



Background on Arizona Firearms Legislation and SB 1201

Members of the Greater Phoenix Chamber of Commerce are concerned when private property rights come into conflict with Second Amendment rights. Over the past five years, the Arizona Legislature has passed over 15 bills that relax firearms rules and regulations. Several of these new laws have placed the right to carry a gun over the rights of property owners.

In 2009, two bills were passed which infringed upon the rights of business and property owners. SB 1113 allows concealed weapons permit holders to carry concealed handguns into bars and restaurants that sell liquor. Although business owners have the option of keeping handguns off of their premises, they must order special signs from the Department of Liquor Licenses to do so. SB 1168 prohibits a property owner or business from enforcing a policy or rule that does not permit a person to carry firearms in his/her vehicle as long as the vehicle is locked and the firearm is not visible from the outside.

These are examples of gun rights encroaching upon the rights of private property owners. While firearms legislation has traditionally extolled liberty, laws that pit guns against property owners are destined to do the opposite.

SB 1201 is currently making its way through Arizona's legislative process. This bill, among other provisions, bans public establishments and events operators from limiting or prohibiting firearms on the establishment/event premises. According to the bill, a public event includes a private entity with a permit or license granted by a public entity. In order to limit or prohibit firearms at public establishments and events, operators must hire law enforcement or security officers, in addition to providing weapon detention equipment and firearms lockers.

The provisions of SB 1201 threaten property rights and provide unnecessary regulations, which are financially burdensome, to businesses that wish to limit or prohibit firearms on their premises.



SB 1201 (firearms omnibus)

Current Law	SB 1201 (amended)
<p>Misconduct with Weapons A person commits misconduct with a weapon if they: Enter a public establishment or event and carry a deadly weapon after reasonable request by operator of establishment or event to remove the weapon. An adult is exempt from misconduct with a weapon if they: Have an <u>unloaded</u> firearm in a locked car on school grounds.</p>	<p>Misconduct with Weapons <u>Removes</u> the provisions of misconduct with a weapon if: A person enters a public establishment or event and carries a deadly weapon after reasonable request by operator of establishment or events to remove weapon. An adult is exempt from misconduct with a weapon if they: Have a <u>loaded</u> firearm in a locked car on school grounds. <u>Removes</u> definitions for public establishment¹ and public event² from A.R.S. 13-3103 and adds the definitions to A.R.S. 13-3108.</p>
<p>Storage of Deadly Weapons If operator of public establishment or event requests that a person remove deadly weapon, operator shall provide temporary and secure storage.</p>	<p>Storage of Deadly Weapons <u>Removes</u> section from statute.</p>
<p>Forfeiture of Weapons Requires the court, upon felony conviction or finding of incompetence, to order weapon forfeited and sold to any business that is authorized to receive and dispose of weapon under federal, state, and <i>local law</i>. The business is required to sell the weapon to the public according to federal, state, and <i>local law</i>, unless prohibited by federal, state, and <i>local law</i>.</p>	<p>Forfeiture of Weapons <u>Removes</u> “<i>local law</i>” from A.R.S. 13-3105.</p>
<p>Firearms Regulated by the State Political subdivisions in Arizona are prohibited from enacting ordinances, rules, or taxes pertaining to the transportation, possession, carrying, sale, and transfer of firearms and ammunition. Political subdivisions are prohibited from requiring licensing or registration of firearms or ammunition.</p>	<p>Firearms Regulated by the State <u>Adds</u> “<i>this state and any agency of this state</i>” to the list of divisions that are prohibited from enacting ordinances. <u>Adds</u> that the state, an agency, or any political subdivision of the state shall not enact any rule or ordinance that relates to firearms and is more prohibitive than or that has a penalty that is greater</p>

¹ “Public establishment” means a structure, vehicle or craft that is owned, leased or operated by this state or a political subdivision of this state. (A.R.S. 13-3103) The bill moves this definition to A.R.S. 13-3108.

