



## 2012-2013 Changes to Edition 25 The Arizona Gun Owner's Guide

**KEY: Bill number • Statute Affected • Chapter number**

**HB2457 • §17-305 • CH225.** Possession of legal non-hunt weapons, devices, ammo or magazines (e.g., a discreetly carried sidearm) is no longer banned while hunting. Using any such gear to take wildlife is a class 1 misdemeanor.

**HB2639 • §§17-101, 17-261, 17-273, 17-340, 17-341, 41-2752 • CH272.** Omnibus AGFD bill. In §101, *domicile*, *nonresident* and *resident* are more clearly defined for getting hunting papers (license, permit, tag, tax stamp). Active military defined as residents for hunting purposes if a) they're in the state for 30 days prior to applying for papers, or b) in another state or country but list Arizona as their home. Resident includes a person domiciled here for six months prior to applying for hunting papers who does not claim another residency for any purpose. The whole section is renumbered.

§261 and §273 requires money from goods sold at shooting ranges to go into the firearms safety and ranges fund and not into the AGFD general fund (with an exception for federal-grant-program income). Money from the range fund can be used for two new purposes, shooting sports programs and inventory for goods sold at ranges (targets, books, eye and ear wear, etc.).

§340. The crime of letting edible portions of game go to waste is clarified by exempting meat damaged by the method of taking. Animals' edible parts are described. Hunting privileges can be lost for up to five years for this offense, in addition to the existing class 2 misdemeanor.

§341. The offense of obtaining fraudulent hunting papers now includes phony tags or stamps, and the purchase, accepting or use of any phony papers.

§41-2752. An exception to ban on state agencies competing with the private sector is created to allow AGFD to sell off firearms. Also, §17-340 is repealed.

**HB 2640 • §17-231 • CH75.** The Arizona Game and Fish Commission can no longer limit or restrict magazine capacity of any authorized firearm.

**HB2728 • §§17-251, 17-309 • CH128.** Firearm silencers (aka mufflers, suppressors, modulators) may be used while hunting. If OSHA was on the case, it would promote this, which would also spur the economy.

**SB1149 • §§13-3101, 13-3102 • CH231.** Firearm trafficking is defined in two parts. First, "trafficking" now means to sell, transfer, distribute, dispense or otherwise dispose of a weapon or explosive to another person, or to buy, receive, possess or obtain control of a weapon or explosive, with the intent to sell, transfer, distribute, dispense or otherwise dispose of the weapon or explosive to another person. Yes, it's frighteningly broad. Then, in §13-3102, a penalty is provided for trafficking weapons or explosives for financial gain in order to assist, promote or further the interests of a criminal street gang, a criminal syndicate or a racketeering enterprise. This is an uncomfortable situation, because now, buying a firearm as a gift is by definition "trafficking," made legal only by the second bit of law.

**SB1151 • §§13-105, 13-703, 13-704 • CH190.** In general, the definition of a felony, which makes person a prohibited possessor, includes crimes defined as felonies when committed in another state within the past five years as defined. This includes felony weapon offenses, or death/serious-bodily-injury offenses, committed in other states. Felony weapon-*possession* convictions in other states that would not have been felonies here are excluded. Sentencing guidelines are amended to allow for the weapon-possession exclusion.

**SB1241 • §§12-945, 13-3105 • CH173.** A loophole that allowed localities to destroy confiscated or otherwise acquired guns is closed. Unclaimed firearms that can be legally owned, after 60 days, must be sold to a business authorized to receive and dispose of firearms under state and federal law, for sale to the public. Law-enforcement agencies may trade guns they have to federally licensed dealers for ammo, weapons, equipment or other material to be used exclusively for law enforcement. §13-3105 amended to remove local control of the process, and courts are ordered to act within one year of forfeiture.

This law enacted earlier had escaped my attention. It does seem like it amends the Arizona Constitution, which cannot legally be done by statute.

**§26-123. Maintenance of private troops prohibited; violation; classification.** A. No person, partnership or corporation shall maintain troops under arms, but this section shall not be deemed to prohibit a business, plant or firm from maintaining armed guards for protection of their property from damage or loss, or formation of a state police or highway patrol, or the existence of county and municipal police forces and sheriff's posses. B. Any person violating this section is guilty of a class 5 felony.

Eight other enactments in 2012 made minor changes that will appear in Appendix D but don't affect the text of the book (CH29, 66, 265, 267, 297, 302, 321, 336). Two repeals (§17-340 and §13-701) have effects that aren't clear and will need further research. If you think this stuff is incredibly arduous to find and analyze you're correct.

### 2013

**HB2326 • §13-3108.** Language was tightened to stop officials from continuing to disregard existing law and prevent them from compiling firearm registries of innocent gun owners.

**HB2455 • §12-940 et seq., §13-3108. Protection of Firearms in Official Custody.** "Property" was redefined in 2013 to include any guns that might come into officials' possession for any reason. They must be safely kept, honestly valued and handled only as defined by law. If officials take a gun from you, they must give you a detailed receipt, including how to retrieve it. If a gun that is legal to own and worth more than \$150 is found and the owner is not known, a description of it must be publicly posted or published. If it is unclaimed after 30 days, two things can happen. The gun can be sold to a licensed firearm dealer for resale to the public, or a law enforcement agency can trade it to a licensed dealer for anything it needs for its own work. In a sale, the money goes to the general fund. In a trade, the police get the goods. Either way, the firearms become available to the public through FBI background-checked sales. See §12-940 et seq. **Firearms acquired by various agencies, a public asset in the hands of our government servants, can no longer be destroyed, under this law amended to prevent ongoing abuse of constitutionally protected property.**

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