

HB2554: firearm regulation; state preemption (Rep. Kavanagh)

<http://www.azleg.gov/legtext/51leg/1r/bills/hb2554p.pdf>

In pertinent part,

Repeals the provision of A.R.S. §13-3102, Misconduct involving weapons, that criminalizes entering a public establishment or event while carrying a weapon after being requested by the operator to remove the weapon and place it in the custody of the establishment or event for secure storage.

Expands A.R.S. §13-3108, Firearms regulated by the state to add the state and any agency to the list of entities that are prohibited from enacting enumerated regulations relating to firearms and ammunitions. Any rule or ordinance that relates to firearms that is in conflict or that is more restrictive than state law is null and void.

Repeals §13-3118 that specifically permits the judicial branch, law enforcement agency or prosecutorial agency to prohibit a deadly weapon from being possessed in a building if the storage requirements are met (prohibiting a firearm, though not a deadly weapon, is enacted in another statute, however, much more limiting).

Public establishments or public events may prohibit the intentional (culpable mental state defined in §13-105, current law does not include a culpable mental state) possession of firearms if a sign is conspicuously posted at all public entrances, and the entrances are equipped with secure firearm lockers in a location that would allow a person to check and retrieve the firearm within 5 minutes. Signs must state the location of the nearest secure firearm locker, contain a pictogram that shows a firearm within a red circle and a diagonal red line across the firearm, and other formatting conditions. If the locker is in another building, the building must be no more than 200 feet from the entrance of the building in which the person is entering. (The "200" feet" interpretation is by the sponsor. The bill can also be read to require 200 feet from the controlled access even if in the same building). Excludes community colleges and universities, peace officers, and shooting ranges or events.

A public establishment is defined as a facility used by a governmental entity for a governmental purpose. Therefore, a state, county or municipal judicial department, law enforcement agency or prosecutorial agency is considered a public establishment and subject to these provisions. Enacts a Class 3 misdemeanor for any violation of any ordinance enacted pursuant to above (Note, the state does not enact ordinances and counties have limited ability to enact ordinances), however, a Class 1 misdemeanor if the facility is not accessible to the general public except by controlled access. The bill seems, therefore, not to provide an enforcement mechanism for state facilities nor possibly for county facilities.

Defines "Controlled access" as controlled or restricted by either a sworn officer or armed security with metal detection, X-ray, screening or other weapon detection equipment.

Defines "Secured facility" as any public establishment, public event or public building or structure or any portion of 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.

Nullifies any rule or ordinance that does not comply with these provisions.

Defines: "political subdivision", "public establishment", and "public event."

Title affected: 13