

PROPOSED
SENATE AMENDMENTS TO S.B. 1012
(Reference to printed 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 4-210, Arizona Revised Statutes, is amended to
3 read:

4 4-210. Grounds for revocation, suspension and refusal to
5 renew; notice; complaints; hearings; defense

6 A. After notice and hearing, the director may suspend, revoke or
7 refuse to renew any license, registration, lease or permit issued pursuant
8 to this chapter for any of the following reasons:

9 1. There occurs on the licensed premises repeated acts of violence.

10 2. The licensee, registrant, lessee or permittee fails to
11 satisfactorily maintain the capability, qualifications and reliability
12 requirements of an applicant for a license, registration, lease or permit
13 prescribed in section 4-202, 4-203, [~~4-203.06,~~] 4-203.07 or 4-205.13.

14 3. The licensee, registrant, lessee, permittee or controlling
15 person knowingly files with the department an application or other
16 document that contains material information that is false or misleading or
17 while under oath knowingly gives testimony in an investigation or other
18 proceeding under this title that is false or misleading.

19 4. The licensee, registrant, lessee, permittee or controlling
20 person is on the premises habitually intoxicated.

21 5. The licensed, registered, leased or permitted business is
22 delinquent for more than one hundred twenty days in paying taxes,
23 penalties or interest in an amount that exceeds \$250 to this state or to
24 any political subdivision of this state.

25 6. The licensee or controlling person obtains, assigns, transfers
26 or sells a spirituous liquor license without complying with this title or
27 leases or subleases a license.

1 7. The licensee, registrant, lessee or permittee fails to keep for
2 two years and make available to the department on reasonable request all
3 invoices, records, bills or other papers and documents relating to the
4 purchase, sale and delivery of spirituous liquors and, in the case of a
5 restaurant or hotel-motel licensee, all invoices, records, bills or other
6 papers and documents relating to the purchase, sale and delivery of food.

7 8. The licensee, registrant, lessee, permittee or controlling
8 person is convicted of a felony, provided that for a conviction of a
9 corporation to serve as a reason for any action by the director, conduct
10 that constitutes the corporate offense and was the basis for the felony
11 conviction must have been engaged in, authorized, solicited, commanded or
12 recklessly tolerated by the directors of the corporation or by a high
13 managerial agent acting within the scope of employment.

14 9. The licensee, registrant, lessee, permittee or controlling
15 person violates or fails to comply with this title, any rule adopted
16 pursuant to this title or any liquor law of this state or any other state.

17 10. The licensee, registrant, lessee or permittee fails to take
18 reasonable steps to protect the safety of a customer of the licensee,
19 registrant, lessee or permittee or any other person entering, leaving or
20 remaining on the licensed premises when the licensee knew or reasonably
21 should have known of the danger to the person, or the licensee fails to
22 take reasonable steps to intervene by notifying law enforcement officials
23 or otherwise to prevent or break up an act of violence occurring on the
24 licensed premises or immediately adjacent to the premises when the
25 licensee knew or reasonably should have known of the acts of violence.
26 The duty to protect a customer or other person on the licensed premises
27 does not limit the licensee from using, as necessary, reasonable
28 intervention, reasonable restraint or reasonable removal of a person from
29 the premises to prevent that person from injuring other persons on the
30 premises or damaging or disrupting the premises. [FOR THE PURPOSES OF
31 THIS PARAGRAPH, THE PRESENCE OF A CONCEALED HANDGUN DOES NOT CREATE AN
32 OBLIGATION FOR A RESTAURANT LICENSEE OR THE EMPLOYEE OF A RESTAURANT
33 LICENSEE TO TAKE REASONABLE STEPS TO INTERVENE OR TO NOTIFY LAW
34 ENFORCEMENT OFFICIALS IF THE LICENSEE REASONABLY BELIEVES THAT THE
35 CONCEALED HANDGUN IS BEING CARRIED IN COMPLIANCE WITH SECTION 4-229.]

