ON FINAL DISCHARGE, A PERSON WHO HAS PREVIOUSLY BEEN CONVICTED  
30 OF A FELONY OR WHO HAS NOT PAID ANY VICTIM RESTITUTION THAT WAS IMPOSED  
31 MAY APPLY TO THE SUPERIOR COURT TO HAVE THE PERSON'S CIVIL RIGHTS  
32 RESTORED. A PERSON WHO HAS RECEIVED AN ABSOLUTE DISCHARGE FROM  
33 IMPRISONMENT MAY FILE AN APPLICATION FOR RESTORATION OF CIVIL RIGHTS NO  
34 SOONER THAN TWO YEARS FROM THE DATE OF THE PERSON'S ABSOLUTE DISCHARGE.  
35 THE RESTORATION OF CIVIL RIGHTS IS IN THE DISCRETION OF THE JUDICIAL  
36 OFFICER.

37 B. THE PERSON OR THE PERSON'S ATTORNEY OR PROBATION OFFICER MAY  
38 FILE THE APPLICATION FOR THE RESTORATION OF CIVIL RIGHTS. THE CLERK OF  
39 THE COURT MAY NOT CHARGE A FILING FEE FOR AN APPLICATION. THE CLERK OF  
40 THE COURT SHALL FORWARD A COPY OF THE APPLICATION TO THE COUNTY ATTORNEY.

41 C. A PERSON WHOSE CIVIL RIGHTS WERE LOST OR SUSPENDED AS A RESULT  
42 OF A FELONY CONVICTION IN A UNITED STATES DISTRICT COURT AND WHOSE PERIOD  
43 OF PROBATION HAS BEEN COMPLETED MAY FILE THE APPLICATION FOR RESTORATION  
44 OF CIVIL RIGHTS IN THE COUNTY IN WHICH THE PERSON NOW RESIDES. THE PERSON

1 SHALL FILE AN AFFIDAVIT OF DISCHARGE FROM THE JUDICIAL OFFICER WHO  
2 DISCHARGED THE PERSON AT THE END OF THE TERM OF PROBATION.

3 D. A PERSON WHO HAS RECEIVED AN ABSOLUTE DISCHARGE FROM  
4 IMPRISONMENT AND WHO FILES AN APPLICATION FOR THE RESTORATION OF CIVIL  
5 RIGHTS SHALL FILE WITH THE APPLICATION A CERTIFICATE OF ABSOLUTE DISCHARGE  
6 FROM THE DIRECTOR OF THE STATE DEPARTMENT OF CORRECTIONS.

7 E. A PERSON WHOSE CIVIL RIGHTS WERE LOST OR SUSPENDED AS A RESULT  
8 OF A FELONY CONVICTION IN A UNITED STATES DISTRICT COURT AND WHO HAS  
9 RECEIVED AN ABSOLUTE DISCHARGE FROM IMPRISONMENT IN A FEDERAL PRISON SHALL  
10 FILE THE APPLICATION FOR THE RESTORATION OF CIVIL RIGHTS IN THE COUNTY IN  
11 WHICH THE PERSON NOW RESIDES. THE PERSON SHALL FILE WITH THE APPLICATION  
12 A CERTIFICATE OF ABSOLUTE DISCHARGE FROM THE DIRECTOR OF THE FEDERAL  
13 BUREAU OF PRISONS, UNLESS IT IS SHOWN TO BE IMPOSSIBLE TO OBTAIN A  
14 CERTIFICATE.

15 F. IF THE COURT GRANTS THE APPLICATION, THE COURT SHALL RESTORE THE  
16 PERSON'S CIVIL RIGHTS.

17 G. THIS SECTION DOES NOT APPLY TO A PERSON'S RIGHT TO POSSESS A  
18 FIREARM AS DEFINED IN SECTION 13-3101. THE COURT MAY ORDER THE  
19 RESTORATION OF THE RIGHT TO POSSESS A FIREARM PURSUANT TO SECTION 13-910.

20 H. FOR THE PURPOSES OF THIS SECTION, "FINAL DISCHARGE" MEANS THE  
21 COMPLETION OF PROBATION OR THE RECEIPT OF AN ABSOLUTE DISCHARGE FROM THE  
22 STATE DEPARTMENT OF CORRECTIONS OR THE UNITED STATES BUREAU OF PRISONS.

23 Sec. 10. Repeal

24 Section 13-909, Arizona Revised Statutes, is repealed.

25 Sec. 11. Renumber

26 Section 13-907.01, Arizona Revised Statutes, is renumbered as a new  
27 section 13-909.

28 Sec. 12. Repeal

29 Section 13-910, Arizona Revised Statutes, is repealed.

30 Sec. 13. Title 13, chapter 9, Arizona Revised Statutes, is amended  
31 by adding a new section 13-910, to read:

32 13-910. Restoration of right to possess a firearm

33 A. A PERSON WHO IS CONVICTED OF A DANGEROUS OFFENSE UNDER SECTION  
34 13-704 OR AN OFFENSE COMMITTED IN ANOTHER STATE THAT WOULD BE A DANGEROUS  
35 OFFENSE UNDER SECTION 13-704 IF COMMITTED IN THIS STATE MAY NOT FILE FOR  
36 THE RESTORATION OF THE RIGHT TO POSSESS OR CARRY A FIREARM. A PERSON WHO  
37 IS CONVICTED OF A SERIOUS OFFENSE AS DEFINED IN SECTION 13-706 OR AN  
38 OFFENSE COMMITTED IN ANOTHER STATE THAT WOULD BE A SERIOUS OFFENSE AS  
39 DEFINED IN SECTION 13-706 IF COMMITTED IN THIS STATE MAY NOT FILE FOR THE  
40 RESTORATION OF THE RIGHT TO POSSESS OR CARRY A FIREARM FOR TEN YEARS FROM  
41 THE DATE OF THE PERSON'S ABSOLUTE DISCHARGE. A PERSON WHO IS CONVICTED OF  
42 ANY OTHER FELONY OFFENSE MAY NOT FILE FOR THE RESTORATION OF THE RIGHT TO  
43 POSSESS OR CARRY A FIREARM FOR TWO YEARS FROM THE DATE OF THE PERSON'S  
44 ABSOLUTE DISCHARGE.

