

REFERENCE TITLE: firearms; schools; safety designee program

State of Arizona  
House of Representatives  
Fifty-first Legislature  
First Regular Session  
2013

# HB 2656

Introduced by  
Representative Stevens

AN ACT

AMENDING SECTION 13-3102, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 1, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-199; RELATING TO FIREARMS.

(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 except a pocket knife concealed on his  
8 person or within his immediate control in or on a means of transportation:  
9 (a) In the furtherance of a serious offense as defined in section  
10 13-706, a violent crime as defined in section 13-901.03 or any other felony  
11 offense; or  
12 (b) When contacted by a law enforcement officer and failing to  
13 accurately answer the officer if the officer asks whether the person is  
14 carrying a concealed deadly weapon; or  
15 2. Carrying a deadly weapon except a pocket knife concealed on his  
16 person or concealed within his immediate control in or on a means of  
17 transportation if the person is under twenty-one years of age; or  
18 3. Manufacturing, possessing, transporting, selling or transferring a  
19 prohibited weapon, except that if the violation involves dry ice, a person  
20 commits misconduct involving weapons by knowingly possessing the dry ice with  
21 the intent to cause injury to or death of another person or to cause damage  
22 to the property of another person; or  
23 4. Possessing a deadly weapon or prohibited weapon if such person is a  
24 prohibited possessor; or  
25 5. Selling or transferring a deadly weapon to a prohibited possessor;  
26 or  
27 6. Defacing a deadly weapon; or  
28 7. Possessing a defaced deadly weapon knowing the deadly weapon was  
29 defaced; or  
30 8. Using or possessing a deadly weapon during the commission of any  
31 felony offense included in chapter 34 of this title; or  
32 9. Discharging a firearm at an occupied structure in order to assist,  
33 promote or further the interests of a criminal street gang, a criminal  
34 syndicate or a racketeering enterprise; or  
35 10. Unless specifically authorized by law, entering any public  
36 establishment or attending any public event and carrying a deadly weapon on  
37 his person after a reasonable request by the operator of the establishment or  
38 the sponsor of the event or the sponsor's agent to remove his weapon and  
39 place it in the custody of the operator of the establishment or the sponsor  
40 of the event for temporary and secure storage of the weapon pursuant to  
41 section 13-3102.01; or  
42 11. Unless specifically authorized by law, entering an election polling  
43 place on the day of any election carrying a deadly weapon; or  
44 12. Possessing a deadly weapon on school grounds; or

1           13. Unless specifically authorized by law, entering a nuclear or  
2 hydroelectric generating station carrying a deadly weapon on his person or  
3 within the immediate control of any person; or

4           14. Supplying, selling or giving possession or control of a firearm to  
5 another person if the person knows or has reason to know that the other  
6 person would use the firearm in the commission of any felony; or

7           15. Using, possessing or exercising control over a deadly weapon in  
8 furtherance of any act of terrorism as defined in section 13-2301 or  
9 possessing or exercising control over a deadly weapon knowing or having  
10 reason to know that it will be used to facilitate any act of terrorism as  
11 defined in section 13-2301; OR ~~—~~

12           16. Trafficking in weapons or explosives for financial gain in order to  
13 assist, promote or further the interests of a criminal street gang, a  
14 criminal syndicate or a racketeering enterprise.

15           B. Subsection A, paragraph 2 of this section shall not apply to:

16           1. A person in his dwelling, on his business premises or on real  
17 property owned or leased by that person or that person's parent, grandparent  
18 or legal guardian.

19           2. A member of the sheriff's volunteer posse or reserve organization  
20 who has received and passed firearms training that is approved by the Arizona  
21 peace officer standards and training board and who is authorized by the  
22 sheriff to carry a concealed weapon pursuant to section 11-441.

23           3. A firearm that is carried in:

24           (a) A manner where any portion of the firearm or holster in which the  
25 firearm is carried is visible.

26           (b) A holster that is wholly or partially visible.

27           (c) A scabbard or case designed for carrying weapons that is wholly or  
28 partially visible.

29           (d) Luggage.

30           (e) A case, holster, scabbard, pack or luggage that is carried within  
31 a means of transportation or within a storage compartment, map pocket, trunk  
32 or glove compartment of a means of transportation.

