

REFERENCE TITLE: peace officers; firearms

State of Arizona  
Senate  
Forty-eighth Legislature  
Second Regular Session  
2008

# **SB 1017**

Introduced by  
Senator Gray C

AN ACT

AMENDING SECTION 38-1102, 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 38-1102, Arizona Revised Statutes, is amended to  
3 read:

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

6 A. ~~This state, a county, a city or town or any other political~~  
7 ~~subdivision of this state shall not prohibit~~ NOTWITHSTANDING ANY OTHER LAW  
8 AND EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION, a peace officer SHALL  
9 NOT BE PROHIBITED from carrying a firearm if the peace officer is in  
10 compliance with the firearm requirements prescribed by the Arizona peace  
11 officer standards and training board.

12 B. A peace officer may ONLY be prohibited from carrying a firearm as  
13 follows:

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

15 2. By order of:

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

19 (b) A justice court when attending the justice court, except if the  
20 peace officer is providing court security or responding to an emergency.

21 (c) A municipal court when attending the municipal court, except if  
22 the peace officer is providing court security or responding to an emergency.

23 3. When the peace officer is relieved of ~~the peace officer's duties~~  
24 DUTY and is under a criminal or administrative investigation.

25 4. When in a secured police facility.

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

30 6. In a location prohibited by federal law.

31 7. Pursuant to court order.

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

34 9. When in the judgment of the department head, or the department  
35 head's designee, the peace officer exhibits any impairment, including any  
36 physical or mental impairment that would cause concern for the well-being and  
37 safety of the officer, the officer's law enforcement agency, law enforcement  
38 agency employees or the community.

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

43 D. This section does not create any civil liability for acting or  
44 failing to act.

45 E. For the purposes of this section:

- 1           1. "Firearm" has the same meaning prescribed in section 13-105.
- 2           2. "Peace officer" has the same meaning prescribed in section 1-215.
- 3           3. "Relieved of duty" means when a peace officer is no longer required
- 4 to perform, either temporarily or permanently, the duties for which the
- 5 officer was employed.
- 6           4. "Secured police facility" means a building or structure that is
- 7 used primarily by a public agency and that is not accessible to the general
- 8 public except by controlled access.