

If the court finds in your favor, the original order is deemed to have not occurred, but only the right to *possess* a firearm is restored and “does not apply to and has no affect on any other rights or benefits the person receives.” It’s unclear how that might affect gun purchase, permits, use, transfer and other abilities. The court must notify DPS, and DPS must notify the federal background check NICS system that you’re no longer a prohibited possessor. §13-4441 is added to guarantee you the right to be present and be heard at any related hearing, and if you ask the state attorney, you must be notified at least five days in advance of any hearing.

This bill also amends §38-1102 to clarify that AZPOST-compliant retired peace officers can carry firearms, except where police are usually restricted under §38-1102(C)(1, 2, 4, 5, 6, 7 and 8). Retired peace officer is defined. Active, retired and off-duty police continue to get expansion of their national right to carry, while the public, constitutionally entitled to and promised this restoration while the police bill was being debated and enacted, continue to be left out in the cold.

HB2006 • CH276 • Range Management; Game Refuge Gun Ban Repealed

To clarify responsibilities, this law requires the Arizona Game and Fish Commission to adopt rules relating to operations at public shooting ranges run by and under the jurisdiction of AGFC. This includes: hours of operation, use fees, regulation of groups and events, operation of related range facilities, types of firearm and ammunition that may be used, safe handling of firearms at the range, required safety equipment for anyone using the range, sale of firearms, ammo and shooting supplies at the range, and authority of range officers to enforce the rules, including removal of violators from the premises and denying access for repeat offenders.

This bill also repealed §17-305, a ban on bearing arms in a game refuge. Poaching is still prohibited of course, but the simple act of bearing arms is no longer prohibited, closing another dangerous make-believe gun-free zone. Learn more about the negligence of make-believe gun-free zones: gunlaws.com/GFZ/index.htm

SB1334 • CH349 • Hunting Officials Clarified; Power Granted to Cities

§13-3107 is amended to clarify that shooting within city limits is OK if it is done to legally hunt during an open season as defined and as limited by the Arizona Game and Fish Dept., and state law. The power a police chief once had to approve or declare it unsafe is removed, avoiding confusion and overlapping authority. §13-3108 is amended to stop any political subdivisions from limiting hunting as defined by AGFD, but political subdivisions can enact their own basically redundant rules, if consistent with AGFD.

Cities, towns and counties can now also adopt rules to restrict shooting within a quarter-mile of an occupied structure, which is a major change. This limitation formerly only applied while hunting, and appears to be an oversight. In addition, the apparently unqualified language includes no allowance for justifiable discharges, such as self defense, defense of a third person, defense against animal attack, or for shooting at legitimate ranges. From §13-3107(B)(3): “This *paragraph* does not prevent a political subdivision from adopting an ordinance or rule restricting the discharge of a firearm within one-fourth mile of an occupied structure.” Although this language appears to relate to the hunting laws, and conflicts with an earlier part of the same statute, (C)(1) and (C)(2), and appears differently in §13-3108(E) (referring to a subsection instead of a paragraph), gun laws frequently appear in strange places and have full effect, e.g., gun bans in the tax code, etc.

SB1610 • CH313 •

The Official Arizona State Firearm

Following the lead of Utah, which has declared the John M. Browning-designed classic M1911-model .45-caliber sidearm as its official state firearm, Arizona has established the Colt Single-Action Army Revolver as our official state firearm, with a new statute, §41-860.02. This was a tougher legislative battle than anyone expected, but it finds a place of honor in our laws for a firearm that won the West.

SCR1020 Frivolous Lawsuit Protection

This resolution places a Constitutional Amendment on the Arizona ballot in 2012,

to prevent frivolous lawsuits against crime victims, by felons harmed during the commission of a crime. A crime victim would not be subject to a claim for damages by a perpetrator harmed while attempting or engaging in, or fleeing from conduct that is a felony offense. It should be noted that using force against a person who is fleeing is usually not legal and could attract criminal charges, but if this resolution passes, would not allow further civil damages by lawsuit from the perp, if the concept holds up in court.