² “Public event” means a specifically named or sponsored event of limited duration that is either conducted by a public entity or conducted by a private entity with a permit or license granted by a public entity. Public event does not include an unsponsored gathering of people in a public place. (A.R.S. 13-3103) The bill moves this definition to A.R.S. 13-3108.



	<p>than state law.</p> <p><u>Adds</u> that a political subdivision of the state may require that a business that obtains a secondhand firearm by purchase, trade, or consignment to retain the firearm for a period of not more than ten days.³</p> <p><u>Adds</u> that a person may file suit in an appropriate court for declarative and injunctive relief and for actual and consequential damages if any rule is enacted or enforced in violation of this section⁴. The court shall award the prevailing party attorney fees and costs.</p> <p>Exemptions⁵:</p> <p>The legislature is allowed to enact ordinances, rules, or taxes pertaining to the transportation, possession, carrying, sale, and transfer of firearms and ammunition.</p> <p>The legislature is allowed to require licensing or registration of firearms or ammunition.</p>
<p>Firearms in Public Establishments</p> <p>Allows an operator of a public establishment or event to remove a weapon and place the weapon in temporary and secure storage.</p>	<p>Firearms in Public Establishments</p> <p>Permits the state to limit or prohibit firearms in a public establishment or event if all of the following apply:</p> <ol style="list-style-type: none"> 1. The public establishment or event is a secured facility with controlled access⁶ or is issued a license by the Department of Liquor Licenses and Control. 2. A sign is posted with specific illustrative requirements (a pictogram that shows a firearm within a red circle and diagonal red line across the firearm and the words, “No firearms allowed pursuant to A.R.S. Section 13-3108,” in block, capital letters, and other requirements). 3. The public establishment or event is equipped with secure firearm lockers within reasonable proximity to the main entrance. <p>Exemptions include:</p> <p>State, county, or municipal judicial departments, law</p>

³ This subsection was formerly found in A.R.S. Section 13-3118, which is repealed by SB 1201.

⁴ A.R.S. Section 13-3108.

⁵ Amendment adopted in Senate Judiciary.

⁶ “Controlled access” means access is controlled or restricted by the presence of a state or federal certified law enforcement officer or an armed security officer and metal detection, x-ray, screening or other weapon detection equipment. (Page 11, lines 32 and 33)



	<p>enforcement agencies or prosecutorial agencies may limit or prohibit firearms if the above requirements⁷ are met.</p> <p>These limitations and exemptions do not apply to: Peace officer or any persons summoned by a peace officer to assist in the performance of official duties. Any shooting range or event or hunting area.</p> <p>A violation of any ordinance enacted pursuant to the subsection⁸ that limits or prohibits the possession of firearms in a public establishment or at a public event is a Class 3 Misdemeanor⁹.</p>
<p>Definition of Public Establishment “Public establishment” means a structure, vehicle or craft that is owned, leased or operated by this state or a political subdivision of this state.</p>	<p>Definition of Public Establishment¹⁰ Excludes any structure that is owned by a political subdivision and this is leased, provided as part of a joint venture or leased purchased to a private entity for a private commercial, residential rental or private industrial purpose.</p>
<p>Definition of Political Subdivision¹¹ A political subdivision acting in any capacity, including under police power.</p>	<p>Definition of Political Subdivision <u>Adds</u> municipalities, counties, special taxing districts, conservation districts, authorizes, any corporate or other entity that leases a public improvement, a public organization, the governing body of a political subdivision and its member and officers.</p>

⁷ A.R.S. 13-308, Subsection E, Paragraph 6

⁸ A.R.S. 13-308, Subsection J

⁹ A person convicted of a Class 3 Misdemeanor may be fined no more than \$500 and imprisoned for no more than 30 days. (A.R.S. 13-802 and 13-707)

¹⁰ Amendment adopted on Senate Floor.

¹¹ A.R.S. 13-3108