

REFERENCE TITLE: **weapons; misconduct; application**

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

## **HB 2464**

Introduced by  
Representatives Burns J, Barto, Pancrazi: Ableser, Alvarez, Campbell CH,  
Clark, Gallardo, Prezelski, Thrasher, Senator Johnson

**AN ACT**

**AMENDING SECTION 13-3102, 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 13-3102, 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, **COMMUNITY CORRECTIONAL OFFICER, SPECIAL**  
13 **INVESTIGATOR** or correctional officer of the state department of corrections;  
14 or

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

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

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

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

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

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

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

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

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

1 weapon or weapons carried in a case, holster, scabbard, pack or luggage that  
2 is carried within a means of transportation or within a storage compartment,  
3 map pocket, trunk or glove compartment of a means of transportation.

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

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

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

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

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

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

30 K. Misconduct involving weapons under subsection A, paragraph 9, 14 or  
31 15 of this section is a class 3 felony. Misconduct involving weapons under  
32 subsection A, paragraph 3, 4, 8 or 13 of this section is a class 4  
33 felony. Misconduct involving weapons under subsection A, paragraph 12 of  
34 this section is a class 1 misdemeanor unless the violation occurs in  
35 connection with conduct ~~which~~ THAT violates ~~the provisions of~~ section  
36 13-2308, subsection A, paragraph 5, section 13-2312, subsection C, section  
37 13-3409 or section 13-3411, in which case the offense is a class 6 felony.  
38 Misconduct involving weapons under subsection A, paragraph 5, 6 or 7 of this  
39 section is a class 6 felony. Misconduct involving weapons under subsection  
40 A, paragraph 1, 2, 10 or 11 of this section is a class 1 misdemeanor.

41 L. For the purposes of this section:

42 1. "Public establishment" means a structure, vehicle or craft that is  
43 owned, leased or operated by this state or a political subdivision of this  
44 state.

- 1           2. "Public event" means a specifically named or sponsored event of  
2 limited duration **THAT IS** either conducted by a public entity or conducted by  
3 a private entity with a permit or license granted by a public entity. Public  
4 event does not include an unsponsored gathering of people in a public place.  
5           3. "School" means a public or nonpublic kindergarten program, common  
6 school or high school.  
7           4. "School grounds" means in, or on the grounds of, a school.