

HB 2521 -- Redline

Introduced to HOUSE - Public Safety -- carrying of firearms; constables

Deletions ~~struck~~ · Insertions underlined

HB2521 - 541R - ~~I~~H-Public ~~Ver~~Safety-Adopted ~~-Fifty-fourth~~ Legislature
First Regular Session

REFERENCE COMMITTEE

~~TITLE:ON PUBLIC SAFETY HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B.~~

~~carrying~~2521 (Reference to printed bill) Page 2, line 28, after "training" insert "that is approved by the Arizona peace officer standards and training board, maintains annual firearms proficiency" Line 31, after the period insert "Copies of ~~firearms~~, all certificates of completion, permits and proficiency records shall be forwarded to the constable ethics standards and training board within thirty days after completion in the same manner as prescribed by section 22?137." Amend title to conform And, as so amended, it do pass KEVIN PAYNE CHAIRMAN 2521PUBLIC SAFETY 02/06/2019 11:07 AM H:

~~constables~~ra ~~State of Arizona House of Representatives Fifty-fourth Legislature First Regular Session~~ ~~HB 2521~~ Introduced by Representatives Roberts:

~~Barto, Biasiucci, Blackman, Bolick, Campbell, Carroll, Cook, Espinoza, Finchem, Grantham, Kavanagh, Kern, Lawrence, Osborne, Payne, Peterson, Toma, Udall, Senators Borrelli, Gowan, Leach~~ AN ACT amending section 38?1113, Arizona Revised Statutes;

~~relating to the carrying of firearms.~~

~~(TEXT OF BILL BEGINS ON NEXT PAGE)~~ Be it enacted by the Legislature of the State of Arizona:

~~Section 1. Section 38-1113, Arizona Revised Statutes, is amended to read:~~

~~START STATUTE38-1113. Carrying of firearms by peace officers;~~

~~exceptions;~~

~~definitions A. Notwithstanding any other law and except as provided pursuant to subsection C of this section, a peace officer shall not be prohibited from carrying a firearm, except that if the peace officer is employed as a law enforcement officer in this state, the peace officer must be in compliance with the firearm requirements prescribed by the Arizona peace officer standards and training board.~~

~~B. Notwithstanding any other law and except as provided pursuant to subsection C, paragraphs 1, 2, 4, 5, 6, 7 and 8 of this section, a retired peace officer shall not be prohibited from carrying a firearm.~~

~~C. A peace officer or retired peace officer may be prohibited from carrying a firearm as follows:~~

~~1. In a jail, correctional facility or juvenile detention facility.~~

~~2. Except for peace officers acting in their official capacity and carrying official peace officer identification, by order of:~~

~~(a) The presiding judge or justice when attending any court that is established pursuant to the constitution of this state or title 12, except if the peace officer or retired peace officer is providing court security or responding to an emergency.~~

~~(b) A justice court when attending the justice court, except if the peace officer or retired peace officer is providing court security or responding to an emergency.~~

~~(c) A municipal court when attending the municipal court, except if the peace officer or retired peace officer is providing court security or responding to an emergency.~~

~~3. When the peace officer is relieved of duty and is under a criminal or administrative investigation.~~

~~4. When in a secured police facility.~~

~~5. When consuming alcohol at a licensed liquor establishment, except if a peace officer's employing agency authorizes the consumption of alcohol in the performance of the peace officer's duties.~~

~~6. In a location prohibited by federal law.~~

~~7. Pursuant to court order.~~

~~8. Pursuant to any state or federal law that makes the officer a prohibited possessor.~~

~~9. When in the judgment of the department head, or the department head's designee, the peace officer exhibits any impairment, including any physical or mental impairment that would cause concern for the well-being and safety of the officer, the officer's law enforcement agency, law enforcement agency employees or the community.~~

~~D. A law enforcement agency that employs a peace officer may establish rules that are consistent with this section. The law enforcement agency may determine the number, type, model, caliber and brand of firearm and the ammunition that is carried by its peace officers on or off duty.~~

~~E. A presiding judge may establish rules or policies that are consistent with this section for the protection of the court.~~

~~F. This section does not create any civil liability for acting or failing to act.~~

~~G. For the purposes of this section:~~

~~1. "Firearm" has the same meaning prescribed in section 132105.~~

~~2. "Peace officer" has the same meaning prescribed in section 12215 and includes:~~

~~(a) Municipal, county and state prosecutors who annually pass a pistol qualifying examination that is approved by the Arizona peace officer standards and training board for obtaining and maintaining peace officer certification requirements and that is conducted by an Arizona peace officer standards and training board recognized instructor or a national rifle association certified firearms instructor.~~

~~(b) A person who is employed as a law enforcement officer by any state or political subdivision of any state of the United States or any Indian tribe and who is certified by an entity in that state, political subdivision or tribal government that is equivalent to the Arizona peace officer standards and training board.~~

~~(c) A federally certified law enforcement officer.~~

~~(d) A constable, while on duty or off duty, who is either certified pursuant to section 4121822, subsection A, paragraph 3 or who completes firearms training, undergoes a psychological examination and either possesses a valid permit pursuant to section 1323112 or completes a background investigation that is approved by the Arizona peace officer standards and training board.~~

~~3. "Relieved of duty" means when a peace officer is no longer required to perform, either temporarily or permanently, the duties for which the officer was employed.~~

~~4. "Retired peace officer" means a person who has honorably served as a law enforcement officer in the United States for at least ten consecutive years and who possesses a photographic identification or a letter from a law enforcement agency that states the person has served for at least ten consecutive years as a law enforcement officer in the United States.~~

~~5. "Secured police facility" means a building or structure that is used primarily by a public agency and that is not accessible to the general public except by controlled access.~~

~~END_STATUTE~~