36 11. The licensee, registrant, lessee, permittee or controlling
37 person knowingly associates with a person who has engaged in racketeering,
38 as defined in section 13-2301, or who has been convicted of a felony, and
39 the association is of a nature as to create a reasonable risk that the
40 licensee, registrant, lessee or permittee will fail to conform to the
41 requirements of this title or of any criminal statute of this state.

42 12. A licensee that is a liquor store as defined in section 46-297
43 violates the restrictions on use of automatic teller machines or
44 point-of-sale terminals regarding electronic benefit transfer cards
45 prescribed in section 4-242.01.

46 13. There occurs on the licensed premises a serious act of
47 violence. [THIS PARAGRAPH DOES NOT APPLY TO A RESTAURANT LICENSEE IF THE

1 SERIOUS ACT OF VIOLENCE IS THE RESULT OF A CONCEALED HANDGUN ON THE
2 LICENSED PREMISES UNLESS THE LICENSEE OR AN EMPLOYEE OF THE LICENSEE KNEW
3 THE PERSON WAS CARRYING A CONCEALED HANDGUN AND KNOWINGLY SERVED THE
4 PERSON SPIRITUOUS LIQUOR THAT WAS INTENDED FOR IMMEDIATE CONSUMPTION.]

5 For the purposes of this paragraph, "serious act of violence" means an act
6 of violence in which a serious injury causes the death or critical injury
7 of a person and the injuries would be obvious to a reasonable person.

8 14. The licensee fails to report a serious act of violence that
9 occurs on the licensed premises. For the purposes of this paragraph,
10 "serious act of violence" means an act of violence in which a serious
11 injury causes the death or critical injury of a person and the injuries
12 would be obvious to a reasonable person.

13 15. The licensee, registrant, lessee or permittee violates an order
14 of the board.

15 B. For the purposes of:

16 1. Subsection A, paragraph 8 of this section, "high managerial
17 agent" means an officer of a corporation or any other agent of the
18 corporation in a position of comparable authority with respect to the
19 formulation of corporate policy.

20 2. Subsection A, paragraphs 9 and 10 of this section, acts or
21 omissions of an employee of a licensee that violate this title or rules
22 adopted pursuant to this title are deemed to be acts or omissions of the
23 licensee. Acts or omissions by an employee or licensee committed during
24 the time the licensed premises were operated pursuant to an interim permit
25 or without a license may be charged as if they had been committed during
26 the period the premises were duly licensed.

27 C. The director may suspend, revoke or refuse to issue, transfer or
28 renew a license, registration, lease or permit under this section based
29 solely on the unrelated conduct or fitness of any officer, director,
30 managing agent or other controlling person if the controlling person
31 retains any interest in or control of the licensee, registrant, lessee or
32 permittee after sixty days following written notice to the licensee,
33 registrant, lessee or permittee. If the controlling person holds stock in
34 a corporate licensee, registrant, lessee or permittee or is a partner in a
35 partnership licensee, registrant, lessee or permittee, the controlling
36 person may only divest himself of the controlling person's interest by
37 transferring the interest to the existing stockholders or partners who
38 must demonstrate to the department that they meet all the requirements for
39 licensure, registration, leasing or permitting. For the purposes of this
40 subsection, the conduct or fitness of a controlling person is unrelated if
41 it would not be attributable to the licensee, registrant, lessee or
42 permittee.

43 D. If the director finds, based on clear and convincing evidence in
44 the record, that a violation involves the use by the licensee, registrant,
45 lessee or permittee of a drive-through or walk-up service window or other
46 physical feature of the licensed premises that allows a customer to
47 purchase spirituous liquor without leaving the customer's vehicle or, with

1 respect to a walk-up service window that prevents the licensee,
2 registrant, lessee or permittee from fully observing the customer, and
3 that the use of that drive-through or walk-up service window or other
4 physical feature caused the violation, the director may suspend or
5 terminate the licensee's, registrant's, lessee's or permittee's use of the
6 drive-through or walk-up service window or other physical feature for the
7 sale of spirituous liquor, in addition to any other sanction.

8 E. The director may refuse to transfer any license, registration,
9 lease or permit or issue a new license, registration, lease or permit at
10 the same location if the director has filed a complaint against the
11 license, registration, lease, permit or location that has not been
12 resolved alleging a violation of any of the grounds stated in subsection A
13 of this section until the time the complaint has been finally adjudicated.