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These new laws were enacted with the coordinated actions of AzCDL (the local grassroots gun-rights group) and ASRPA (the state NRA chapter, founded in 1909). If you’re not already a member, it’s time to join, so this important work can continue next time around. **Help defend your rights:**

Arizona Citizens Defense League

azcdl.org

Arizona State Rifle and Pistol Association

asrpa.com

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And of course, the NRA, GOA, SAF, JPFO, SAS, NSSF and more: gunlaws.com/links

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The following additional changes to gun law were detected by analyzing the Table of Statutes Affected (TOSA) for 2011. TOSA came out quickly this year, it used to take months to be finished and posted. Lobbyists are generally not involved in these changes, but your gun laws sure are. Sometimes these take people by surprise, so-called “under the radar” gun laws: e.g., this year, improved hunter trespass protection for landowners in HB2623, or range exemptions for authorities that the public cannot enjoy, in SB1505. Some seem minor but are needed to make Appendix D of *The Arizona Gun Owner's Guide* accurate and up to date. The statute correction process of the Legislative Council office is likely to make other minor adjustments later, as conflicts in numbering, grammar and other refinements are detected and changed in the future.

§4-229 • SB1460 • CH165 • Signs

Liquor-licensed establishments can post as many no-gun signs as they wish (but still

must be properly posted to ban entry by people with CCWs).

§13-105 • HB2353 • CH90 • Felonies

“Historical prior felony conviction” is expanded, and now means “involved in a dangerous offense”; it used to mean “Involved the use or exhibition of a deadly weapon or dangerous instrument.”

§13-105 • HB2405 • CH114 • Additions

Renumber all items after 22. Include definitions in AGOG for “possess,” “possession,” “unlawful,” previously absent.

§13-701 • SB1621 • CH33 • Definition

A sentencing citation is added to “A”. Add definition of stun gun to (D)(22), previously omitted.

§13-1204 • HB2353 • CH90 • Officials

Tweak grammar, add public defender to protected people list, change sentencing for knowingly assaulting LEO by adding new “C”, subsequent renumbering.

§13-2308.01 • HB2353 • CH90 • Prison

Increase sentence for certain acts of terrorism.

§13-3101 • HB2353 • CH90 • Grammar

Change “himself” to “self,” change cite in (7)(d) from “4” to “4.1”.

§13-2308.01 • SB1484 • CH326

Renumber, “C” is now “D”.

§13-3102 • SB1505 • CH211 • Guards

New graf “I” exempts nuclear-plant guards from certain restrictions on firearms possession, renumber subsequent graf.

§17-101 • HB2358 • CH282 • Addition

Defines “firearm” as a “device,” in the AGFD statutes, previously absent.

§17-340 • HB2358 • CH282 • Grammar

Change “Upon” to “On”.

§17-304 • HB2623 • CH202 • Trespass

Grounds for criminal trespass charge while hunting on private land is adjusted, requiring all properly posted signs to say “No Trespassing” or (this is new) the person knowingly remains unlawfully on real property after a reasonable request to leave by the person lawfully in charge of

the land, or the person knowingly disregards reasonable notice at the entry.

§17-602 • SB1505 • CH211 • Ranges
Military and armed-nuclear-plant-guard outdoor ranges are exempt from noise standards for other ranges.

§17-604 • SB1505 • CH211 • Ranges
Nighttime restrictions on outdoor ranges do not apply to armed-nuclear-plant-guard ranges.

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And finally, I'm looking into a variety of odds and ends that have come to my attention --

Other Arizona props for the 2012 ballot:

- Prop 109 to make hunting in Arizona a constitutional right
- Prop 110 regarding protection of military base lands

FBI position on medical marijuana:

- It's unclear at present if Arizona MedPot license holders jeopardize their RKBA

U.S. Forest Service "orders" for shooting (and not shooting) on public lands:

- Order #12-08-234R, 6/18/09

BATFE's self-enacted non-law for long-gun sales reporting and buyer registration in border states:

- gunlaws.com/BATFE-GunRunnerScandal.htm

New federal LEOSA clarification statute for law-enforcement officers:

- P.L. 111-272

The *Heller* and *McDonald* Supreme Court case summaries for state law effects:

- Individual and state's rights both improved in these Supreme Court cases

Federal HR627 dropping gun bans in National Parks and Wildlife Refuges:

- Actually places state laws above federal laws, leaving state carry and possession rules to dictate conditions on these federal lands, a really good start.

