

**46.4202. Prohibited weapons.**

(a) A person commits a crime if he knowingly possesses, manufactures, transports, repairs, or sells:

- (1) an explosive weapons;
- (2) a machinegun;...
- (4) a short-barreled rifle or shotgun;
- (5) a silencer; ...

(b) A person does not commit a crime under this section if his conduct:

- (1) was incident to the performance of official duty by the armed forces, a governmental law enforcement agency, or a penal institution;
  - (2) was incident to engaging in a lawful commercial or business transaction with an organization listed in paragraph (b)(1); or
  - (3) was incident to using an explosive weapon reasonably related to a lawful industrial or commercial enterprise;
  - (4) was incident to displaying the weapon in a public museum or exhibition; or
  - (5) was incident to dealing with the weapon solely as a curio, ornament, or keepsake, or to using it in a manner reasonably related to a lawful dramatic performance; but if the weapon is a type described in paragraph (a)(1), (3), (4), or (5), it must be in a nonfunctioning condition that it cannot readily be made operable. No machinegun may be possessed, manufactured, transported, repaired, or sold as a curio, ornament, or keepsake even if it is inoperable and cannot be made readily operable.
- (c) The defendant has the burden of injecting the issue of an exemption under subsection (b). ...
- (d) A crime under paragraph (a)(1), (2), (3), (4), or (5) is a class C felony; a crime under paragraph (a)(6), (7), or (8) is a class A misdemeanor.

**46.4205. Possession of a defaced firearm.**

(a) A person commits the crime of possession of a defaced firearm if he knowingly possesses a firearm which does not have the manufacturer's or importer's serial number engraved or cast on the receiver or frame of the firearm.

(b) Possession of a defaced firearm is a class B misdemeanor.

**46.4206. Unlawful transfer of weapons.**

(a) A person commits the crime of unlawful transfer of weapons if he:

- (1) knowingly sells, leases, loans, gives away, or delivers a firearm or ammunition for a firearm to any person, who, under the provisions of 46.4207, is not lawfully entitled to possess it.
- (2) Knowingly sells, leases, loans, gives away, or delivers a ... rifle, shotgun ... to a person less than 18 years old without the consent of the child's custodial parent or guardian, or recklessly sells, leases, loans, gives away, or delivers any other firearm to a person less than 18 years old; provided, that this does not prohibit delivery of those weapons to any peace officer or member of the armed forces while performing his official duty; or
- (3) recklessly sells, leases, loans, gives away, or delivers a firearm or ammunition for a firearm to a person who is intoxicated.

(b) Unlawful transfer of weapons under paragraph (a)(1) is a class D felony; unlawful transfer of weapons under paragraphs (a)(2) and (3) is a class A misdemeanor.

**46.4207. Unlawful possession of firearms and firearm ammunition.**

(a) A person commits the crime of unlawful possession of a firearm or firearm ammunition if he has any firearm or firearm ammunition in his possession, and

- (1) he has been convicted of a dangerous felony or confined therefor in this territory or elsewhere during the 5-year period immediately preceding the date of that possession; or
- (2) he is a fugitive from justice, a habitual drunkard, a drug addict, or is currently adjudged mentally incompetent.

(b) Unlawful possession of a firearm or firearm ammunition is a class C felony.

**46.4220. Definition of "arms" as used in 46.4220 through 46.4234.** "Arms" includes guns, rifles, pistols, air rifles, gas rifles, gas pistols, ammunition, shells, cartridges, gunpowder, dynamite, nitroglycerine, blasting powder, fireworks, and all other firearms and explosives and materials for the manufacture of the same.

**46.4221. License - Required when.**

(a) It is unlawful of any person, whether permanently or temporarily resident within American Samoa or whether on shore or on board any vessel, anchored, moored, or docked in any harbor in American Samoa, to have in his possession any arms without first having obtained a license from the commissioner of public safety.

(b) A license to possess arms shall not be issued by the commissioner of public safety unless the application therefor has been approved by the attorney general.

(c) A license shall be issued only for this ownership and possession of 12, 16, 20 and 410 gauge shotguns and shotgun shells and 22 caliber rifles. ....

**46.4222. License - Required for import.**

(a) It is unlawful of any person to import arms into American Samoa without having obtained a license therefor from the commissioner of public safety.

(b) A license to import arms shall not be issued by the commissioner of public safety unless the application has been approved by the attorney general.

(c) Unless otherwise authorized, only those shotguns and rifles referred to in section 46.221(c) ASCA may be imported with licenses. ....

**46.4223. License - Required for the sale of arms.**

(a) It is unlawful for any person to sell or in any other way transfer the right of possession of any arms without having obtained from the commissioner of public safety a license to sell arms. The application for such license shall contain such information as may be required by the commissioner of public safety.