14 F. The director shall receive all complaints of alleged violations
15 of this chapter and is responsible for investigating all allegations of a
16 violation of, or noncompliance with, this title, any rule adopted pursuant
17 to this title or any condition imposed on the licensee, registrant, lessee
18 or permittee by the license, registration, lease or permit. When the
19 director receives three complaints from any law enforcement agency
20 resulting from three separate incidents at a licensed, leased or permitted
21 establishment or by a registrant within a twelve-month period, the
22 director shall transmit a written report to the board setting forth the
23 complaints, the results of any investigation conducted by the law
24 enforcement agency or the department relating to the complaints and a
25 history of all prior complaints against the license, registration, lease
26 or permit and their disposition. The board shall review the report and
27 may direct the director to conduct further investigation of a complaint or
28 to serve a licensee, registrant, lessee or permittee with a complaint and
29 notice of a hearing pursuant to subsection G of this section.

30 G. On the director's initiation of an investigation or on the
31 receipt of a complaint and an investigation of the complaint as deemed
32 necessary, the director may cause a complaint and notice of a hearing to
33 be directed to the licensee, registrant, lessee or permittee that states
34 the violations alleged against the licensee, registrant, lessee or
35 permittee and directing the licensee, registrant, lessee or permittee,
36 within fifteen days after service of the complaint and notice of a
37 hearing, to appear by filing with the director an answer to the complaint.
38 Failure of the licensee, registrant, lessee or permittee to answer may be
39 deemed an admission by the licensee, registrant, lessee or permittee of
40 commission of the act charged in the complaint. The director may then
41 vacate the hearing and impose any sanction provided by this article. The
42 director may waive any sanction for good cause shown, including excusable
43 neglect. With respect to any violation of this title or any rule adopted
44 pursuant to this title that is based on the act or omission of a
45 licensee's, registrant's, lessee's or permittee's employee, the director
46 shall consider evidence of mitigation presented by the licensee,
47 registrant, lessee or permittee and established by a preponderance of the

1 evidence that the employee acted intentionally and in violation of the
2 express direction or policy adopted by the licensee, registrant, lessee or
3 permittee and communicated to the employee and that the employee
4 successfully completed training in a course approved by the director
5 pursuant to section 4-112, subsection G, paragraph 2. The director may
6 set the hearing before the director or an administrative law judge on any
7 of the grounds stated in subsection A of this section. Instead of issuing
8 a complaint, the director may provide for informal disposition of the
9 matter by consent agreement or may issue a written warning to the
10 licensee, registrant, lessee or permittee. If a warning is issued, the
11 licensee, registrant, lessee or permittee may reply in writing and the
12 director shall keep a record of the warning and the reply.

13 H. A hearing shall conform to the requirements of title 41,
14 chapter 6, article 10. At the hearing an attorney or corporate officer or
15 employee of a corporation may represent the corporation. The revoking,
16 suspending or refusing to renew a license, registration, lease or permit
17 for unpaid taxes, penalties or interest pursuant to subsection A,
18 paragraph 5 of this section is a contested case with the department of
19 revenue pursuant to section 42-1251.01.

20 I. The expiration, cancellation, revocation, reversion, surrender,
21 acceptance of surrender or termination in any other manner of a license,
22 registration, lease or permit does not prevent the initiation or
23 completion of a disciplinary proceeding pursuant to this section against
24 the licensee, registrant, lessee or permittee or license, registration,
25 lease or permit. An order issued pursuant to a disciplinary proceeding
26 against a license, registration, lease or permit is enforceable against
27 other licenses, registrations, leases or permits or subsequent licenses,
28 registrations, leases or permits in which the licensee, registrant,
29 lessee, permittee or controlling person of the license, registration,
30 lease or permit has a controlling interest.

31 J. The department shall provide the same notice as is provided to
32 the licensee, registrant, lessee or permittee to a lienholder, which has
33 provided a document under section 4-112, subsection B, paragraph 3, of all
34 disciplinary or compliance action with respect to a license, registration,
35 lease or permit issued pursuant to this title. The state is not liable
36 for damages for any failure to provide any notice pursuant to this
37 subsection.

