

REFERENCE TITLE: **gun-free zones; liability**

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

SB 1400

Introduced by
Senator Johnson; Representatives Barnes, Burges, Pearce; Senators Blendu,
Gould, Verschoor; Representatives Clark, Kavanagh, Yarbrough

AN ACT

**AMENDING TITLE 13, CHAPTER 31, ARIZONA REVISED STATUTES, BY ADDING SECTION
13-3114; 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. Title 13, chapter 31, Arizona Revised Statutes, is amended
3 by adding section 13-3114, to read:

4 13-3114. Gun-free zones; liability; definitions

5 A. THIS STATE OR ANY AGENCY OR POLITICAL SUBDIVISION OF THIS STATE OR
6 ANY PERSON, ORGANIZATION OR ENTITY THAT ESTABLISHES A GUN-FREE ZONE IS LIABLE
7 FOR DAMAGES THAT RESULT FROM CRIMINAL CONDUCT THAT OCCURS AGAINST AN
8 INDIVIDUAL IN THE GUN-FREE ZONE IF A REASONABLE PERSON WOULD BELIEVE THAT
9 POSSESSION OF A FIREARM COULD HAVE HELPED THE INDIVIDUAL DEFEND AGAINST THE
10 CRIMINAL CONDUCT. IF THE CRIMINAL CONDUCT WAS THE RESULT OF TERRORISM OR
11 ADVERSELY AFFECTED A CHILD UNDER SIXTEEN YEARS OF AGE OR A PERSON SEVENTY
12 YEARS OF AGE OR OLDER, THIS STATE OR ANY AGENCY OR POLITICAL SUBDIVISION OF
13 THIS STATE OR ANY PERSON, ORGANIZATION OR ENTITY THAT ESTABLISHED THE
14 GUN-FREE ZONE IS LIABLE FOR TREBLE DAMAGES.

15 B. FOR THE PURPOSES OF THIS SECTION:

16 1. "CRIMINAL CONDUCT" INCLUDES OFFENSES LISTED IN CHAPTERS 11, 12, 13,
17 14, 15, 17, 19, 25 AND 29 OF THIS TITLE.

18 2. "GUN-FREE ZONE" MEANS ANY BUILDING, PLACE, AREA OR CURTILAGE OR IN
19 OR ON ANY CONVEYANCE IN WHICH A PERSON'S RIGHT OR ABILITY TO POSSESS A
20 FIREARM IS INFRINGED, RESTRICTED OR DIMINISHED IN ANY WAY BY STATUTE, POLICY,
21 RULE, REGULATION, ORDINANCE, UTTERANCE OR POSTED SIGN.