(b) A license to sell arms shall not be issued by the commissioner of public safety unless the application for the license has been approved by

the attorney general. No license shall be issued for the sale of arms other than shotguns and .22 caliber rifles as set out in 46.221(c) and ammunition therefor.

**46.4224. License - Information required.**

(a) Every person who obtains a license to possess, import, or sell arms shall, upon the written request of the Governor or his designated representative, furnish such information concerning such arms as may be reasonably required.

(b) Each license issued shall specify the number, quantity, and description of the arms which may be possessed, imported, or sold, or otherwise transferred under it. ....

**46.4226. License - Revocation.** Any license issued under authority of this Title may be altered or revoked by the Governor or his designated representative at any time for good cause.

**46.4227. License - Renewal.**

(a) Licenses to possess arms shall expire on 10 January of the year following their issue. Each holder of a license to possess arms shall, between the 1<sup>st</sup> and the 10<sup>th</sup> of January of each year, submit his license to possess arms for the previous year, together with the annual license fee, to the commissioner of public safety.

(b) The commissioner of public safety may renew the license with or without examining the arms for which the license is to be issued; but the holder of the license shall, upon the demand of the commissioner of public safety, submit the arms to him for examination.

**46.4229. Sales to persons without licenses.** (a) No person shall sell or otherwise transfer any arms to any person who does not hold a valid and existing license to possess the particular firearms to be sold. ....

**46.4233. Authorized possession and use of arms without license.**

(a) This chapter does not prohibit the possession and use of arms and other police weapons by any member of the police force, armed forces of the United States or employees if the government of the United States and law enforcement officers of other states or territories if these arms are properly issued by the issuing authorities and are brought into the Territory in the course of performance of official duties.

(b) The Governor or his designated representative may authorize the police of any village to possess and use arms in connection with his official duties without first obtaining a license.

(c) The Governor may enter into reciprocal agreements with states whose law enforcement officers may be assigned on official duty to the Territory to permit these law enforcement officers to carry firearms without registration.

**46.4234. Violation penalty - Disposition of confiscated arms.** (a) Any person who violates any of the provisions of this chapter or who refuses to obey any lawful order issued under the authority of this chapter is guilty of a class A misdemeanor and shall, upon conviction, be sentenced accordingly, and any arms involved may be confiscated by the government. ....

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**Title 13. Criminal Code**

**Chapter 9. Probation and Restoration of Civil Rights**

**13-912. Restoration of civil rights; automatic for first offenders; persons excluded.**

**A.** Upon completion of the term of probation, or upon absolute discharge from imprisonment, and upon the completion of payment of any fine or restitution imposed, any person who has not

previously been convicted of any other felony shall automatically be restored any civil rights which were lost or suspended by the conviction.

**B.** This section does not apply to a person's right to possess weapons as defined in section

13-3101 unless he applies to a court pursuant to the procedures of section 13-906.

**13-912.01.** Restoration of civil rights; persons adjudicated delinquent

**A.** A person who was adjudicated delinquent and whose period of probation has been completed may have his right to possess or carry a gun or firearm restored by the judge who discharges the person at the end of his term of probation.

**B.** A person who was adjudicated delinquent and who has been discharged from probation, on proper application, may have his right to carry or possess a gun or firearm restored by the judge of the juvenile court in the county where the person was adjudicated delinquent or his successors. The clerk of the superior court shall process the application on the request of the person involved or the person's attorney. The applicant shall serve a copy of the application on the county attorney.

**C.** If the person's adjudication was for a dangerous offense under section 13-604, a serious offense as defined in section 13-604, burglary in the first degree, burglary in the second degree or arson, the person may not file for the restoration of his right to possess or carry a gun or firearm until the person attains thirty years of age. If the person's adjudication was for any other felony offense, the person may not file for the restoration of his right to possess or carry a gun or firearm for two years from the date of his discharge.

## Chapter 31. Weapons and Explosives

### 13-3101. Definitions.

**A.** In this chapter, unless the context otherwise requires:

**1. "Deadly weapon"** means anything that is designed for lethal use. The term includes a firearm.

**2. "Deface"** means to remove, alter or destroy the manufacturer's serial number. ...

**4. "Firearm"** means any loaded or unloaded handgun, pistol, revolver, rifle, shotgun or other weapon that will or is designed to or that may readily be converted to expel a projectile by the action of an explosive. Firearm does not include a firearm in permanently inoperable condition. ...

**6. "Prohibited possessor"** means any person:

**(a)** Who has been found to constitute a danger to himself or to others pursuant to court order under section 36-540, and whose court ordered treatment has not been terminated by court order.

