

COMMITTEE ON JUDICIARY
HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1591
(Reference to Senate engrossed bill)

Amendment instruction key:
[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.
[Green underlining in brackets] indicates text added to new session law or text restoring existing law.
[GREEN STRIKEOUT IN BRACKETS] indicates new text removed from statute or previously enacted session law.
[Green strikeout in brackets] indicates text removed from existing statute, previously enacted session law or new session law.
<<Green carets>> indicate a section added to the bill.
<<Green strikeout in carets>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 Section 1. Section 13-3112, Arizona Revised Statutes, is amended to
3 read:

4 13-3112. Concealed weapons; qualification; application; permit
5 to carry; civil penalty; report; applicability;
6 annual report

7 A. The department of public safety shall issue a permit to carry a
8 concealed weapon to a person who is qualified under this section. The
9 person shall carry the permit at all times when the person is in actual
10 possession of the concealed weapon and is required by section 4-229 or
11 4-244 to carry the permit. If the person is in actual possession of the
12 concealed weapon and is required by section 4-229 or 4-244 to carry the
13 permit, the person shall present the permit for inspection to any law
14 enforcement officer on request. The department of public safety shall
15 prioritize applications of in-state residents when issuing a permit to
16 carry a concealed weapon.

17 B. The permit of a person who is arrested or indicted for an
18 offense that would make the person unqualified under section 13-3101,
19 subsection A, paragraph 7 or this section shall be immediately suspended
20 and seized. The permit of a person who becomes unqualified on conviction
21 of that offense shall be revoked. The permit shall be restored on
22 presentation of documentation from the court if the permittee is found not
23 guilty or the charges are dismissed. The permit shall be restored on
24 presentation of documentation from the county attorney that the charges
25 against the permittee were dropped or dismissed.

26 C. A permittee who carries a concealed weapon, who is required by
27 section 4-229 or 4-244 to carry a permit and who fails to present the
28 permit for inspection on the request of a law enforcement officer commits

1 a violation of this subsection and is subject to a civil penalty of not
2 more than \$300. The department of public safety shall be notified of all
3 violations of this subsection and shall immediately suspend the permit. A
4 permittee shall not be convicted of a violation of this subsection if the
5 permittee produces to the court a legible permit that is issued to the
6 permittee and that was valid at the time the permittee failed to present
7 the permit for inspection.

8 D. A law enforcement officer shall not confiscate or forfeit a
9 weapon that is otherwise lawfully possessed by a permittee whose permit is
10 suspended pursuant to subsection C of this section, except that a law
11 enforcement officer may take temporary custody of a firearm during an
12 investigatory stop of the permittee.

13 E. The department of public safety shall issue a permit to an
14 applicant who meets all of the following conditions:

15 1. Is a resident of this state or a United States citizen.

16 2. Is twenty-one years of age or older or is at least nineteen
17 years of age and provides evidence of current military service or proof of
18 honorable discharge or general discharge under honorable conditions from
19 the United States armed forces, the United States armed forces reserve or
20 a state national guard.

21 3. Is not under indictment for and has not been convicted in any
22 jurisdiction of a felony unless that conviction has been expunged, set
23 aside or vacated or the applicant's rights have been restored and the
24 applicant is currently not a prohibited possessor under state or federal
25 law.

26 4. Does not suffer from mental illness and has not been adjudicated
27 mentally incompetent or committed to a mental institution.

28 5. Is not unlawfully present in the United States.

29 6. Has ever demonstrated competence with a firearm as prescribed by
30 subsection N of this section and provides adequate documentation that the
31 person has satisfactorily completed a training program or demonstrated
32 competence with a firearm in any state or political subdivision in the
33 United States. For the purposes of this paragraph, "adequate
34 documentation" means:

35 (a) A current or expired permit issued by the department of public
36 safety pursuant to this section.

37 (b) An original or copy of a certificate, card or document that
38 shows the applicant has ever completed any course or class prescribed by
39 subsection N of this section or an affidavit from the instructor, school,
40 club or organization that conducted or taught the course or class
41 attesting to the applicant's completion of the course or class.

42 (c) An original or a copy of a United States department of defense
43 form 214 (DD-214) indicating an honorable discharge or general discharge
44 under honorable conditions, a certificate of completion of basic training
45 or any other document demonstrating proof of the applicant's current or
46 former service in the United States armed forces as prescribed by
47 subsection N, paragraph 5 of this section.

1 (d) An original or a copy of a concealed weapon, firearm or handgun
2 permit or a license as prescribed by subsection N, paragraph 6 of this
3 section.