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

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

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

39           3. A warden, deputy warden, community correctional officer, detention  
40 officer, special investigator or correctional officer of the state department  
41 of corrections or the department of juvenile corrections; or

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

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

3           1. The possessing, transporting, selling or transferring of weapons by  
4 a museum as a part of its collection or an educational institution for  
5 educational purposes or by an authorized employee of such museum or  
6 institution, if:

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

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

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

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

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

25           F. Subsection A, paragraph 10 of this section shall not apply to  
26 shooting ranges or shooting events, hunting areas or similar locations or  
27 activities.

28           G. Subsection A, paragraph 3 of this section shall not apply to a  
29 weapon described in section 13-3101, subsection A, paragraph 8, subdivision  
30 (a), item (v), if such weapon is possessed for the purposes of preparing for,  
31 conducting or participating in lawful exhibitions, demonstrations, contests  
32 or athletic events involving the use of such weapon. Subsection A, paragraph  
33 12 of this section shall not apply to a weapon if such weapon is possessed  
34 for the purposes of preparing for, conducting or participating in hunter or  
35 firearm safety courses.

36           H. Subsection A, paragraph 12 of this section shall not apply to the  
37 possession of a:

38           1. Firearm that is not loaded and that is carried within a means of  
39 transportation under the control of an adult provided that if the adult  
40 leaves the means of transportation the firearm shall not be visible from the  
41 outside of the means of transportation and the means of transportation shall  
42 be locked.

43           2. Firearm for use on the school grounds in a program approved by a  
44 school.

1           3. Firearm by a person who possesses a certificate of firearms  
2 proficiency pursuant to section 13-3112, subsection T and who is authorized  
3 to carry a concealed firearm pursuant to the law enforcement officers safety  
4 act of 2004 (P.L. 108-277; 118 Stat. 865; 18 United States Code sections 926B  
5 and 926C).

6           4. FIREARM BY A PERSON WHO IS APPROVED AND DESIGNATED BY A SCHOOL  
7 DISTRICT GOVERNING BOARD OR THE GOVERNING BODY OF A CHARTER SCHOOL AND WHO  
8 HAS SATISFACTORILY COMPLETED THE OPTIONAL SCHOOL SAFETY DESIGNEE PROGRAM  
9 ESTABLISHED PURSUANT TO SECTION 41-199.

10          I. Subsection A, paragraphs 2, 3, 7 and 13 of this section shall not  
11 apply to commercial nuclear generating station armed nuclear security guards  
12 during the performance of official duties or during any security training  
13 exercises sponsored by the commercial nuclear generating station or local,  
14 state or federal authorities.

15          J. The operator of the establishment or the sponsor of the event or  
16 the employee of the operator or sponsor or the agent of the sponsor,  
17 including a public entity or public employee, is not liable for acts or  
18 omissions pursuant to subsection A, paragraph 10 of this section unless the  
19 operator, sponsor, employee or agent intended to cause injury or was grossly  
20 negligent.

21          K. If a law enforcement officer contacts a person who is in possession  
22 of a firearm, the law enforcement officer may take temporary custody of the  
23 firearm for the duration of that contact.

24          L. Misconduct involving weapons under subsection A, paragraph 15 of  
25 this section is a class 2 felony. Misconduct involving weapons under  
26 subsection A, paragraph 9, 14 or 16 of this section is a class 3 felony.  
27 Misconduct involving weapons under subsection A, paragraph 3, 4, 8 or 13 of  
28 this section is a class 4 felony. Misconduct involving weapons under  
29 subsection A, paragraph 12 of this section is a class 1 misdemeanor unless  
30 the violation occurs in connection with conduct that violates section  
31 13-2308, subsection A, paragraph 5, section 13-2312, subsection C, section  
32 13-3409 or section 13-3411, in which case the offense is a class 6 felony.  
33 Misconduct involving weapons under subsection A, paragraph 1, subdivision (a)  
34 of this section or subsection A, paragraph 5, 6 or 7 of this section is a  
35 class 6 felony. Misconduct involving weapons under subsection A, paragraph  
36 1, subdivision (b) of this section or subsection A, paragraph 10 or 11 of  
37 this section is a class 1 misdemeanor. Misconduct involving weapons under  
38 subsection A, paragraph 2 of this section is a class 3 misdemeanor.

39          M. For the purposes of this section:

40           1. "Contacted by a law enforcement officer" means a lawful traffic or  
41 criminal investigation, arrest or detention or an investigatory stop by a law  
42 enforcement officer that is based on reasonable suspicion that an offense has  
43 been or is about to be committed.