**(b)** Who has been convicted within or without this state of a felony or who has been adjudicated delinquent and whose civil right to possess or carry a gun or firearm has not been restored.

**(c)** Who is at the time of possession serving a term of imprisonment in any correctional or detention facility.

**(d)** Who is at the time of possession serving a term of probation pursuant to a conviction for a domestic violence offense as defined in section 13-3601 or a felony offense, parole, community supervision, work furlough, home arrest or release on any other basis or who is serving a term of probation or parole pursuant to the interstate compact under title 31, chapter 3, article 4.

**7. "Prohibited weapon"** means, but does not include fireworks imported, distributed or used in compliance with state laws or local ordinances, any propellant, propellant actuated devices or propellant actuated industrial tools that are manufactured, imported or distributed for their in-

tended purposes or a device that is commercially manufactured primarily for the purpose of illumination, including any of the following:

**(a)** Explosive, incendiary or poison gas:

**(i)** Bomb.

**(ii)** Grenade.

**(iii)** Rocket having a propellant charge of more than four ounces.

**(iv)** Mine;

**(b)** Device that is designed, made or adapted to muffle the report of a firearm;

**(c)** Firearm that is capable of shooting more than one shot automatically, without manual reloading, by a single function of the trigger; or

**(d)** Rifle with a barrel length of less than sixteen inches, or shotgun with a barrel length of less than eighteen inches, or any firearm that is made from a rifle or shotgun and that, as modified, has an overall length of less than twenty-six inches;

**(e)** Instrument, including a nunchaku, that consists of two or more sticks, clubs, bars or rods to be used as handles, connected by a rope, cord, wire or chain, in the design of a weapon used in connection with the practice of a system of self-defense; or

**(f)** Breakable container that contains a flammable liquid with a flash point of one hundred fifty degrees Fahrenheit or less and that has a wick or similar device capable of being ignited;

**(g)** Combination of parts or materials that is designed and intended for use in making or converting a device into an item set forth in subdivision (a) or (f) of this paragraph. The items as set forth in subdivisions (a), (b), (c) and (d) of this paragraph shall not include any such firearms or devices registered in the national firearms registry and transfer records of the United States treasury department or any firearm which has been classified as a curio or relic by the United States treasury department.

**B.** The items as set forth in subsection A, paragraph 6, subdivisions (a), (b), (c) and (d) do not include any firearms or devices that are registered in the national firearms registry and transfer records of the United States treasury department or any firearm that has been classified as a curio or relic by the United States treasury department.

### 13-3102. Misconduct involving weapons; defenses; classification; definitions.

**A.** A person commits misconduct involving weapons by knowingly:

**1.** Carrying a deadly weapon without a permit pursuant to section 13-3112 except a pocket knife concealed on his person; or

**2.** Carrying a deadly weapon without a permit pursuant to section 13-3112 concealed within immediate control of any person in or on a means of transportation; or

**3.** Manufacturing, possessing, transporting, selling or transferring a prohibited weapon; or

**4.** Possessing a deadly weapon if such person is a prohibited possessor; or

**5.** Selling or transferring a deadly weapon to a prohibited possessor; or

**6.** Defacing a deadly weapon; or

**7.** Possessing a defaced deadly weapon knowing the deadly weapon was defaced; or

**8.** Using or possessing a deadly weapon during the commission of any felony offense included in chapter 34 of this title; or

**9.** Discharging a firearm at an occupied structure in order to assist, promote or further the interests of a criminal street gang, a criminal syndicate or a racketeering enterprise; or

**10.** Unless specifically authorized by law, entering any public establishment or attending any public event and carrying a deadly weapon on

his person after a reasonable request by the operator of the establishment or the sponsor of the event or the sponsor's agent to remove his weapon and place it in the custody of the operator of the establishment or the sponsor of the event; or

**11.** Unless specifically authorized by law, entering an election polling place on the day of any election carrying a deadly weapon; or

**12.** Possessing a deadly weapon on school grounds; or

**13.** Unless specifically authorized by law, entering a commercial nuclear generating station carrying a deadly weapon on his person or within the immediate control of any person; or

**14.** Supplying, selling or giving possession or control of a firearm to another person if the person knows or has reason to know that the other person would use the firearm in the commission of any felony.

**B.** Subsection A, paragraph 1 of this section shall not apply to a person in his dwelling, on his business premises or on real property owned or leased by that person.

**C.** Subsection A, paragraphs 1, 2, 3, 7, 10, 11, 12 and 13 of this section shall not apply to:

**1.** A peace officer or any person summoned by any peace officer to assist and while actually assisting in the performance of official duties; or

**2.** A member of the military forces of the United States or of any state of the United States in the performance of official duties; or

**3.** A warden, deputy warden or correctional officer of the state department of corrections; or

**4.** A person specifically licensed, authorized or permitted pursuant to a statute of this state or of the United States.

