

REFERENCE TITLE: **concealed weapons permit; qualifications; instructors**

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

SB 1070

Introduced by
Senators Gray C: Gray L

AN ACT

AMENDING SECTION 13-3112, ARIZONA REVISED STATUTES; RELATING TO WEAPONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-3112, Arizona Revised Statutes, is amended to
3 read:

4 13-3112. Concealed weapons; qualification; application; permit
5 to carry; certificate of firearms proficiency;
6 firearms safety training; instructors; report;
7 applicability; violation; classification

8 A. The department of public safety shall issue a permit to carry a
9 concealed weapon to a person who is qualified under this section. The person
10 shall carry the permit at all times when the person is in actual possession
11 of the concealed weapon and shall present the permit for inspection to any
12 law enforcement officer on request.

13 B. A person who fails to carry the permit at all times that the person
14 is in actual possession of a concealed weapon may have the permit suspended.
15 The department of public safety shall be notified of all violations of this
16 section and shall immediately suspend the permit. The permittee shall
17 present the permit to the law enforcement agency or the court. On
18 notification of the presentation of the permit, the department shall restore
19 the permit.

20 C. The permit of a person who is arrested or indicted for an offense
21 that would make the person unqualified under section 13-3101, subsection A,
22 paragraph 6 or this section shall be immediately suspended and seized. The
23 permit of a person who becomes unqualified on conviction of that offense
24 shall be revoked. The permit shall be restored on presentation of
25 documentation from the court if the permittee is found not guilty or the
26 charges are dismissed. The permit shall be restored on presentation of
27 documentation from the county attorney that the charges against the permittee
28 were dropped or dismissed.

29 D. A permittee who carries a concealed weapon and who fails to present
30 a permit for inspection on the request of a law enforcement officer is guilty
31 of a petty offense. A permittee shall not be convicted of a violation of
32 this subsection if the permittee produces to the court a legible permit that
33 is issued to the permittee and that was valid at the time the violation of
34 this subsection occurred.

35 E. The department of public safety shall issue a permit to an
36 applicant who meets all of the following conditions:

- 37 1. Is a resident of this state or a United States citizen.
- 38 2. Is twenty-one years of age or older.
- 39 3. Is not under indictment for and has not been convicted in any
40 jurisdiction of a felony.
- 41 4. Does not suffer from mental illness and has not been adjudicated
42 mentally incompetent or committed to a mental institution.
- 43 5. Is not unlawfully present in the United States.

1 6. ~~HAS EVER~~ satisfactorily ~~completes~~ **COMPLETED** a firearms safety
2 training program approved by the department of public safety pursuant to
3 subsection 0 of this section. This paragraph does not apply to:

4 (a) A person who is an active duty Arizona peace officer standards and
5 training board certified or federally credentialed peace officer or who is
6 honorably retired as a federal, state or local peace officer with a minimum
7 of ten years of service.

8 (b) A person who is an active duty county detention officer and who
9 has been weapons certified by the officer's employing agency.

10 (c) A person who is issued a certificate of firearms proficiency
11 pursuant to subsection X of this section.

12 F. The application shall be completed on a form prescribed by the
13 department of public safety. The form shall not require the applicant to
14 disclose the type of firearm for which a permit is sought. The applicant
15 shall attest under penalty of perjury that all of the statements made by the
16 applicant are true. The applicant shall submit the application to the
17 department with a certificate of completion from an approved firearms safety
18 training program, two sets of fingerprints and a reasonable fee determined by
19 the director of the department.

20 G. On receipt of a concealed weapon permit application, the department
21 of public safety shall conduct a check of the applicant's criminal history
22 record pursuant to section 41-1750. The department of public safety may
23 exchange fingerprint card information with the federal bureau of
24 investigation for federal criminal history record checks.

25 H. The department of public safety shall complete all of the required
26 qualification checks within sixty days after receipt of the application and
27 shall issue a permit within fifteen working days after completing the
28 qualification checks if the applicant meets all of the conditions specified
29 in subsection E of this section. If a permit is denied, the department of
30 public safety shall notify the applicant in writing within fifteen working
31 days after the completion of all of the required qualification checks and
32 shall state the reasons why the application was denied. On receipt of the
33 notification of the denial, the applicant has twenty days to submit any
34 additional documentation to the department. On receipt of the additional
35 documentation, the department shall reconsider its decision and inform the
36 applicant within twenty days of the result of the reconsideration. If
37 denied, the applicant shall be informed that the applicant may request a
38 hearing pursuant to title 41, chapter 6, article 10.

39 I. On issuance, a permit is valid for five years, except a permit that
40 is held by a member of the United States armed forces, including a member of
41 the Arizona national guard or a member of the reserves of any military
42 establishment of the United States, who is on federal active duty and who is
43 deployed overseas shall be extended until ninety days after the end of the
44 member's overseas deployment.

1 J. The department of public safety shall maintain a computerized
2 permit record system that is accessible to criminal justice agencies for the
3 purpose of confirming the permit status of any person who claims to hold a
4 valid permit issued by this state. This information and any other records
5 that are maintained regarding applicants, permit holders or instructors shall
6 not be available to any other person or entity except on an order from a
7 state or federal court.

8 K. Notwithstanding subsection J of this section, it is a defense to
9 any charge for carrying a deadly weapon without a permit by a member of the
10 United States armed forces, including a member of the Arizona national guard
11 or a member of the reserves of any military establishment of the United
12 States, if the member was on federal active duty at the time the permit
13 expired and the member presents documentation indicating release from active
14 duty or reassignment from overseas deployment within the preceding ninety
15 days.

