

NEW GUN LAWS IN ARIZONA — 2006

Changes made after release of *The Arizona Gun Owner's Guide*, Edition 22.
Effective Sep. 17, 2006 (SB1145 became effective upon enactment, April 2006)

In numerical order by bill number; 7 bills, 17 statutes affected. Status: A=Amend; N=New; R=Repeal.

Summaries do not describe routine renumbering that occurs when bills are amended, or other minor grammar.

Key: **AGOG Page(s) • 2006 Bill No. • Statute Affected • Status •** Non-legal plain-English descriptions for convenience only

57 • HB2074 • §13-3112 • A • CCW-permit records for applicants, holders and instructors are only available to law enforcement or upon court order. The technical US Code citations for the Law Enforcement Officers Safety Act (the federal law that allows active and retired LEOs to carry nationwide regardless of local laws) are added.

59 • HB2074 • §13-3112 • R • Permit renewals no longer require a two-hour refresher course; The entire reciprocal agreement scheme for permit reciprocity is repealed (replaced by "recognition scheme" described below).

66-67 • HB2074 • §13-3112 • N • Arizona recognizes any firearm permit issued by any other state or subdivision of a state if the permit is valid where issued, and the permit holder is legally here, not a resident of Arizona, and not a prohibited possessor. The Dept. of Public Safety is required to enter into a written agreement with the other state if the other state requires it for mutual recognition.

41, 43, 55, 69 • HB2076 • §13-3102 • A • Temporary storage of firearms at the request of a public establishment or public event must comply with easy access as defined in new §13-3102.01 (below); grammatical change to a citation in US Code; Adds "Map Pocket" as a legal place to carry a firearm in a means of transportation; Limited liability protection is granted to people running public establishments or public events for storing or not storing firearms as provided by law.

41, 43, 69 • HB2076 • §13-3102.01 • N • Temporary storage of deadly weapons at the request of a public establishment or public event must be secure and readily accessible at the entrance and immediately available upon leaving; does not apply to liquor licensees; limited liability protection is provided for the operators.

127 • HB2130 • §17-316 • A • Interfering with the rights of hunters legally hunting is a class 2 misdemeanor. This includes placing yourself in the line of fire, disturbing wildlife or hunters, blocking access points and more.

39 • HB2649 • §13-3118 • N • Expands preemption by prohibiting authorities other than the state legislature from modifying the new easy access storage requirements (above); makes clear that localities can require temporary storage at public events or public establishments; allows localities to require pawnbrokers to hold secondhand firearms for up to ten days.

45, 119 • SB1072 • §12-716 • N • Poorly written, but attempts to say that if a plaintiff in a lawsuit was harmed while committing a felony, the person harming the plaintiff was acting reasonably (and hence plaintiff's claim is weakened or eliminated) if any of the following apply: the victim or police officer threatened or used physical or deadly physical force to either protect themselves against the plaintiff's illegal use of such force, or to arrest, prevent or assist in preventing the plaintiff's escape.

To prevent attorney's from squirming around the law, the state is now explicitly presumed to be acting reasonably in hiring and training peace

officers to use (fails to also mention "threaten to use," leaving a loophole) physical or deadly physical force to protect themselves (fails to mention "or others") against use of such force (fails to mention "illegal use," granting broad latitude), or to arrest, prevent or assist in preventing a plaintiff's escape.

Further, the "police tool product" (any weapon, safety equipment or product they use) that causes physical harm is presumed to not be defective, and its manufacturer to not be negligent, if it conforms to the generally recognized state of the art at the time it was designed, made, packaged and labeled, and complies with any relevant rules of the feds or the state.

110 • SB1145 • §13-103 • A • Justification defenses are explicitly not affirmative defenses. In other words, self defense and similar legal protections are not subject to the abusive standard where you must prove your innocence.