**D.** Subsection A, paragraphs 3 and 7 of this section shall not apply to:

**1.** The possessing, transporting, selling or transferring of weapons by a museum as a part of its collection or an educational institution for educational purposes or by an authorized employee of such museum or institution, if:

**(a)** Such museum or institution is operated by the United States or this state or a political subdivision of this state, or by an organization described in section 170(c) of title 26 of the United States Code as a recipient of a charitable contribution; and

**(b)** Reasonable precautions are taken with respect to theft or misuse of such material.

**2.** The regular and lawful transporting as merchandise; or

**3.** Acquisition by a person by operation of law such as by gift, devise or descent or in a fiduciary capacity as a recipient of the property or former property of an insolvent, incapacitated or deceased person.

**E.** Subsection A, paragraph 3 of this section shall not apply to the merchandise of an authorized manufacturer of or dealer in prohibited weapons, when such material is intended to be manufactured, possessed, transported, sold or transferred solely for or to a dealer or a regularly constituted or appointed state, county or municipal police department or police officer, or a detention facility, or the military service of this or another state or the United States, or a museum or educational institution or a person specifically licensed or permitted pursuant to federal or state law.

**F.** Subsection A, paragraph 1 of this section shall not apply to a weapon or weapons carried in a belt holster which holster is wholly or partially visible, or carried in a scabbard or case designed for carrying weapons which scabbard or case is wholly or partially visible or carried in luggage. Subsection A, paragraph 2 of this sec-

tion shall not apply to a weapon or weapons carried in a case, holster, scabbard, pack or luggage which is carried within a means of transportation or within a storage compartment, trunk or glove compartment of a means of transportation.

**G.** Subsection A, paragraph 10 of this section shall not apply to shooting ranges or shooting events, hunting areas or similar locations or activities.

**H.** Subsection A, paragraph 3 of this section shall not apply to a weapon described in section 13-3101, paragraph 7, subdivision (e), if such weapon is possessed for the purposes of preparing for, conducting or participating in lawful exhibitions, demonstrations, contests or athletic events involving the use of such weapon. Subsection A, paragraph 12 of this section shall not apply to a weapon if such weapon is possessed for the purposes of preparing for, conducting or participating in hunter or firearm safety courses.

**I.** Subsection A, paragraph 12 of this section shall not apply to the possession of a:

**1.** Firearm which is not loaded and which is carried within a means of transportation under the control of an adult provided that if the adult leaves the means of transportation the firearm shall not be visible from the outside of the means of transportation and the means of transportation shall be locked.

**2.** Firearm for use on the school grounds in a program approved by a school.

**J.** Misconduct involving weapons under subsection A, paragraph 9 or 14 of this section is a class 3 felony. Misconduct involving weapons under subsection A, paragraph 3, 4 or 8 of this section is a class 4 felony. Misconduct involving weapons under subsection A, paragraph 12 of this section is a class 1 misdemeanor unless the violation occurs in connection with conduct which violates the provisions of section 13-2308, subsection A, paragraph 5, section 13-2312, subsection C, section 13-3409 or section 13-3411, in which case the offense is a class 6 felony. Misconduct involving weapons under subsection A, paragraphs 5, 6 and 7 of this section is a class 6 felony. Misconduct involving weapons under subsection A, paragraphs 1, 2, 10, 11 and 13 of this section is a class 1 misdemeanor.

**K.** For purposes of this section:

**1. "Public establishment"** means a structure, vehicle or craft that is owned, leased or operated by this state or political subdivision of this state.

**2. "Public event"** means a specifically named or sponsored event of limited duration either conducted by a public entity or conducted by a private entity with a permit or license granted by a public entity. Public event does not include an unsponsored gathering of people in a public place.

**3. "School"** means a public or nonpublic kindergarten program, common school or high school.

**4. "School grounds"** means in, or on the grounds of, a school.

**13-3106. Firearm purchase in other states.** A person residing in this state, or a corporation or other business entity maintaining a place of business in this state, may purchase or otherwise obtain firearms anywhere in the United States if such purchase or acquisition fully complies with the laws of this state and the state in which the purchase or acquisition is made and the purchaser and seller, prior to the sale or delivery for sale, have complied with all the requirements of the federal gun control act of

1968, Public Law 90-618, section 922, subsection (c) and the code of federal regulations, volume 26, section 178.96, subsection (c).

**13-3108. Firearms regulated by state; state preemption.**

**A.** Except as provided in subsection c of this section, a political subdivision of this state shall not enact any ordinance, rule or tax relating to the transportation, possession, carrying, sale or use of firearms or ammunition or any firearm or ammunition components in this state.

