

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

# HOUSE BILL 2457

AN ACT

AMENDING TITLE 38, CHAPTER 8, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 38-1102; RELATING TO THE CARRYING OF FIREARMS BY PEACE OFFICERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 38, chapter 8, article 1, Arizona Revised Statutes,  
3 is amended by adding section 38-1102, to read:

4 38-1102. Carrying of firearms by peace officers; exceptions;  
5 definitions

6 A. THIS STATE, A COUNTY, A CITY OR TOWN OR ANY OTHER POLITICAL  
7 SUBDIVISION OF THIS STATE SHALL NOT PROHIBIT A PEACE OFFICER FROM CARRYING A  
8 FIREARM IF THE PEACE OFFICER IS IN COMPLIANCE WITH THE FIREARM REQUIREMENTS  
9 PRESCRIBED BY THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD.

10 B. A PEACE OFFICER MAY BE PROHIBITED FROM CARRYING A FIREARM AS  
11 FOLLOWS:

12 1. IN A JAIL, CORRECTIONAL FACILITY OR JUVENILE DETENTION FACILITY.

13 2. BY ORDER OF:

14 (a) THE PRESIDING JUDGE OR JUSTICE WHEN ATTENDING ANY COURT THAT IS  
15 ESTABLISHED PURSUANT TO TITLE 12, EXCEPT IF THE PEACE OFFICER IS PROVIDING  
16 COURT SECURITY OR RESPONDING TO AN EMERGENCY.

17 (b) A JUSTICE COURT WHEN ATTENDING THE JUSTICE COURT, EXCEPT IF THE  
18 PEACE OFFICER IS PROVIDING COURT SECURITY OR RESPONDING TO AN EMERGENCY.

19 (c) A MUNICIPAL COURT WHEN ATTENDING THE MUNICIPAL COURT, EXCEPT IF  
20 THE PEACE OFFICER IS PROVIDING COURT SECURITY OR RESPONDING TO AN EMERGENCY.

21 (d) THIS PARAGRAPH DOES NOT APPLY TO PEACE OFFICERS THAT ARE PROVIDING  
22 COURT SECURITY OR RESPONDING TO AN EMERGENCY.

23 3. WHEN THE PEACE OFFICER IS RELIEVED OF THE PEACE OFFICER'S DUTIES  
24 AND IS UNDER A CRIMINAL OR ADMINISTRATIVE INVESTIGATION.

25 4. WHEN IN A SECURED POLICE FACILITY.

26 5. WHEN CONSUMING ALCOHOL AT A LICENSED LIQUOR ESTABLISHMENT OPERATED  
27 BY THIS STATE, A COUNTY, A CITY OR TOWN, OR ANY OTHER POLITICAL SUBDIVISION  
28 OF THIS STATE, EXCEPT IF THE PEACE OFFICER'S EMPLOYING AGENCY AUTHORIZES THE  
29 CONSUMPTION OF ALCOHOL IN THE PERFORMANCE OF THE PEACE OFFICER'S DUTIES.

30 6. IN A LOCATION PROHIBITED BY FEDERAL LAW.

31 7. PURSUANT TO COURT ORDER.

32 8. PURSUANT TO ANY STATE OR FEDERAL LAW THAT MAKES THE OFFICER A  
33 PROHIBITED POSSESSOR.

34 9. WHEN IN THE JUDGMENT OF THE DEPARTMENT HEAD, OR THEIR DESIGNEE, THE  
35 PEACE OFFICER EXHIBITS ANY IMPAIRMENT, INCLUDING ANY PHYSICAL OR MENTAL  
36 IMPAIRMENT THAT WOULD CAUSE CONCERN FOR THE WELL BEING AND SAFETY OF THE  
37 OFFICER, THE OFFICER'S LAW ENFORCEMENT AGENCY, LAW ENFORCEMENT AGENCY  
38 EMPLOYEES OR THE COMMUNITY.

39 C. A LAW ENFORCEMENT AGENCY THAT EMPLOYS A PEACE OFFICER MAY ESTABLISH  
40 RULES THAT ARE CONSISTENT WITH THIS SECTION. THE LAW ENFORCEMENT AGENCY MAY  
41 DETERMINE THE NUMBER, TYPE, MODEL, CALIBER AND BRAND OF FIREARM AND THE  
42 AMMUNITION THAT IS CARRIED BY ITS PEACE OFFICERS ON OR OFF DUTY.

43 D. FOR THE PURPOSES OF THIS SECTION:

44 1. "FIREARM" HAS THE SAME MEANING PRESCRIBED IN SECTION 13-105.

45 2. "PEACE OFFICER" HAS THE SAME MEANING PRESCRIBED IN SECTION 1-215.

1           3. "RELIEVED OF DUTY" MEANS WHEN A PEACE OFFICER IS NO LONGER REQUIRED  
2 TO PERFORM, EITHER TEMPORARILY OR PERMANENTLY, THE DUTIES FOR WHICH THE  
3 OFFICER WAS EMPLOYED.

4           4. "SECURED POLICE FACILITY" MEANS A BUILDING OR STRUCTURE THAT IS  
5 USED PRIMARILY BY A PUBLIC AGENCY AND THAT IS NOT ACCESSIBLE TO THE GENERAL  
6 PUBLIC EXCEPT BY CONTROLLED ACCESS.

7           E. NOTHING IN THIS SECTION CREATES CIVIL LIABILITY FOR ACTING OR  
8 FAILING TO ACT.