

REFERENCE TITLE: **concealed weapons fund**

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SB 1245

Introduced by
Senator Burns

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 training program; program instructors; report;
7 applicability; fund; 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 ~~the provisions of~~ section
22 13-3101, subsection A, paragraph 6 or this section shall be immediately
23 suspended and seized. The permit of a person who becomes unqualified on
24 conviction of that offense shall be revoked. The permit shall be restored on
25 presentation of documentation from the court if the permittee is found not
26 guilty or the charges are dismissed. The permit shall be restored on
27 presentation of documentation from the county attorney that the charges
28 against the permittee were dropped or dismissed.

29 D. A person who fails to present a permit for inspection on the
30 request of a law enforcement officer is guilty of a class 2 misdemeanor. A
31 person shall not be convicted of a violation of this subsection if the person
32 produces to the court a legible permit that is issued to the person and that
33 was valid at the time the violation of this subsection occurred.

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

- 36 1. Is a resident of this state or a United States citizen.
- 37 2. Is twenty-one years of age or older.
- 38 3. Is not under indictment for and has not been convicted in any
39 jurisdiction of a felony.
- 40 4. Does not suffer from mental illness and has not been adjudicated
41 mentally incompetent or committed to a mental institution.
- 42 5. Is not unlawfully present in the United States.
- 43 6. Satisfactorily completes a firearms safety training program
44 approved by the department of public safety pursuant to subsection 0 of this
45 section. This paragraph does not apply to:

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

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

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

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

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

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

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

42 J. The department of public safety shall maintain a computerized
43 permit record system that is accessible to criminal justice agencies for the
44 purpose of confirming the permit status of any person who claims to hold a
45 valid permit issued by this state. This information and any other records

1 that are maintained regarding applicants, permit holders or instructors,
2 shall not be available to any other person or entity except on an order from
3 a state or federal court.

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

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

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

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

27 O. An organization shall apply to the department of public safety for
28 approval of its firearms safety training program. The department shall
29 approve a program that meets the following requirements:

- 30 1. Is at least eight hours in length.
- 31 2. Is conducted on a pass or fail basis.
- 32 3. Addresses all of the following topics in a format approved by the
33 director of the department:
 - 34 (a) Legal issues relating to the use of deadly force.
 - 35 (b) Weapon care and maintenance.
 - 36 (c) Mental conditioning for the use of deadly force.
 - 37 (d) Safe handling and storage of weapons.
 - 38 (e) Marksmanship.
 - 39 (f) Judgmental shooting.

40 4. Is conducted by instructors who submit to a background
41 investigation, including a check for warrants and a criminal history records
42 check.

43 P. If approved pursuant to subsection O of this section, the
44 organization shall submit to the department of public safety two sets of
45 fingerprints from each instructor and a fee to be determined by the director

1 of the department of public safety. On receipt of the fingerprints and fee,
2 the department of public safety shall conduct a check of each instructor's
3 criminal history record pursuant to section 41-1750. The department of
4 public safety may exchange this fingerprint card information with the federal
5 bureau of investigation for federal criminal history record checks.

6 Q. The proprietary interest of all approved instructors and programs
7 shall be safeguarded, and the contents of any training program shall not be
8 disclosed to any person or entity other than a bona fide criminal justice
9 agency, except upon an order from a state or federal court.

10 R. If the department of public safety rejects a program, the rejected
11 organization may request a hearing pursuant to title 41, chapter 6,
12 article 10.

13 S. The department of public safety shall maintain information
14 comparing the number of permits requested, the number of permits issued and
15 the number of permits denied. The department shall annually report this
16 information to the governor and the legislature.

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

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

- 24 1. The permit or license is recognized as valid in the issuing state.
- 25 2. The permit or license holder is all of the following:
 - 26 (a) Not a resident of this state.
 - 27 (b) Legally present in this state.
 - 28 (c) Not legally prohibited from possessing a firearm in this state.

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

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

38 X. The department of public safety may issue certificates of firearms
39 proficiency according to the Arizona peace officer standards and training
40 board firearms qualification for the purposes of implementing the law
41 enforcement officers safety act of 2004 (P.L. 108-277; 118 Stat. 865; 18
42 United States Code sections 926B and 926C). A law enforcement agency shall
43 issue to a law enforcement officer who has honorably retired a photographic
44 identification that states that the officer has honorably retired from the
45 agency. The chief law enforcement officer shall determine whether an officer

1 has honorably retired and the determination is not subject to review. A law
2 enforcement agency has no obligation to revoke, alter or modify the honorable
3 discharge photographic identification based on conduct that the agency
4 becomes aware of or that occurs after the officer has separated from the
5 agency.

6 Y. THE CONCEALED WEAPON FUND IS ESTABLISHED CONSISTING OF FEES
7 COLLECTED PURSUANT TO THIS SECTION. THE DIRECTOR OF THE DEPARTMENT OF PUBLIC
8 SAFETY SHALL ADMINISTER THE FUND. SUBJECT TO LEGISLATIVE APPROPRIATION,
9 MONIES IN THE FUND SHALL BE USED TO COVER THE OPERATIONAL AND EQUIPMENT COSTS
10 OF THE CONCEALED CARRY WEAPON UNIT. MONIES IN THE FUND DO NOT REVERT TO THE
11 STATE GENERAL FUND AND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190
12 RELATING TO LAPSING OF APPROPRIATIONS.