**B.** A political subdivision of this state shall not require the licensing or registration of firearms or ammunition or any firearm or ammunition components or prohibit the ownership, purchase, sale or transfer of firearms or ammunition or any firearm or ammunition components.

**C.** This section does not prohibit a political subdivision of this state from enacting and enforcing any ordinance or rule pursuant to state law, to implement or enforce state law or relating to any of the following:

**1.** Imposing any privilege or use tax on the retail sale, lease or rental of, or the gross proceeds or gross income from the sale, lease or rental of, firearms or ammunition or any firearm or ammunition components at a rate that applies generally to other items of tangible personal property.

**2.** Prohibiting a minor who is unaccompanied by a parent, grandparent or guardian or a certified hunter safety instructor or certified firearms safety instructor acting with the consent of the minor's parent, grandparent or guardian from knowingly possessing or carrying on the minor's person, within the minor's immediate control or in or on a means of transportation a firearm in any place that is open to the public or on any street or highway or on any private property except private property that is owned or leased by the minor or the minor's parent, grandparent or guardian. Any ordinance or rule that is adopted pursuant to this paragraph shall not apply to a minor who is fourteen, fifteen, sixteen or seventeen years of age and who is engaged in any of the following:

**(a)** Lawful hunting or shooting events or marksmanship practice at established ranges or other areas where the discharge of a firearm is not prohibited.

**(b)** Lawful transportation of an unloaded firearm for the purpose of lawful hunting.

**(c)** Lawful transportation of an unloaded firearm between the hours of 5:00 a.m. and 10:00 p.m. for the purpose of shooting events or marksmanship practice at established ranges or other areas where the discharge of a firearm is not prohibited.

**(d)** Any activity that is related to the production of crops, livestock, poultry, livestock products, poultry products or ratites or storage of agricultural commodities.

**3.** The use of land and structures, including a business relating to firearms or ammunition or their components or a shooting range in the same manner as other commercial businesses.

**4.** Regulating employees or independent contractors of the political subdivision who are acting within the course and scope of their employment or contract.

**5.** Limiting firearms possession in parks or preserves of one square mile or less in area to persons who possess a concealed weapons permit issued pursuant to section 13-3112. The political subdivision shall post reasonable notice at each park or preserve. The notice shall state the following: "carrying a firearm in this park is limited to persons who possess a permit issued pursuant to section 13-3112." In parks or

preserves that are more than one square mile in area, a political subdivision may designate developed or improved areas in which the political subdivision may limit firearms possession to persons who possess a concealed weapons permit issued pursuant to section 13-3112. The political subdivision shall post reasonable notice at each designated developed or improved area. The notice shall state the following: "carrying a firearm in this developed or improved area is limited to persons with a permit issued pursuant to section 13-3112." For the purposes of this paragraph, "developed or improved area" means an area of property developed for public recreation or family activity, including picnic areas, concessions, playgrounds, amphitheaters, racquet courts, swimming areas, golf courses, zoos, horseback riding facilities and boat landing and docking facilities. Developed or improved area does not include campgrounds, trails, paths or roadways except trails, paths and roadways directly associated with and adjacent to designated developed or improved areas. Any notice that is required by this paragraph shall be conspicuously posted at all public entrances and at intervals of one-fourth mile or less where the park, preserve or developed or improved area has an open perimeter. Any limitation imposed by a political subdivision pursuant to this paragraph shall not apply to a person:

**(a)** Engaged in a permitted firearms or hunters safety course conducted in a park by a certified hunter safety instructor or certified firearms safety instructor.

**(b)** At a properly supervised range, as defined in section 13-3107, a permitted shooting event, a permitted firearms show or in a permitted hunting area.

**(c)** Legally transporting, carrying, storing or possessing a firearm in a vehicle.

**(d)** Going directly to or from an area where the person is lawfully engaged in hunting, Marksmanship practice or recreational shooting.

**(e)** Traversing a trailhead area in order to gain access to areas where the possession of firearms is not limited.

**(f)** Using trails, paths or roadways to go directly to or from an area where the possession of firearms is not limited and where no reasonable alternate means of access is available.

**6.** Limiting or prohibiting the discharge of firearms in parks and preserves except:

**(a)** As allowed pursuant to chapter 4 of this title.

**(b)** On a properly supervised range as defined in section 13-3107.

**(c)** In an area recommended as a hunting area by the Arizona Game and Fish Department and approved and posted as required by the political subdivision's chief law enforcement officer. Any such area may be closed when deemed unsafe by the political subdivision's chief law enforcement officer or the director of the Arizona Game and Fish Department.