110 • SB1145 • §13-205 • A • Justification defenses are explicitly not affirmative defenses. Justified conduct describes behavior that if not justified would be an offense, but if justified is not criminal or wrongful. If evidence of justification is presented by a defendant, the state must prove beyond a reasonable doubt that the defendant did not act with justification.

112 • SB1145 • §13-411 • A • The justified threat or use of physical force or deadly physical force to prevent a long list of enumerated crimes applies in your home, residence, place of business, land you own or lease, any type of conveyance and any other place in the state where you have a right to be. (An activist judge, legislating from the bench, had decided this law only applied in your home, which was found nowhere in the law; the new language was added to eliminate his precedent changes to the statute.)

114 • SB1145 • §13-418 • N • The Castle Doctrine. You are justified in threatening or using physical force or deadly physical force against a person if you reasonably believe you or another person are in imminent peril of death or serious physical injury, and the person you act or threaten to act against had unlawfully or forcefully entered or was unlawfully or forcefully attempting to enter a residential structure or occupied vehicle, or had removed or was attempting to remove another person from the residential structure or occupied vehicle against their will. You have no duty to retreat before threatening or using physical force or deadly physical force in such situations. Residential structure is described in §13-1501. Vehicle means a conveyance of any kind, motorized or not, designed to transport people or property.

114 • SB1145 • §13-419 • N • You are presumed to be acting reasonably in specified justification statutes (§13-404 through §13-408), including the new Castle Doctrine statute (§13-418), if you act against a person who unlawfully or forcefully enters or entered your residential structure or occupied vehicle, except: 1—if the person you act against has the right to be in the residence or vehicle, as defined, and there is no order of protection or

injunction against harassment filed against the person; 2—if the person you act against is the parent, grandparent or has legal custody or guardianship of a child sought to be removed from the residence or vehicle; 3—you are engaged in an unlawful activity or using the residence or vehicle to further unlawful activity, and; 4—if the person you act against is a law enforcement officer entering or attempting to enter in performance of official duties.

The lack of any limit on item 3 above could remove your protection for such things as sexually active youngsters at home, certain web sites on the Internet, incorrectly filed taxes, unknowing possession of certain contraband, unpaid traffic tickets and more.

114 • SB1145 • §13-420 • N • An important change that puts teeth in the protections against frivolous lawsuits by felony perpetrators who sue if they are harmed: The defendant may collect attorney fees, costs, compensation for lost income and all expenses incurred in defense on any civil action in which the defendant prevails and the defendant's actions are found to be justified.

SB1145 • 1983, 1990 • R • A declaration of policy added to session laws, that a judge misused to limit certain justifications to only the home, is repealed, now that the broad swath of the statute is explicitly spelled out.

23, 29 • SB1339 • §8-341 • A • A juvenile who is adjudicated delinquent for a crime that would be a misdemeanor if committed by an adult, may be banned from carrying or possessing a firearm by a court, while under the jurisdiction of the court or the dept. of juvenile corrections.

23, 29 • SB1339 • §13-904 • A • A juvenile who is adjudicated delinquent for a crime that would be a felony if committed by an adult does not have the right to carry or possess a firearm (formerly applied regardless of the level of offense).

23 • SB1339 • §13-3101 • A • A juvenile who is adjudicated delinquent for a crime that would be a felony if committed by an adult is by definition a prohibited possessor (formerly applied for misdemeanors too).

27-29 • SB1339 • §13-3111 • A • Special rules in this section for gun carry or possession for kids under 18 apply statewide—it formerly only applied to counties with populations over 500,000.

29 • SB1339 • §13-3113 • A • A juvenile who is adjudicated delinquent for a crime that would be a felony if committed by an adult, commits a class 5 felony (or greater depending on circumstances) for carry possession or use of a firearm within 10 years.

BLOOMFIELD PRESS

"We publish the gun laws."

4718 E. Cactus #440

Phoenix, AZ 85032

602-996-4020 • 1-800-707-4020

GunLaws.com

Permission to circulate this page granted