16 L. A permit issued pursuant to this section is renewable every five
17 years. Before a permit may be renewed, a criminal history records check
18 shall be conducted pursuant to section 41-1750 within sixty days after
19 receipt of the application for renewal. For the purposes of permit renewal,
20 the permit holder is not required to submit additional fingerprints.

21 M. Applications for renewal shall be accompanied by a fee determined
22 by the director of the department of public safety.

23 N. The department of public safety shall suspend or revoke a permit
24 issued under this section if the permit holder becomes ineligible pursuant to
25 subsection E of this section. The department of public safety shall notify
26 the permit holder in writing within fifteen working days after the revocation
27 or suspension and shall state the reasons for the revocation or suspension.

28 O. An organization ~~OR AN INSTRUCTOR~~ shall apply to the department of
29 public safety for ~~approval of its~~ **AUTHORIZATION TO PROVIDE** firearms safety
30 training ~~program~~. The department shall ~~approve a program that~~ **AUTHORIZE AN**
31 **ORGANIZATION OR INSTRUCTOR TO PROVIDE FIREARMS SAFETY TRAINING IF THE**
32 **TRAINING** meets the following requirements:

- 33 1. Is at least eight hours in length.
- 34 2. Is conducted on a pass or fail basis.
- 35 3. Addresses all of the following topics in a format approved by the
36 director of the department:
 - 37 (a) Legal issues relating to the use of deadly force.
 - 38 (b) Weapon care and maintenance.
 - 39 (c) Mental conditioning for the use of deadly force.
 - 40 (d) Safe handling and storage of weapons.
 - 41 (e) Marksmanship.
 - 42 (f) Judgmental shooting.
- 43 4. Is conducted by **AN INSTRUCTOR OR** instructors **WHO ARE CERTIFIED BY**
44 **THE DEPARTMENT OF PUBLIC SAFETY OR WHO POSSESS CURRENT NATIONAL RIFLE**
45 **ASSOCIATION INSTRUCTOR CERTIFICATIONS IN PISTOL OR PERSONAL PROTECTION AND**

1 who submit to a background investigation, including a check for warrants and
2 a criminal history records check.

3 P. If approved pursuant to subsection 0 of this section, the
4 organization **ON BEHALF OF EACH OF ITS INSTRUCTORS OR AN INSTRUCTOR** shall
5 submit to the department of public safety two sets of fingerprints ~~from each~~
6 ~~instructor~~ and a fee to be determined by the director of the department of
7 public safety. On receipt of the fingerprints and fee, the department of
8 public safety shall conduct a check of each instructor's criminal history
9 record pursuant to section 41-1750. The department of public safety may
10 exchange this fingerprint card information with the federal bureau of
11 investigation for federal criminal history record checks.

12 Q. The proprietary interest of all approved instructors and programs
13 shall be safeguarded, and the contents of any training program shall not be
14 disclosed to any person or entity other than a bona fide criminal justice
15 agency, except ~~upon~~ **ON** an order from a state or federal court.

16 R. If the department of public safety rejects a program **OR INSTRUCTOR**,
17 the rejected organization **OR INSTRUCTOR** may request a hearing pursuant to
18 title 41, chapter 6, article 10.

19 S. The department of public safety shall maintain information
20 comparing the number of permits requested, the number of permits issued and
21 the number of permits denied. The department shall annually report this
22 information to the governor and the legislature.

23 T. The director of the department of public safety shall adopt rules
24 for the purpose of implementing and administering the concealed weapons
25 permit program including fees relating to permits and certificates that are
26 issued pursuant to this section.

27 U. This state and any political subdivision of this state shall
28 recognize a concealed weapon, firearm or handgun permit or license that is
29 issued by another state or a political subdivision of another state if both:

- 30 1. The permit or license is recognized as valid in the issuing state.
- 31 2. The permit or license holder is all of the following:
 - 32 (a) Not a resident of this state.
 - 33 (b) Legally present in this state.
 - 34 (c) Not legally prohibited from possessing a firearm in this state.

35 V. For the purpose of establishing mutual permit or license
36 recognition with other states, the department of public safety shall enter
37 into a written agreement if another state requires a written agreement.

38 W. Notwithstanding the provisions of this section, a person with a
39 concealed weapons permit from another state may not carry a concealed weapon
40 in this state if the person is under twenty-one years of age or is under
41 indictment for, or has been convicted of, a felony offense in any
42 jurisdiction, even if the person's rights have been restored and the
43 conviction is expunged, set aside or vacated.

1 X. The department of public safety may issue certificates of firearms
2 proficiency according to the Arizona peace officer standards and training
3 board firearms qualification for the purposes of implementing the law
4 enforcement officers safety act of 2004 (P.L. 108-277; 118 Stat. 865; 18
5 United States Code sections 926B and 926C). A law enforcement agency shall
6 issue to a law enforcement officer who has honorably retired a photographic
7 identification that states that the officer has honorably retired from the
8 agency. The chief law enforcement officer shall determine whether an officer
9 has honorably retired and the determination is not subject to review. A law
10 enforcement agency has no obligation to revoke, alter or modify the honorable
11 discharge photographic identification based on conduct that the agency
12 becomes aware of or that occurs after the officer has separated from the
13 agency.