**(d)** To control nuisance wildlife by permit from the Arizona Game And Fish Department or the United States Fish and Wildlife Service.

**(e)** By special permit of the chief law enforcement officer of the political subdivision.

**(f)** As required by an animal control officer in performing duties specified in section 9-499.04 and title 11, chapter 7, article 6.

**(g)** In self defense or defense of another person against an animal attack if a reasonable person would believe that deadly physical force against the animal is immediately necessary and reasonable under the circumstances to protect oneself or the other person.

**D.** A violation of any ordinance established pursuant to subsection c, paragraph 6 of this section is a class 2 misdemeanor unless the political subdivision designates a lesser classification by ordinance.

**13-3109. Sale or gift of firearm to minor; classification.**

**A.** Except as provided in subsection C of this section, a person who sells or gives to a minor, without written consent of the minor's parent or legal guardian, a firearm, ammunition or a toy pistol by which dangerous and explosive substances may be discharged is guilty of a class 6 felony.

**B.** Nothing in this section shall be construed to require reporting sales of firearms, nor shall registration of firearms or firearms sales be required.

**C.** The temporary transfer of firearms and ammunition by firearms safety instructors, hunter safety instructors, competition coaches or their assistants shall be allowed if the minor's parent or guardian has given consent for the minor to participate in activities such as firearms or hunting safety courses, firearms competition or training. With the consent of the minor's parent or guardian, the temporary transfer of firearms and ammunition by an adult accompanying minors engaged in hunting or formal or informal target shooting activities shall be allowed for those purposes.

**13-3111. Minors prohibited from carrying or possessing firearms; exceptions; seizure and forfeiture; penalties; classification.**

**A.** Except as provided in subsection B, an unemancipated person who is under eighteen years of age and who is unaccompanied by a parent, grandparent or guardian, or a certified hunter safety instructor or certified firearms safety instructor acting with the consent of the unemancipated person's parent or guardian, shall not knowingly carry or possess on his person, within his immediate control, or in or on a means of transportation a firearm in any place that is open to the public or on any street or highway or on any private property except private property owned or leased by the minor or the minor's parent, grandparent or guardian.

**B.** This section does not apply to a person who is fourteen, fifteen, sixteen or seventeen years of age and who is any of the following:

1. Engaged in lawful hunting or shooting events or marksmanship practice at established ranges or other areas where the discharge of a firearm is not prohibited.

2. Engaged in lawful transportation of an unloaded firearm for the purpose of lawful hunting.

3. Engaged in lawful transportation of an unloaded firearm between the hours of 5:00 a.m. and 10:00 p.m. for the purpose of shooting events or marksmanship practice at established ranges or other areas where the discharge of a firearm is not prohibited.

4. Engaged in activities requiring the use of a firearm that are related to the production of crops, livestock, poultry, livestock products, poultry products, or raites or in the production or storage of agricultural commodities.

**C.** If the minor is not exempt under subsection B and is in possession of a firearm, a peace officer shall seize the firearm at the time the violation occurs.

**D.** In addition to any other penalty provided by law a person who violates subsection A shall be subject to the following penalties:

1. If adjudicated a delinquent juvenile for an offense involving an unloaded firearm, a fine of not more than two hundred fifty dollars, and the

court may order the suspension or revocation of the person's driver license until the person reaches eighteen years of age. If the person does not have a driver license at the time of the adjudication, the court may direct that the department of transportation not issue a driver license to the person until the person reaches eighteen years of age.

2. If adjudicated a delinquent juvenile for an offense involving a loaded firearm, a fine of not more than five hundred dollars, and the court may order the suspension or revocation of the person's driver license until the person reaches eighteen years of age. If the person does not have a driver license at the time of the adjudication, the court may direct that the department of transportation not issue a driver license to the person until the person reaches eighteen years of age.

3. If adjudicated a delinquent juvenile for an offense involving a loaded or unloaded firearm, if the person possessed the firearm while the person was the driver or an occupant of a motor vehicle, a fine of not more than five hundred dollars and the court shall order the suspension or revocation of the person's driver license until the person reaches eighteen years of age. If the person does not have a driver license at the time of adjudication, the court shall direct that the department of transportation not issue a driver license to the person until the person reaches eighteen years of age. If the court finds that no other means of transportation is available, the driving privileges of the child may be restricted to travel between the child's home, school and place of employment during specified periods of time according to the child's school and employment schedule.

**E.** Firearms seized pursuant to subsection C shall be held by the law enforcement agency responsible for the seizure until the charges have been adjudicated or disposed of otherwise or the person is convicted. Upon adjudication or conviction of a person for a violation of this section, the court shall order the firearm forfeited. However, the law enforcement agency shall return the firearm to the lawful owner if the identity of that person is known.