38 K. In any disciplinary action pursuant to this title, a lienholder
39 may participate in the determination of the action. The director shall
40 consider mitigation on behalf of the lienholder if the lienholder proves
41 all of the following by a preponderance of the evidence:

42 1. That the lienholder's interest is a bona fide security interest.
43 For the purposes of this paragraph, "bona fide security interest" means
44 the lienholder provides actual consideration to the licensee, registrant,
45 lessee or permittee or the licensee's, registrant's, lessee's or
46 permittee's predecessor in interest in exchange for the lienholder's
47 interest. Bona fide security interest includes a lien taken by the seller

1 of a license, registration, lease or permit as security for the seller's
2 receipt of all or part of the purchase price of the license, registration,
3 lease or permit.

4 2. That a statement of legal or equitable interest was filed with
5 the department before the alleged conduct occurred that is the basis for
6 the action against the license, registration, lease or permit.

7 3. That the lienholder took reasonable steps to correct the
8 licensee's, registrant's, lessee's or permittee's prior actions, if any,
9 or initiated an action pursuant to available contract rights against the
10 licensee, registrant, lessee or permittee for the forfeiture of the
11 license, registration, lease or permit after being provided with notice by
12 the department of disciplinary action as provided in subsection J of this
13 section.

14 4. That the lienholder was free of responsibility for the conduct
15 that is the basis for the proposed revocation.

16 5. That the lienholder reasonably attempted to remain informed by
17 the licensee, registrant, lessee or permittee about the business's
18 conduct.

19 L. If the director decides not to revoke the license, registration,
20 lease or permit based on the circumstances provided in subsection K of
21 this section, the director may issue an order requiring either, or both,
22 of the following:

23 1. The forfeiture of all interest of the licensee, registrant,
24 lessee or permittee in the license, registration, lease or permit.

25 2. The lienholder to pay any civil monetary penalty imposed on the
26 licensee, registrant, lessee or permittee.

27 M. If any on-sale licensee proposes to provide large capacity
28 entertainment events or sporting events with an attendance capacity
29 exceeding a limit established by the director, the director may request a
30 security plan from the licensee that may include trained security
31 officers, lighting and other requirements. This subsection exclusively
32 prescribes the security requirements for a licensee and does not create
33 any civil liability for this state, its agencies, agents or employees or a
34 person licensed under this title or agents or employees of a licensee.

35 N. The director may consider as a mitigating factor or defense to a
36 complaint against a licensee for a violation of subsection A, paragraph 10
37 or 13 of this section that the licensee acted reasonably, responsibly and
38 as expeditiously as possible by asking for intervention by a peace officer
39 to prevent or to break up a riot, a fight, an altercation or tumultuous
40 conduct.

41 10. NOTWITHSTANDING ANY OTHER LAW, THE DIRECTOR MAY NOT SUSPEND,
42 REVOKE OR REFUSE TO RENEW A RESTAURANT LICENSE OR PERMIT THAT HAS BEEN
43 ISSUED PURSUANT TO SECTION 4-205.02 IF THE BASIS OF THE SUSPENSION,
44 REVOCATION OR REFUSAL TO RENEW IS BASED ON A PERSON CARRYING A CONCEALED
45 HANDGUN ON THE PREMISES OF THE RESTAURANT LICENSEE. THERE IS A
46 PRESUMPTION THAT A PERSON IN POSSESSION OF A CONCEALED HANDGUN ON THE
47 PREMISES OF A RESTAURANT LICENSEE IS CARRYING THE CONCEALED HANDGUN IN

1 COMPLIANCE WITH SECTION 4-229 AND NO ADDITIONAL VERIFICATION OF COMPLIANCE
2 WITH SECTION 4-229 IS REQUIRED BY A RESTAURANT LICENSEE OR AN EMPLOYEE OF
3 THE RESTAURANT LICENSEE.

