

REFERENCE TITLE: Arizona rangers; limited authority status

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2461

Introduced by
Representative Burns J

AN ACT

AMENDING SECTIONS 13-3102, 28-947 AND 41-4201, ARIZONA REVISED STATUTES;
RELATING TO THE ARIZONA RANGERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 13-3102, Arizona Revised Statutes, is amended to
3 read:
4 13-3102. Misconduct involving weapons; defenses;
5 classification; definitions
6 A. A person commits misconduct involving weapons by knowingly:
7 1. Carrying a deadly weapon without a permit pursuant to section
8 13-3112 except a pocket knife concealed on his person; or
9 2. Carrying a deadly weapon without a permit pursuant to section
10 13-3112 concealed within immediate control of any person in or on a means of
11 transportation; or
12 3. Manufacturing, possessing, transporting, selling or transferring a
13 prohibited weapon; or
14 4. Possessing a deadly weapon or prohibited weapon if such person is a
15 prohibited possessor; or
16 5. Selling or transferring a deadly weapon to a prohibited possessor;
17 or
18 6. Defacing a deadly weapon; or
19 7. Possessing a defaced deadly weapon knowing the deadly weapon was
20 defaced; or
21 8. Using or possessing a deadly weapon during the commission of any
22 felony offense included in chapter 34 of this title; or
23 9. Discharging a firearm at an occupied structure in order to assist,
24 promote or further the interests of a criminal street gang, a criminal
25 syndicate or a racketeering enterprise; or
26 10. Unless specifically authorized by law, entering any public
27 establishment or attending any public event and carrying a deadly weapon on
28 his person after a reasonable request by the operator of the establishment or
29 the sponsor of the event or the sponsor's agent to remove his weapon and
30 place it in the custody of the operator of the establishment or the sponsor
31 of the event for temporary and secure storage of the weapon pursuant to
32 section 13-3102.01; or
33 11. Unless specifically authorized by law, entering an election polling
34 place on the day of any election carrying a deadly weapon; or
35 12. Possessing a deadly weapon on school grounds; or
36 13. Unless specifically authorized by law, entering a nuclear or
37 hydroelectric generating station carrying a deadly weapon on his person or
38 within the immediate control of any person; or
39 14. Supplying, selling or giving possession or control of a firearm to
40 another person if the person knows or has reason to know that the other
41 person would use the firearm in the commission of any felony; or
42 15. Using, possessing or exercising control over a deadly weapon in
43 furtherance of any act of terrorism as defined in section 13-2301 or
44 possessing or exercising control over a deadly weapon knowing or having

1 reason to know that it will be used to facilitate any act of terrorism as
2 defined in section 13-2301.

3 B. Subsection A, paragraph 1 of this section shall not apply to a
4 person in his dwelling, on his business premises or on real property owned or
5 leased by that person.

6 C. Subsection A, paragraphs 1, 2, 3, 7, 10, 11, 12 and 13 of this
7 section shall not apply to:

8 1. A peace officer or any person summoned by any peace officer to
9 assist and while actually assisting in the performance of official duties; or

10 2. A member of the military forces of the United States or of any
11 state of the United States in the performance of official duties; or

12 3. A warden, deputy warden or correctional officer of the state
13 department of corrections; or

14 4. A person specifically licensed, authorized or permitted pursuant to
15 a statute of this state or of the United States.

16 D. Subsection A, paragraphs 3 and 7 of this section shall not apply
17 to:

18 1. The possessing, transporting, selling or transferring of weapons by
19 a museum as a part of its collection or an educational institution for
20 educational purposes or by an authorized employee of such museum or
21 institution, if:

22 (a) Such museum or institution is operated by the United States or
23 this state or a political subdivision of this state, or by an organization
24 described in 26 United States Code section 170(c) as a recipient of a
25 charitable contribution; and

26 (b) Reasonable precautions are taken with respect to theft or misuse
27 of such material.

28 2. The regular and lawful transporting as merchandise; or

29 3. Acquisition by a person by operation of law such as by gift, devise
30 or descent or in a fiduciary capacity as a recipient of the property or
31 former property of an insolvent, incapacitated or deceased person.

32 E. Subsection A, paragraph 3 of this section shall not apply to the
33 merchandise of an authorized manufacturer of or dealer in prohibited weapons,
34 when such material is intended to be manufactured, possessed, transported,
35 sold or transferred solely for or to a dealer, a regularly constituted or
36 appointed state, county or municipal police department or police officer, a
37 detention facility, the military service of this or another state or the
38 United States, a museum or educational institution or a person specifically
39 licensed or permitted pursuant to federal or state law.