**F.** If the court finds that the parent or guardian of a minor found responsible for violating this section knew or reasonably should have known of the minor's unlawful conduct and made no effort to prohibit it, the parent or guardian is jointly and severally responsible for any fine imposed pursuant to this section or for any civil actual damages resulting from the unlawful use of the firearm by the minor.

**G.** This section is supplemental to any other law imposing a criminal penalty for the use or exhibition of a deadly weapon. A minor who violates this section may be prosecuted and convicted for any other criminal conduct involving the use or exhibition of the deadly weapon.

**H.** This section applies only in counties with populations of more than five hundred thousand persons according to the most recent decennial census. Counties with populations of five hundred thousand persons or less according to the most recent decennial census, or cities or towns within those counties, may adopt an ordinance identical to this section.

**I.** A person who violates subsection A is guilty of a class 6 felony.

**13-3112. Permit to carry concealed weapon; violation; classification; qualification; application; training program; program instructors; report.**

**A.** The department of public safety shall issue a permit to carry a concealed weapon to a person who is qualified under this section. The person shall carry the permit at all times when the person is in actual possession of the concealed weapon and shall present the permit for inspection to any law enforcement officer on request.

**B.** A person who fails to carry the permit at all times that the person is in actual possession of a concealed weapon may have the permit suspended. The department of public safety shall be notified of all violations of this section and shall immediately suspend the permit. The permittee shall present the permit to the law enforcement agency or the court. On notification of the presentation of the permit, the department shall restore the permit.

**C.** The permit of a person who is arrested or indicted for an offense that would make the person unqualified under the provisions of section 13-3101, paragraph 6 or this section shall be immediately suspended and seized. The permit of a person who becomes unqualified on conviction of that offense shall be revoked. The permit shall be restored on presentation of documentation from the court if the permittee is found not guilty or the charges are dismissed. The permit shall be restored on presentation of documentation from the county attorney that the charges against the permittee were dropped or dismissed.

**D.** A person who fails to present a permit for inspection on the request of a law enforcement officer is guilty of a class 2 misdemeanor.

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

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

2. Is twenty-one years of age or older.

3. Is not under indictment for and has not been convicted in any jurisdiction of a felony.

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

5. Is not unlawfully present in the United States.

6. Satisfactorily completes a firearms safety training program approved by the department of public safety pursuant to subsection N of this section. This paragraph does not apply to a person who is an active duty Arizona peace officer standards and training board certified or federally credentialed peace officer or who is honorably retired as a federal, state or local peace officer with a minimum of ten years of service.

**F.** The application shall be completed on a form prescribed by the department of public safety. The form shall not require the applicant to disclose the type of firearm for which a permit is sought. The applicant shall attest under penalty of perjury that all of the statements made by the applicant are true. The applicant shall submit the application to the department with a certificate of completion from an approved firearms safety training program, two sets of fingerprints and a reasonable fee determined by the director of the department.

**G.** On receipt of an application, the department of public safety shall conduct a check of the applicant's criminal history record pursuant to section 41-1750. The department of public safety may exchange fingerprint card information with the federal bureau of investigation for national criminal history records checks.

H. The department of public safety shall complete all of the required qualification checks within sixty days after receipt of the application and shall issue a permit within fifteen working days after completing the qualification checks if the applicant meets all of the conditions specified in subsection E of this section. If a permit is denied, the department of public safety shall notify the applicant in writing within fifteen working days after the completion of all of the required qualification checks and shall state the reasons why the application was denied. On receipt of the notification of the denial, the applicant has twenty days to submit any additional documentation to the department. On receipt of the additional documentation, the department shall reconsider its decision and inform the applicant within twenty days of the result of the reconsideration. If denied, the applicant shall be informed of the right to appeal to the superior court.

I. On issuance, a permit is valid for a period of not more than four years.

J. The department of public safety shall maintain a computerized permit record system that is accessible to criminal justice agencies for the purpose of confirming the permit status of any person who claims to hold a valid permit. This information shall not be available to any other person or entity except on an order from a state or federal court.

K. A permit issued pursuant to this section is renewable every four years. Before a permit may be renewed, a criminal history record check shall be conducted pursuant to section 41-1750, subsection G within sixty days after receipt of the application for renewal.

L. Applications for renewal shall be accompanied by a fee determined by the director of the department of public safety. A certificate of completion of a four-hour refresher firearms safety training program approved by the director of the department is required before a renewal permit may be issued and shall accompany an application for renewal.

