

REFERENCE TITLE: prohibited possessors; undocumented aliens.

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

SB 1408

Introduced by
Senator Verschoor

AN ACT

AMENDING SECTION 13-3101, 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 13-3101, Arizona Revised Statutes, is amended to
3 read:

4 13-3101. Definitions

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

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

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

10 3. "Explosive" means any dynamite, nitroglycerine, black powder or
11 other similar explosive material, including plastic explosives. Explosive
12 does not include ammunition or ammunition components such as primers,
13 percussion caps, smokeless powder, black powder and black powder substitutes
14 used for hand loading purposes.

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

19 5. "Occupied structure" means any building, object, vehicle,
20 watercraft, aircraft or place with sides and a floor that is separately
21 securable from any other structure attached to it, that is used for lodging,
22 business, transportation, recreation or storage and in which one or more
23 human beings either are or are likely to be present or so near as to be in
24 equivalent danger at the time the discharge of a firearm occurs. Occupied
25 structure includes any dwelling house, whether occupied, unoccupied or
26 vacant.

27 6. "Prohibited possessor" means any person:

28 (a) Who has been found to constitute a danger to himself or to others
29 pursuant to court order under section 36-540, and whose court ordered
30 treatment has not been terminated by court order.

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

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

36 (d) Who is at the time of possession serving a term of probation
37 pursuant to a conviction for a domestic violence offense as defined in
38 section 13-3601 or a felony offense, parole, community supervision, work
39 furlough, home arrest or release on any other basis or who is serving a term
40 of probation or parole pursuant to the interstate compact under title 31,
41 chapter 3, article 4.

42 (e) Who is ~~a prohibited possessor under 18 United States Code section~~
43 ~~922(g)(5), except as provided by 18 United States Code section 922(y)~~ AN
44 UNDOCUMENTED ALIEN OR A NONIMMIGRANT ALIEN TRAVELING WITH OR WITHOUT
45 DOCUMENTATION IN THIS STATE FOR BUSINESS OR PLEASURE OR WHO IS STUDYING IN

1 THIS STATE AND WHO MAINTAINS A FOREIGN RESIDENCE ABROAD. THIS SUBDIVISION
2 DOES NOT APPLY TO:

3 (i) NONIMMIGRANT ALIENS WHO POSSESS A VALID HUNTING LICENSE OR PERMIT
4 THAT IS LAWFULLY ISSUED BY A STATE IN THE UNITED STATES.

5 (ii) NONIMMIGRANT ALIENS WHO ENTER THE UNITED STATES TO PARTICIPATE IN
6 A COMPETITIVE TARGET SHOOTING EVENT OR TO DISPLAY FIREARMS AT A SPORTS OR
7 HUNTING TRADE SHOW THAT IS SPONSORED BY A NATIONAL, STATE OR LOCAL FIREARMS
8 TRADE ORGANIZATION DEVOTED TO THE COMPETITIVE USE OR OTHER SPORTING USE OF
9 FIREARMS.

10 (iii) CERTAIN DIPLOMATS.

11 (iv) OFFICIALS OF FOREIGN GOVERNMENTS OR DISTINGUISHED FOREIGN
12 VISITORS WHO ARE DESIGNATED BY THE UNITED STATES DEPARTMENT OF STATE.

13 (v) FOREIGN LAW ENFORCEMENT OFFICERS OF FRIENDLY FOREIGN GOVERNMENTS
14 WHO ENTER THE UNITED STATES ON OFFICIAL LAW ENFORCEMENT BUSINESS.

15 (vi) PERSONS WHO HAVE RECEIVED A WAIVER FROM THE UNITED STATES
16 ATTORNEY GENERAL.

17 7. "Prohibited weapon" means, but does not include fireworks imported,
18 distributed or used in compliance with state laws or local ordinances, any
19 propellant, propellant actuated devices or propellant actuated industrial
20 tools that are manufactured, imported or distributed for their intended
21 purposes or a device that is commercially manufactured primarily for the
22 purpose of illumination, including any of the following:

23 (a) Explosive, incendiary or poison gas:

24 (i) Bomb.

25 (ii) Grenade.

26 (iii) Rocket having a propellant charge of more than four ounces.

27 (iv) Mine.

28 (b) Device that is designed, made or adapted to muffle the report of a
29 firearm.

30 (c) Firearm that is capable of shooting more than one shot
31 automatically, without manual reloading, by a single function of the trigger.

32 (d) Rifle with a barrel length of less than sixteen inches, or shotgun
33 with a barrel length of less than eighteen inches, or any firearm that is
34 made from a rifle or shotgun and that, as modified, has an overall length of
35 less than twenty-six inches.

36 (e) Instrument, including a nunchaku, that consists of two or more
37 sticks, clubs, bars or rods to be used as handles, connected by a rope, cord,
38 wire or chain, in the design of a weapon used in connection with the practice
39 of a system of self-defense.

40 (f) Breakable container that contains a flammable liquid with a flash
41 point of one hundred fifty degrees Fahrenheit or less and that has a wick or
42 similar device capable of being ignited.

43 (g) Chemical or combination of chemicals, compounds or materials,
44 including dry ice, that is placed in a sealed or unsealed container for the

1 purpose of generating a gas to cause a mechanical failure, rupture or
2 bursting of the container.

3 (h) Combination of parts or materials that is designed and intended
4 for use in making or converting a device into an item set forth in
5 subdivision (a) or (f) of this paragraph.

6 B. The items set forth in subsection A, paragraph 7, subdivisions (a),
7 (b), (c) and (d) of this section do not include any firearms or devices that
8 are registered in the national firearms registry and transfer records of the
9 United States treasury department or any firearm that has been classified as
10 a curio or relic by the United States treasury department.