4 F. The application shall be completed on a form prescribed by the
5 department of public safety. The form shall not require the applicant to
6 disclose the type of firearm for which a permit is sought. The applicant
7 shall attest under penalty of perjury that all of the statements made by
8 the applicant are true, that the applicant has been furnished a copy of
9 this chapter and chapter 4 of this title and that the applicant is
10 knowledgeable about the provisions contained in those chapters. The
11 applicant shall submit the application to the department with any
12 documentation prescribed by subsection E of this section, two sets of
13 fingerprints and a reasonable fee determined by the director of the
14 department IF THE APPLICANT IS NOT A RESIDENT OF THIS STATE. THE
15 DEPARTMENT SHALL [NOT] CHARGE A FEE [THAT IS TEN PERCENT OF THE
16 NONRESIDENT FEE] IF THE APPLICANT IS A RESIDENT OF THIS STATE.

17 G. On receipt of a concealed weapon permit application, the
18 department of public safety shall conduct a check of the applicant's
19 criminal history record pursuant to section 41-1750. The department of
20 public safety may exchange fingerprint card information with the federal
21 bureau of investigation for federal criminal history record checks.

22 H. The department of public safety shall complete all of the
23 required qualification checks within sixty days after receiving the
24 application and shall issue a permit within fifteen working days after
25 completing the qualification checks if the applicant meets all of the
26 conditions specified in subsection E of this section. If a permit is
27 denied, the department of public safety shall notify the applicant in
28 writing within fifteen working days after completing all of the required
29 qualification checks and shall state the reasons why the application was
30 denied. On receipt of the notification of the denial, the applicant has
31 twenty days to submit any additional documentation to the department. On
32 receipt of the additional documentation, the department shall reconsider
33 its decision and inform the applicant within twenty days of the result of
34 the reconsideration. If denied, the applicant shall be informed that the
35 applicant may request a hearing pursuant to title 41, chapter 6,
36 article 10. For the purposes of this subsection, "receiving the
37 application" means the first day that the department has physical control
38 of the application and that is presumed to be on the date of delivery as
39 evidenced by proof of delivery by the United States postal service or a
40 written receipt, which shall be provided by the department on request of
41 the applicant.

42 I. On issuance, a permit is valid for five years, except a permit
43 that is held by a member of the United States armed forces, including a
44 member of the Arizona national guard or a member of the reserves of any
45 military establishment of the United States, who is on federal active duty
46 and who is deployed overseas shall be extended until ninety days after the
47 end of the member's overseas deployment.

1 J. The department of public safety shall maintain a computerized
2 permit record system that is accessible to criminal justice agencies for
3 the purpose of confirming the permit status of any person who is contacted
4 by a law enforcement officer and who claims to hold a valid permit issued
5 by this state. This information and any other records that are maintained
6 regarding applicants, permit holders or instructors shall not be available
7 to any other person or entity except on an order from a state or federal
8 court. A criminal justice agency shall not use the computerized permit
9 record system to conduct inquiries on whether a person is a concealed
10 weapons permit holder unless the criminal justice agency has reasonable
11 suspicion to believe the person is carrying a concealed weapon and the
12 person is subject to a lawful criminal investigation, arrest, detention or
13 investigatory stop.

14 K. A permit issued pursuant to this section is renewable every five
15 years. At least sixty days before the expiration date of a permit, the
16 department of public safety shall send a renewal reminder notice and
17 renewal application form to the permit holder. Before a permit may be
18 renewed, a criminal history records check shall be conducted pursuant to
19 section 41-1750 within sixty days after receipt of the application for
20 renewal. For the purposes of permit renewal, the permit holder is not
21 required to submit additional fingerprints.

22 L. Applications for renewal shall be accompanied by a fee
23 determined by the director of the department of public safety **IF THE**
24 **APPLICANT IS NOT A RESIDENT OF THIS STATE. [THE DEPARTMENT SHALL CHARGE A**
25 **FEE THAT IS TEN PERCENT OF THE NONRESIDENT FEE IF THE APPLICANT IS A**
26 **RESIDENT OF THIS STATE.]**

27 M. The department of public safety shall suspend or revoke a permit
28 issued under this section if the permit holder becomes ineligible pursuant
29 to subsection E of this section. The department of public safety shall
30 notify the permit holder in writing within fifteen working days after the
31 revocation or suspension and shall state the reasons for the revocation or
32 suspension.