4 P. NOTWITHSTANDING ANY OTHER LAW, THE DIRECTOR MAY SUSPEND, REVOKE
5 OR REFUSE TO RENEW A RESTAURANT LICENSE OR PERMIT THAT IS ISSUED PURSUANT
6 TO SECTION 4-205.02 FOR A VIOLATION THAT INVOLVES A CONCEALED HANDGUN ON
7 THE PREMISES OF A RESTAURANT LICENSEE IF THE DIRECTOR SHOWS THAT THE
8 RESTAURANT LICENSEE ACTED WITH GROSS NEGLIGENCE AND THAT THE GROSS
9 NEGLIGENCE WAS THE DIRECT CAUSE OF THE BASIS OF THE COMPLAINT AND
10 VIOLATION.]>>

11 Sec. 2. Section 4-229, Arizona Revised Statutes, is amended to
12 read:

13 4-229. Licenses; concealed carry permits; concealed handguns;
14 posting of notice

15 [A. A PERSON MAY CARRY A CONCEALED HANDGUN ON THE PREMISES OF A
16 RESTAURANT THAT IS LICENSED PURSUANT TO SECTION 4-205.02 IF BOTH OF THE
17 FOLLOWING APPLY:

18 1. THE RESTAURANT LICENSEE HAS NO OTHER LICENSE ATTACHED TO THE
19 PREMISES.

20 2. THE PERSON HAS A PERMIT ISSUED PURSUANT TO SECTION 13-3112 AND
21 DOES NOT CONSUME SPIRITUOUS LIQUOR ON THE LICENSED PREMISES.]

22 ~~[A.]~~ [B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION,] a person
23 may carry a concealed handgun on the premises of a licensee ~~[who]~~ [THAT]
24 is an on-sale retailer ~~[unless the licensee posts a sign that clearly~~
25 prohibits the possession of weapons on the licensed premises] ~~[IF THE~~
26 PERSON HAS A PERMIT ISSUED PURSUANT TO SECTION 13-3112 AND DOES NOT
27 CONSUME SPIRITUOUS LIQUOR]. [The sign shall conform to the following
28 requirements:

29 1. Be posted in a conspicuous location accessible to the general
30 public and immediately adjacent to the liquor license posted on the
31 licensed premises.

32 2. Contain a pictogram that shows a firearm within a red circle and
33 a diagonal red line across the firearm.

34 3. Contain the words, "no firearms allowed pursuant to A.R.S.
35 section 4-229".]

36 ~~B.~~ [C.] [A person shall not carry a firearm on the licensed
37 premises of an on-sale retailer if the licensee has posted the notice
38 prescribed in subsection] ~~A~~ [B] [of this section.]

39 ~~C.~~ [D.] [It is an affirmative defense to a violation of
40 subsection] ~~B~~ [C] [of this section if:

41 1. The person was not informed of the notice prescribed in
42 subsection] ~~A~~ [B] [of this section before the violation.

43 2. Any one or more of the following apply:

44 (a) At the time of the violation the notice prescribed in
45 subsection] ~~A~~ [B] [of this section had fallen down.

46 (b) At the time of the violation the person was not a resident of
47 this state.