1 B. THE RESTORATION OF THE RIGHT TO POSSESS A FIREARM IS IN THE  
2 DISCRETION OF THE JUDICIAL OFFICER.

3 Sec. 14. Repeal

4 Section 13-911, Arizona Revised Statutes, is repealed.

5 Sec. 15. Section 13-2604, Arizona Revised Statutes, is amended to  
6 read:

7 13-2604. Forfeiture and disqualification from office

8 Notwithstanding the provisions of sections 13-904 and ~~13-912~~ 13-907,  
9 a person WHO IS convicted of violating section 13-2602 or 13-2603 shall  
10 forever be disqualified from becoming a public servant and ~~shall~~, if such  
11 person is a public servant at the time of his conviction, SHALL forfeit  
12 his office.

13 Sec. 16. Section 13-3101, Arizona Revised Statutes, is amended to  
14 read:

15 13-3101. Definitions

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

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

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

21 3. "Explosive" means any dynamite, nitroglycerine, black powder, or  
22 other similar explosive material, including plastic explosives. Explosive  
23 does not include ammunition or ammunition components such as primers,  
24 percussion caps, smokeless powder, black powder and black powder  
25 substitutes used for hand loading purposes.

26 4. "Firearm" means any loaded or unloaded handgun, pistol,  
27 revolver, rifle, shotgun or other weapon that will expel, is designed to  
28 expel or may readily be converted to expel a projectile by the action of  
29 an explosive. Firearm does not include a firearm in permanently inoperable  
30 condition.

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

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

42 7. "Prohibited possessor" means any person:

43 (a) Who has been found to constitute a danger to self or to others  
44 or to have a persistent or acute disability or grave disability pursuant

1 to court order pursuant to section 36-540, and whose right to possess a  
2 firearm has not been restored pursuant to section 13-925.

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

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

8 (d) Who is at the time of possession serving a term of probation  
9 pursuant to a conviction for a domestic violence offense as defined in  
10 section 13-3601 or a felony offense, parole, community supervision, work  
11 furlough, home arrest or release on any other basis or who is serving a  
12 term of probation or parole pursuant to the interstate compact under title  
13 31, chapter 3, article 4.1.

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

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

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

25 (iii) Certain diplomats.

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

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

30 (f) Who has been found incompetent pursuant to rule 11, Arizona  
31 rules of criminal procedure, and who subsequently has not been found  
32 competent.

33 (g) Who is found guilty except insane.

34 8. "Prohibited weapon":

35 (a) Includes the following:

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

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

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

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

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

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

12 (vii) A chemical or combination of chemicals, compounds or  
13 materials, including dry ice, that is possessed or manufactured for the  
14 purpose of generating a gas to cause a mechanical failure, rupture or  
15 bursting or an explosion or detonation of the chemical or combination of  
16 chemicals, compounds or materials.

17 (viii) An improvised explosive device.

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

21 (b) Does not include:

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

24 (ii) Any propellant, propellant actuated devices or propellant  
25 actuated industrial tools that are manufactured, imported or distributed  
26 for their intended purposes.

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

29 9. "Trafficking" means to sell, transfer, distribute, dispense or  
30 otherwise dispose of a weapon or explosive to another person, or to buy,  
31 receive, possess or obtain control of a weapon or explosive, with the  
32 intent to sell, transfer, distribute, dispense or otherwise dispose of the  
33 weapon or explosive to another person.

34 B. The items set forth in subsection A, paragraph 8, subdivision  
35 (a), items (i), (ii), (iii) and (iv) of this section do not include any  
36 firearms or devices that are possessed, manufactured or transferred in  
37 compliance with federal law.

38 Sec. 17. Section 16-1011, Arizona Revised Statutes, is amended to  
39 read:

40 16-1011. Counterfeiting election returns; violation;  
41 classification

42 A. A person who knowingly forges or counterfeits returns of an  
43 election purporting to have been held at a precinct or place where no  
44 election was in fact held, or who knowingly substitutes, forges or  
45 counterfeits returns of election instead of the true returns for a

1 precinct or place where an election was actually held, is guilty of a  
2 class 3 felony.

3 B. A person who knowingly substitutes, forges, counterfeits or  
4 tampers with ballot tabulations or totals or election results by  
5 electronic means or through the use of a computer, machine or other device  
6 is guilty of a class 3 felony. This subsection does not apply to the  
7 casting or tallying of ballots as provided by law or to the substitution  
8 or duplication of ballots as prescribed by sections 16-573, 16-574 and  
9 16-621.

10 C. Notwithstanding sections ~~13-905, 13-906~~ 13-907 and ~~13-912~~  
11 13-908, a person WHO IS convicted under this section shall not be  
12 automatically restored the right to vote.

**APPROVED BY THE GOVERNOR APRIL 30, 2019.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 30, 2019.**

Passed the House February 14, 20 19

Passed the Senate April 23 20 19

by the following vote: 60 Ayes,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

0 Nays, 0 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

24<sup>th</sup> day of April, 20 19

at 3:59 o'clock P M.

[Signature]  
Secretary to the Governor

Approved this 30<sup>th</sup> day of

April 2019

at 4:05 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 30 day of April, 20 19

at 5:45 o'clock P. M.

[Signature]  
Secretary of State

H.B. 2080