33 N. An applicant shall demonstrate competence with a firearm through
34 any of the following:

35 1. Completion of any firearms safety or training course or class
36 that is available to the general public, that is offered by a law
37 enforcement agency, a junior college, a college or a private or public
38 institution, academy, organization or firearms training school and that is
39 approved by the department of public safety or that uses instructors who
40 are certified by the national rifle association.

41 2. Completion of any hunter education or hunter safety course
42 approved by the Arizona game and fish department or a similar agency of
43 another state.

44 3. Completion of any national rifle association firearms safety or
45 training course.

46 4. Completion of any law enforcement firearms safety or training
47 course or class that is offered for security guards, investigators,

1 special deputies or other divisions or subdivisions of law enforcement or
2 security enforcement and that is approved by the department of public
3 safety.

4 5. Evidence of current military service or proof of honorable
5 discharge or general discharge under honorable conditions from the United
6 States armed forces.

7 6. A valid current or expired concealed weapon, firearm or handgun
8 permit or license that is issued by another state or a political
9 subdivision of another state and that has a training or testing
10 requirement for initial issuance.

11 7. Completion of any governmental police agency firearms training
12 course and qualification to carry a firearm in the course of normal police
13 duties.

14 8. Completion of any other firearms safety or training course or
15 class that is conducted by a department of public safety approved or
16 national rifle association certified firearms instructor.

17 O. The department of public safety shall maintain information
18 comparing the number of permits requested, the number of permits issued
19 and the number of permits denied. The department shall annually report
20 this information electronically to the governor and the legislature.

21 P. The director of the department of public safety shall adopt
22 rules for the purpose of implementing and administering this section,
23 including fees relating to permits that are issued pursuant to this
24 section.

25 Q. This state and any political subdivision of this state shall
26 recognize a concealed weapon, firearm or handgun permit or license that is
27 issued by another state or a political subdivision of another state if
28 both:

29 1. The permit or license is recognized as valid in the issuing
30 state.

31 2. The permit or license holder is all of the following:

32 (a) Legally present in this state.

33 (b) Not legally prohibited from possessing a firearm in this state.

34 R. For the purpose of establishing mutual permit or license
35 recognition with other states, the department of public safety shall enter
36 into a written agreement if another state requires a written agreement.
37 The department of public safety shall submit an electronic report to the
38 governor and the legislature each year that includes any changes that were
39 made in the previous year to a written agreement with another state.

40 S. Notwithstanding the provisions of this section, a person with a
41 concealed weapons permit from another state may not carry a concealed
42 weapon in this state if the person is under twenty-one years of age or is
43 under indictment for, or has been convicted of, a felony offense in any
44 jurisdiction, unless that conviction is expunged, set aside or vacated or
45 the person's rights have been restored and the person is currently not a
46 prohibited possessor under state or federal law.

1 T. The department of public safety may issue certificates of
2 firearms proficiency according to the Arizona peace officer standards and
3 training board firearms qualification for the purposes of implementing the
4 law enforcement officers safety act of 2004 (P.L. 108-277; 118 Stat. 865;
5 18 United States Code sections 926B and 926C). A law enforcement or
6 prosecutorial agency shall issue to a qualified retired law enforcement
7 officer who has honorably retired a photographic identification that
8 states that the officer has honorably retired from the agency. A person
9 who was a municipal, county or state prosecutor is deemed to meet the
10 qualifications of 18 United States Code section 926C(c)(2). The chief law
11 enforcement officer shall determine whether an officer has honorably
12 retired and the determination is not subject to review. A law enforcement
13 or prosecutorial agency has no obligation to revoke, alter or modify the
14 honorable discharge photographic identification based on conduct that the
15 agency becomes aware of or that occurs after the officer has separated
16 from the agency. For the purposes of this subsection, "qualified retired
17 law enforcement officer" has the same meaning prescribed in 18 United
18 States Code section 926C.

19 U. The initial and renewal application fees collected pursuant to
20 this section shall be deposited, pursuant to sections 35-146 and 35-147,
21 in the concealed weapons permit fund established by section 41-1722.

22 V. On or before July 31 of each year, the department of public
23 safety shall report to the joint legislative budget committee on the
24 number of concealed weapons permits issued in the prior fiscal year. The
25 report shall also include the number of outstanding concealed weapons
26 permit applications that have not been issued and the average turnaround
27 time to issue a concealed weapons permit.

28 Enroll and engross to conform
29 Amend title to conform

QUANG H. NGUYEN
VICE CHAIRMAN

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