1 (c) The licensee had posted the notice prescribed in subsection]
2 ~~A~~ [B] [of this section not more than thirty days before the violation.]
3 ~~D~~ [E.] [The department] of liquor licenses and control [shall
4 prepare the signs required by this section and make them available at no
5 cost to licensees.]
6 ~~F~~ [F.] [The signs required by this section shall be composed of
7 block, capital letters printed in black on white laminated paper at a
8 minimum weight of one hundred ten pound index. The lettering and
9 pictogram shall consume a space at least six inches by nine inches. The
10 letters constituting the words "no firearms allowed" shall be at least
11 three-fourths of a vertical inch and all other letters shall be at least
12 one-half of a vertical inch.] ~~Nothing shall prohibit [A licensee] from~~
13 ~~posting~~ [MAY POST] [additional signs at one or more locations on the
14 premises.]
15 ~~F~~ [G.] [This section does not prohibit a person who possesses a
16 handgun from entering the licensed premises for a limited time for the
17 specific purpose of either:
18 1. Seeking emergency aid.
19 2. Determining whether a sign has been posted pursuant to
20 subsection] ~~A~~ [B] [of this section.]
21 Sec. 3. Section 4-244, Arizona Revised Statutes, is amended to
22 read:
23 4-244. Unlawful acts; definition
24 It is unlawful:
25 1. For a person to buy for resale, sell or deal in spirituous
26 liquors in this state without first having procured a license duly issued
27 by the board, except that the director may issue a temporary permit of any
28 series pursuant to section 4-205.05 to a trustee in bankruptcy to acquire
29 and dispose of the spirituous liquor of a debtor.
30 2. For a person to sell or deal in alcohol for beverage purposes
31 without first complying with this title.
32 3. For a distiller, vintner, brewer or wholesaler knowingly to
33 sell, dispose of or give spirituous liquor to any person other than a
34 licensee except in sampling wares as may be necessary in the ordinary
35 course of business, except in donating spirituous liquor to a nonprofit
36 organization that has obtained a special event license for the purpose of
37 charitable fundraising activities or except in donating spirituous liquor
38 with a cost to the distiller, brewer or wholesaler of up to \$500 in a
39 calendar year to an organization that is exempt from federal income taxes
40 under section 501(c) (3), (4), (6) or (7) of the internal revenue code and
41 not licensed under this title.
42 4. For a distiller, vintner or brewer to require a wholesaler to
43 offer or grant a discount to a retailer, unless the discount has also been
44 offered and granted to the wholesaler by the distiller, vintner or brewer.
45 5. For a distiller, vintner or brewer to use a vehicle for trucking
46 or transporting spirituous liquors unless there is affixed to both sides
47 of the vehicle a sign showing the name and address of the licensee and the

1 type and number of the person's license in letters not less than three and
2 one-half inches in height.

3 6. For a person to take or solicit orders for spirituous liquors
4 unless the person is a salesman or solicitor of a licensed wholesaler, a
5 salesman or solicitor of a distiller, brewer, vintner, importer or broker
6 or a registered retail agent.

7 7. For any retail licensee to purchase spirituous liquors from any
8 person other than a solicitor or salesman of a wholesaler licensed in this
9 state.

10 8. For a retailer to acquire an interest in property owned,
11 occupied or used by a wholesaler in the wholesaler's business, or in a
12 license with respect to the premises of the wholesaler.

13 9. Except as provided in paragraphs 10 and 11 of this section, for
14 a licensee or other person to sell, furnish, dispose of or give, or cause
15 to be sold, furnished, disposed of or given, to a person under the legal
16 drinking age or for a person under the legal drinking age to buy, receive,
17 have in the person's possession or consume spirituous liquor. This
18 paragraph does not prohibit the employment by an off-sale retailer of
19 persons who are at least sixteen years of age to check out, if supervised
20 by a person on the premises who is at least eighteen years of age, package
21 or carry merchandise, including spirituous liquor, in unbroken packages,
22 for the convenience of the customer of the employer, if the employer sells
23 primarily merchandise other than spirituous liquor.

24 10. For a licensee to employ a person under eighteen years of age
25 to manufacture, sell or dispose of spirituous liquors. This paragraph
26 does not prohibit the employment by an off-sale retailer of persons who
27 are at least sixteen years of age to check out, if supervised by a person
28 on the premises who is at least eighteen years of age, package or carry
29 merchandise, including spirituous liquor, in unbroken packages, for the
30 convenience of the customer of the employer, if the employer sells
31 primarily merchandise other than spirituous liquor.

32 11. For an on-sale retailer to employ a person under eighteen years
33 of age in any capacity connected with the handling of spirituous liquors.
34 This paragraph does not prohibit the employment by an on-sale retailer of
35 a person under eighteen years of age who cleans up the tables on the
36 premises for reuse, removes dirty dishes, keeps a ready supply of needed
37 items and helps clean up the premises.

38 12. For a licensee, when engaged in waiting on or serving
39 customers, to consume spirituous liquor or for a licensee or on-duty
40 employee to be on or about the licensed premises while in an intoxicated
41 or disorderly condition.