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

N. An organization shall apply to the department of public safety for approval of its firearms safety training program. The department shall approve a program that meets the following requirements:

1. Is at least sixteen hours in length.
2. Is conducted on a pass or fail basis.

3. Addresses all of the following topics in a format approved by the director of the department:

- (a) Legal issues relating to the use of deadly force.
- (b) Weapon care and maintenance.
- (c) Mental conditioning for the use of deadly force.
- (d) Safe handling and storage of weapons.
- (e) Marksmanship.
- (f) Judgmental shooting.

4. Is conducted by instructors who submit to a background investigation, including a check for warrants and a criminal history record check.

O. If approved pursuant to subsection N of this section, the organization shall submit to the department of public safety two sets of fingerprints from each instructor and a fee to be determined by the director of the department of public safety. On receipt of the fingerprints and fee, the department of public safety shall conduct a check of each instructor's criminal record history pursuant to section 41-1750. The department of public safety may exchange this fingerprint card information with the federal bureau of investigation for national criminal history records checks.

P. The proprietary interest of all approved instructors and programs shall be safeguarded, and the contents of any training program shall not be disclosed to any person or entity other than a bona fide criminal justice agency, except upon an order from a state or federal court.

Q. If the department of public safety rejects a program, the rejected organization may appeal the decision as provided in title 41, chapter 6, article 10.

R. The department of public safety shall maintain information comparing the number of permits requested, the number of permits issued and the number of permits denied. The department shall annually report this information to the governor and the legislature.

S. The director of the department of public safety shall adopt rules for the purpose of implementing and administering the concealed weapons permit program, including fees relating to permits issued pursuant to this section.

T. The department of public safety shall enter into reciprocal agreements with states that have concealed weapons laws substantially similar to this section for the purpose of establishing a basis under which a concealed weapons license or permit that is issued by either state may be used by the licensee or permittee within the jurisdiction of either state.

**13-3113. Adjudicated delinquents; firearm possession; violation; classification.** A person who was previously adjudicated delinquent and who possesses, uses or carries a firearm within ten years from the date of his adjudication

or his release or escape from custody is guilty of a class 5 felony for a first offense and a class 4 felony for a second or subsequent offense if the person was previously adjudicated for an offense that if committed as an adult would constitute:

1. Burglary in the first degree.
2. Burglary in the second degree.
3. Arson.

4. Any felony offense involving the use or threatening exhibition of a deadly weapon or dangerous instrument.

5. A serious offense as defined in section 13-604.

**13-3114. Firearms clearance center; definition.**

A. The department of public safety shall establish an instant background check system. The department shall conduct background checks to determine whether purchases, sales or transfers of firearms to any person violate any federal law or any law of this state prohibiting the possession of firearms.

B. The instant background check system shall be known as the Arizona firearms clearance center. The firearms clearance center shall establish procedures for providing information to licensed firearms dealers regarding whether a purchaser or transferee is a felon, is a fugitive from justice or is disqualified from lawfully possessing a firearm by any federal law or law of this state.

C. The firearms clearance center may adopt rules establishing an appeals process to allow any person denied the sale or transfer of a firearm to determine the basis for the denial of any sale or transfer of a firearm based on information provided by the firearms clearance center. The only relief to which the person is entitled is the correction of information reasonably relied upon by the firearms clearance center.

D. To the extent permitted by federal law or the laws of this state governing criminal history records information, the director of the department of public safety may establish a procedure for contracting with private sector enterprises to conduct instant background checks.

E. This section does not apply to private firearm sales or transfers which are not subject to any federal law or any other law of this state.

F. For purposes of this section, "firearm" has the same meaning prescribed in 18 United States Code section 921.

**[Current through 2000 Ariz. Sess. Laws 405 (April 28, 2000), including 143 (SB 1316) & 376 (HB 2095)]**

## ARKANSAS ARK. CODE

### Title 5. Criminal Offenses

#### Chapter 73. Weapons

##### Subchapter 1. Possession and Use Generally

**5-73-101. Definitions.** As used in this chapter, unless the context otherwise requires:

(1) **"Instrument of crime"** means anything manifestly designed, made, adapted, or commonly used for criminal purposes.

(2) **"Minor"** means any person under eighteen (18) years of age.

**5-73-102. Possessing instrument of crime.**

(a) A person commits the offense of possessing an instrument of crime if he possesses any instrument of crime with a purpose to employ it criminally.

(b) Possessing an instrument of crime is a Class A misdemeanor.

**5-73-103. Possession of firearms by certain persons.**

(a) Except as provided in subsection (d) of this section or unless authorized by and subject to such conditions as prescribed by the Governor, or his designee, or the Bureau of Alcohol, Tobacco, and Firearms of the United States Treasury Department, or other bureau or office designated by the Treasury Department, no person shall possess or own any firearm who has been:

- (1) Convicted of a felony; or
- (2) Adjudicated mentally ill; or