40 F. Subsection A, paragraph 1 of this section shall not apply to a
41 weapon or weapons carried in a belt holster ~~which holster~~ THAT is wholly or
42 partially visible, ~~or~~ carried in a scabbard or case designed for carrying
43 weapons ~~which scabbard or case~~ THAT is wholly or partially visible or carried
44 in luggage. Subsection A, paragraph 2 of this section shall not apply to a
45 weapon or weapons carried in a case, holster, scabbard, pack or luggage that

1 is carried within a means of transportation or within a storage compartment,
2 map pocket, trunk or glove compartment of a means of transportation.

3 G. Subsection A, paragraph 10 of this section shall not apply to
4 shooting ranges or shooting events, hunting areas or similar locations or
5 activities.

6 H. Subsection A, paragraph 3 of this section shall not apply to a
7 weapon described in section 13-3101, subsection A, paragraph 7, subdivision
8 (e), if such weapon is possessed for the purposes of preparing for,
9 conducting or participating in lawful exhibitions, demonstrations, contests
10 or athletic events involving the use of such weapon. Subsection A, paragraph
11 12 of this section shall not apply to a weapon if such weapon is possessed
12 for the purposes of preparing for, conducting or participating in hunter or
13 firearm safety courses.

14 I. Subsection A, paragraph 12 of this section shall not apply to the
15 possession of a:

16 1. Firearm that is not loaded and that is carried within a means of
17 transportation under the control of an adult provided that if the adult
18 leaves the means of transportation the firearm shall not be visible from the
19 outside of the means of transportation and the means of transportation shall
20 be locked.

21 2. Firearm for use on the school grounds in a program approved by a
22 school.

23 3. FIREARM BY AN ARIZONA RANGER IN THE PERFORMANCE OF THE RANGER'S
24 MISSION PURSUANT TO SECTION 41-4201 AT A SCHOOL FUNCTION THAT IS APPROVED BY
25 EITHER A SCHOOL PRINCIPAL OR A SCHOOL BOARD.

26 J. The operator of the establishment or the sponsor of the event or
27 the employee of the operator or sponsor or the agent of the sponsor,
28 including a public entity or public employee, is not liable for acts or
29 omissions pursuant to subsection A, paragraph 10 of this section unless the
30 operator, sponsor, employee or agent intended to cause injury or was grossly
31 negligent.

32 K. Misconduct involving weapons under subsection A, paragraph 9, 14 or
33 15 of this section is a class 3 felony. Misconduct involving weapons under
34 subsection A, paragraph 3, 4, 8 or 13 of this section is a class 4 felony.
35 Misconduct involving weapons under subsection A, paragraph 12 of this section
36 is a class 1 misdemeanor unless the violation occurs in connection with
37 conduct ~~which~~ THAT violates ~~the provisions of~~ section 13-2308, subsection A,
38 paragraph 5, section 13-2312, subsection C, section 13-3409 or section
39 13-3411, in which case the offense is a class 6 felony. Misconduct involving
40 weapons under subsection A, paragraph 5, 6 or 7 of this section is a class 6
41 felony. Misconduct involving weapons under subsection A, paragraph 1, 2, 10
42 or 11 of this section is a class 1 misdemeanor.

1 L. For the purposes of this section:

2 1. "Public establishment" means a structure, vehicle or craft that is
3 owned, leased or operated by this state or a political subdivision of this
4 state.

5 2. "Public event" means a specifically named or sponsored event of
6 limited duration THAT IS either conducted by a public entity or conducted by
7 a private entity with a permit or license granted by a public entity. Public
8 event does not include an unsponsored gathering of people in a public place.

9 3. "School" means a public or nonpublic kindergarten program, common
10 school or high school.

11 4. "School grounds" means in, or on the grounds of, a school.

12 Sec. 2. Section 28-947, Arizona Revised Statutes, is amended to read:
13 28-947. Special restrictions on lamps

14 A. A person shall direct a lighted lamp or illuminating device on a
15 motor vehicle, other than a head lamp, spot lamp, auxiliary lamp or flashing
16 front direction signal, that projects a beam of light of an intensity greater
17 than three hundred candlepower so that no part of the beam strikes the level
18 of the roadway on which the vehicle stands at a distance of more than
19 seventy-five feet from the vehicle.