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

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

8           4. "School" means a public or nonpublic kindergarten program, common  
9 school or high school.

10          5. "School grounds" means in, or on the grounds of, a school.

11          Sec. 2. Title 41, chapter 1, article 5, Arizona Revised Statutes, is  
12 amended by adding section 41-199, to read:

13          41-199. Optional school safety designee program

14          A. THE OPTIONAL SCHOOL SAFETY DESIGNEE PROGRAM IS ESTABLISHED IN THE  
15 ATTORNEY GENERAL'S OFFICE.

16          B. THE ATTORNEY GENERAL, IN COORDINATION WITH THE DEPARTMENT OF PUBLIC  
17 SAFETY, SHALL PROVIDE TRAINING TO A SCHOOL DISTRICT OR CHARTER SCHOOL  
18 EMPLOYEE WHO HAS BEEN APPROVED AND DESIGNATED BY THE SCHOOL DISTRICT  
19 GOVERNING BOARD OR THE GOVERNING BODY OF THE CHARTER SCHOOL TO STORE A  
20 FIREARM ON THE SCHOOL CAMPUS FOR THE PURPOSE OF DEFENDING THAT SCHOOL CAMPUS.

21          C. THE ATTORNEY GENERAL'S OFFICE OR INSTRUCTORS WHO ARE APPROVED BY  
22 THE DEPARTMENT OF PUBLIC SAFETY SHALL CONDUCT THE OPTIONAL SCHOOL SAFETY  
23 DESIGNEE PROGRAM.

24          D. THE OPTIONAL SCHOOL SAFETY DESIGNEE PROGRAM SHALL MEET THE  
25 FOLLOWING REQUIREMENTS:

26           1. BE AT LEAST TWENTY-FOUR HOURS IN LENGTH.

27           2. BE CONDUCTED ON A PASS OR FAIL BASIS.

28           3. ADDRESS ALL OF THE FOLLOWING TOPICS:

29           (a) LEGAL ISSUES RELATING TO THE USE OF DEADLY FORCE.

30           (b) WEAPON CARE AND MAINTENANCE.

31           (c) MENTAL CONDITIONING FOR THE USE OF DEADLY FORCE.

32           (d) SAFE HANDLING AND STORAGE OF WEAPONS.

33           (e) MARKSMANSHIP.

34           (f) JUDGMENTAL SHOOTING.

35           (g) SCENARIO BASED TRAINING.

36           (h) FORCE ON FORCE TRAINING.

37           (i) FAMILIARITY WITH POLICE ACTIVE SHOOTER RESPONSE.

38           (j) COORDINATION WITH THE LOCAL JURISDICTION.

39           4. BE CONDUCTED BY INSTRUCTORS WHO SUBMIT TO A BACKGROUND  
40 INVESTIGATION, INCLUDING A CHECK FOR WARRANTS AND A CRIMINAL HISTORY RECORDS  
41 CHECK.

42          E. THE ATTORNEY GENERAL SHALL MAINTAIN A LIST OF THE SCHOOL CAMPUSES  
43 THAT ARE PARTICIPATING IN THE PROGRAM. IF THE ATTORNEY GENERAL DOES NOT  
44 ANNUALLY RECEIVE THE NAME OF THE APPROVED DESIGNEE AND THE DESIGNATED SCHOOL

- 1 CAMPUS, THAT SCHOOL CAMPUS SHALL BE REMOVED FROM THE LIST OF PARTICIPATING  
2 SCHOOLS.
- 3 F. IF A SCHOOL DISTRICT GOVERNING BOARD OR A GOVERNING BODY OF A  
4 CHARTER SCHOOL ELECTS TO PARTICIPATE IN THE OPTIONAL SCHOOL SAFETY DESIGNEE  
5 PROGRAM, THE GOVERNING BOARD OR BODY SHALL DO ALL OF THE FOLLOWING:
- 6 1. ANNUALLY APPROVE AND DESIGNATE ONE OR MORE EMPLOYEES TO STORE A  
7 FIREARM.
  - 8 2. ANNUALLY PROVIDE THE ATTORNEY GENERAL'S OFFICE WITH THE NAME OF ANY  
9 DESIGNATED EMPLOYEE AND THE NAME OF THE SCHOOL CAMPUS.
  - 10 3. ENSURE THE FIREARM IS STORED IN A SECURE FIREARM LOCKER.
  - 11 4. ENSURE THE DESIGNATED EMPLOYEE RECEIVES ANNUAL TRAINING.