

REFERENCE TITLE: loaded firearms; storage

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HB 2411

Introduced by
Representatives Gallardo, Lujan, Sinema

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. Misconduct involving storage of loaded firearms:
5 defense; liability; classification
6 A. IT IS UNLAWFUL FOR A PERSON TO STORE OR KEEP ANY LOADED FIREARM ON
7 ANY PREMISES UNDER THE PERSON'S CONTROL IF THE PERSON KNOWS OR REASONABLY
8 SHOULD KNOW THAT A MINOR IS LIKELY TO GAIN ACCESS TO THE FIREARM WITHOUT THE
9 PERMISSION OF THE MINOR'S PARENT OR GUARDIAN, UNLESS THE PERSON EITHER:
10 1. KEEPS THE FIREARM IN A SECURELY LOCKED BOX OR OTHER CONTAINER OR IN
11 A LOCATION THAT A REASONABLE PERSON WOULD BELIEVE TO BE SECURE.
12 2. CARRIES THE FIREARM ON HIS PERSON OR WITHIN SUCH CLOSE PROXIMITY TO
13 HIS PERSON THAT THE PERSON CAN READILY RETRIEVE AND USE THE FIREARM AS IF IT
14 WAS CARRIED ON HIS PERSON.
15 B. IT IS A DEFENSE TO A PROSECUTION PURSUANT TO THIS SECTION THAT THE
16 PERSON FILED A POLICE REPORT BEFORE THE INJURY TO OR DEATH OF A MINOR OR
17 OTHER PERSON OCCURRED AND THE POLICE REPORT SHOWS THAT THE FIREARM WAS
18 STOLEN.
19 C. THIS SECTION DOES NOT APPLY IF THE MINOR OBTAINS THE FIREARM AS A
20 RESULT OF AN UNLAWFUL ENTRY TO ANY PREMISES BY ANY PERSON.
21 D. A PERSON WHO FAILS TO SECURELY STORE OR KEEP A LOADED FIREARM IN
22 VIOLATION OF SUBSECTION A IS STRICTLY LIABLE FOR DAMAGES IF A MINOR OBTAINS
23 THE FIREARM AND CAUSES INJURY OR DEATH TO HIMSELF OR ANOTHER PERSON.
24 E. A VIOLATION OF THIS SECTION IS A CLASS 1 MISDEMEANOR, EXCEPT THAT
25 IF A MINOR OBTAINS A FIREARM THAT IS STORED OR KEPT IN VIOLATION OF
26 SUBSECTION A AND THE MINOR EITHER:
27 1. KILLS HIMSELF OR ANOTHER PERSON, IT IS A CLASS 3 FELONY.
28 2. INJURES HIMSELF OR ANOTHER PERSON, IT IS A CLASS 4 FELONY.