20 B. A person shall not drive or move a vehicle or equipment on a
21 highway with a lamp or device on the vehicle that is capable of displaying a
22 red or red and blue light or lens visible from directly in front of the
23 center of the vehicle. Lights visible from the front of a vehicle shall be
24 amber or white. This section does not apply to either of the following:

25 1. An authorized emergency vehicle or a vehicle on which a red or red
26 and blue light or lens visible from the front is expressly authorized or
27 required by this chapter.

28 2. A fire engine that is solely used for hobby or display purposes and
29 that has been issued a historic vehicle license plate pursuant to section
30 28-2484 if either of the following applies:

31 (a) The lights are covered and are not activated while a person is
32 transporting or driving the vehicle to or from a parade, authorized
33 assemblage of historic vehicles or test.

34 (b) The lights are activated only in a parade, for an authorized
35 assemblage of historic vehicles or for testing purposes.

36 C. Except as provided in subsection D or E of this section, flashing
37 lights on motor vehicles are prohibited except either:

38 1. On authorized emergency vehicles, school buses or snow removal
39 equipment.

40 2. As warning lights on disabled or parked vehicles.

41 3. On a vehicle as a means for indicating a right or left turn.

42 4. ON A VEHICLE THAT IS OPERATED BY A MEMBER OF THE ARIZONA RANGERS
43 WHO IS APPOINTED AND PERFORMING THE MEMBER'S MISSION PURSUANT TO SECTION
44 41-4201.

1 D. A vehicle may have lamps that may be used to warn the operators of
2 other vehicles of the presence of a vehicular traffic hazard requiring the
3 exercise of unusual care in approaching, overtaking or passing. The vehicle
4 may display these lamps as a warning in addition to any other warning signals
5 required by this article. The lamps used to display the warning to the front
6 shall be mounted at the same level and as widely spaced laterally as
7 practicable and shall display simultaneously flashing white or amber lights
8 or any shade of color between white and amber. The lamps used to display the
9 warning to the rear shall be mounted at the same level and as widely spaced
10 laterally as practicable and shall show simultaneously flashing amber or red
11 lights or any shade of color between amber and red. These warning lights
12 shall be visible from a distance of at least one thousand five hundred feet
13 under normal atmospheric conditions at night.

14 E. A person may equip a motorcycle with a means of modulating the
15 intensity of a head lamp beam between the higher and lower brightness at a
16 rate of two hundred to two hundred eighty cycles per minute. A person shall
17 not modulate the head lamp beam during the hours of darkness as prescribed in
18 section 28-922.

19 Sec. 3. Section 41-4201, Arizona Revised Statutes, is amended to read:

20 41-4201. Arizona rangers; mission

21 A. The Arizona rangers are an unpaid, noncommissioned ~~civilian~~
22 ~~auxiliary~~ CITIZEN SERVICE ORGANIZATION that is available IN THIS STATE for
23 the ~~purpose of~~ FOLLOWING MISSIONS:

24 1. AT THE REQUEST AND UNDER THE SUPERVISION OF LAW ENFORCEMENT
25 OFFICIALS OR OFFICERS:

26 (a) Assisting and supporting law enforcement in this state.

27 (b) PERFORMING COMMUNITY SERVICES.

28 2. ASSISTING HISTORICAL, CULTURAL, COMMEMORATIVE AND PATRIOTIC
29 SERVICES.

30 B. EXCEPT AS PROVIDED IN SUBSECTION C, the Arizona rangers do not
31 possess any law enforcement or investigative powers that are not provided or
32 established in law for all citizens of this state. AN ARIZONA RANGER MAY
33 PROVIDE law enforcement ~~support~~ ASSISTANCE and ~~assistance~~ SUPPORT services
34 ~~are provided~~ on the request of, and under the direction, control and
35 supervision of, established law enforcement officials or officers.

36 C. IF PERFORMING LAW ENFORCEMENT ASSISTANCE AND SUPPORT SERVICES, AN
37 ARIZONA RANGER MAY ENGAGE IN PATROL OR INVESTIGATIVE ACTIVITIES PERFORMED TO
38 DETECT, PREVENT OR SUPPRESS CRIME OR TO ENFORCE CRIMINAL OR TRAFFIC LAWS OF
39 THIS STATE OR A COUNTY, CITY OR TOWN OF THIS STATE, BUT ONLY IN THE PRESENCE
40 AND UNDER THE SUPERVISION OF A PEACE OFFICER. AN ARIZONA RANGER MAY DIRECT
41 TRAFFIC WITHOUT SUPERVISION OF A PEACE OFFICER.