National Defense Authorization Act 2011:

- "The legislation includes several provisions developed by NRA-ILA and pro-Second Amendment members of Congress, which will provide practical

benefits to gun owners, while generating revenue for military bases, and protect the privacy and Second Amendment rights of gun-owning military personnel and their families and civilian employees of the Department of Defense."

Importation of Regular Pocket Knives:

- Customs Dept. attempted to ban importation of knives that can be opened with one hand, which make up 85% of all knife sales. Remember, the Second Amendment protects "arms," which includes blades, learn more: <http://www.kniferights.org>

Our "friends" in government sure do keep me busy. There's no end to these bastages.

What good are your rights if you can't tell what they are, or if they change so often that no human can be expected to keep up? That's a paraphrase from James Madison, who said it two centuries ago. He couldn't be more right.

"In any advanced society, *civil servant* is a euphemism for *civil master*."
—Robert Heinlein

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THE ARIZONA GUN OWNER'S Guide

UPDATE FOR 2011

Changes to the 24th Edition (2010) of *The Arizona Gun Owner's Guide*, which will appear in the 25th edition when it is released.

This early-release non-final version is now going through a review process. Check our website, GunLaws.com for future updates and changes.

These new laws—27 changes, took effect July 20, 2011.

SB1469 • CH353 • Justification for the Use of Deadly Force Is Enhanced

Justification for defending a third person (§13-406) is simplified. The idea that a reasonable person would believe action is immediately necessary is removed, since it's already covered—you can only act under the same circumstance as if it was you and not a third person who was threatened, which includes "immediacy." §13-411 is amended to make it clear that actions taken in using force for crime prevention are presumed to be reasonable if you (and therefore not a third person) reasonably believe the actions are needed to prevent an actual or imminent crime.

The Castle Doctrine presumption of reasonableness (§13-419) is enhanced. You are presumed to be acting reasonably (under the Use of Force justification laws §13-404, 405, 406, 407, 408, 418 and 421) if you believe the threat or use of physical or deadly force is immediately necessary, and you know or believe that the person you use or threaten the force against is unlawfully or forcefully entering or has unlawfully or forcefully entered, and is present, in your residence or occupied vehicle. The phrase "and is present" is new, and limits the Castle Doctrine. A new paragraph is added to clarify that a person who enters or attempts

to enter under those conditions is legally presumed to pose an imminent deadly threat to any person in the residence or vehicle, strengthening your legal footing and getting tougher on perps. If the use of force would not be justified, the law is amended to make clear that threatened use of force would not be justified either.

HB2146 • CH85 • DPS Is Removed from the CCW Class Process

This amends the main CCW law, §13-3112, to make it clear that you only need to carry your CCW permit if it's required by §4-229 or §4-244 (in places that serve alcohol). Failure to show the permit to a law-enforcement officer, in an alcohol-licensed place, if asked, while armed, suspends the permit and risks a \$300 fine. This can be fixed however by showing your permit later to a court, if it was valid at the time, with no other repercussions.

This bill also repeals the burden for DPS to approve CCW courses, instructors and schools, which are now well-defined by law with no bureaucratic review needed. Courses that use instructors certified by the NRA are added to the long list that qualifies you for a permit. Classes DPS had already approved remain valid as well. The subsections after "N" are renumbered. Any acceptable training you may have had at any time in the past is valid—training no longer has an expiration date—though constant training is a good thing and highly encouraged, see TrainMeAZ.com.

HB2645 • CH304 • Restoration of Rights in Mental Health Cases; LEOSA

Amends §12-2101 so you can petition the Arizona court of appeals to restore your right to possess a firearm under §13-925. That section, add by this bill, describes the complex process for filing such a petition, which the court must act upon, if you have lost your right to arms under state law §13-3101(A)(7)(a) or federal law 18 USC §922(d)(4) or (g)(4) (for mental disability). Psychological, psychiatric and criminal evidence must be presented, which the court must consider, along with reputation, whether you are a self danger or danger to others, and anything else the court deems relevant. You must prove by clear and convincing evidence you're unlikely to represent a danger, and that restoring your rights is not contrary to the public interest.