42 13. For an employee of a retail licensee, during that employee's
43 working hours or in connection with such employment, to give to or
44 purchase for any other person, accept a gift of, purchase for the employee
45 or consume spirituous liquor, except that:

46 (a) An employee of a licensee, during that employee's working hours
47 or in connection with the employment, while the employee is not engaged in

1 waiting on or serving customers, may give spirituous liquor to or purchase
2 spirituous liquor for any other person.

3 (b) An employee of an on-sale retail licensee, during that
4 employee's working hours or in connection with the employment, while the
5 employee is not engaged in waiting on or serving customers, may taste
6 samples of beer or wine of not more than four ounces per day or distilled
7 spirits of not more than two ounces per day provided by an employee of a
8 wholesaler or distributor who is present at the time of the sampling.

9 (c) An employee of an on-sale retail licensee, under the
10 supervision of a manager as part of the employee's training and education,
11 while not engaged in waiting on or serving customers may taste samples of
12 distilled spirits of not more than two ounces per educational session or
13 beer or wine of not more than four ounces per educational session, and
14 provided that a licensee does not have more than two educational sessions
15 in any thirty-day period.

16 (d) An unpaid volunteer who is a bona fide member of a club and who
17 is not engaged in waiting on or serving spirituous liquor to customers may
18 purchase for himself and consume spirituous liquor while participating in
19 a scheduled event at the club. An unpaid participant in a food
20 competition may purchase for himself and consume spirituous liquor while
21 participating in the food competition.

22 (e) An unpaid volunteer of a special event licensee under section
23 4-203.02 may purchase and consume spirituous liquor while not engaged in
24 waiting on or serving spirituous liquor to customers at the special event.
25 This subdivision does not apply to an unpaid volunteer whose
26 responsibilities include verification of a person's legal drinking age,
27 security or the operation of any vehicle or heavy machinery.

28 (f) A representative of a producer or wholesaler participating at a
29 special event under section 4-203.02 may consume small amounts of the
30 products of the producer or wholesaler on the premises of the special
31 event for the purpose of quality control.

32 14. For a licensee or other person to serve, sell or furnish
33 spirituous liquor to a disorderly or obviously intoxicated person, or for
34 a licensee or employee of the licensee to allow a disorderly or obviously
35 intoxicated person to come into or remain on or about the premises, except
36 that a licensee or an employee of the licensee may allow an obviously
37 intoxicated person to remain on the premises for not more than thirty
38 minutes after the state of obvious intoxication is known or should be
39 known to the licensee for a nonintoxicated person to transport the
40 obviously intoxicated person from the premises. For the purposes of this
41 section, "obviously intoxicated" means inebriated to the extent that a
42 person's physical faculties are substantially impaired and the impairment
43 is shown by significantly uncoordinated physical action or significant
44 physical dysfunction that would have been obvious to a reasonable person.

45 15. For an on-sale or off-sale retailer or an employee of such
46 retailer or an alcohol delivery contractor to sell, dispose of, deliver or

1 give spirituous liquor to a person between the hours of 2:00 a.m. and
2 6:00 a.m., except that:

3 (a) A retailer with off-sale privileges may receive and process
4 orders, accept payment or package, load or otherwise prepare spirituous
5 liquor for delivery at any time, if the actual deliveries to customers are
6 made between the hours of 6:00 a.m. and 2:00 a.m., at which time section
7 4-241, subsections A and K apply.

8 (b) The governor, in consultation with the governor's office of
9 highway safety and the public safety community in this state, may issue an
10 executive order that extends the closing time until 3:00 a.m. for
11 spirituous liquor sales in connection with a professional or collegiate
12 national sporting championship event held in this state.

13 16. For a licensee or employee to knowingly allow any person on or
14 about the licensed premises to give or furnish any spirituous liquor to
15 any person under twenty-one years of age or knowingly allow any person
16 under twenty-one years of age to have in the person's possession
17 spirituous liquor on the licensed premises.

18 17. For an on-sale retailer or an employee of such retailer to
19 allow a person to consume or possess spirituous liquors on the premises
20 between the hours of 2:30 a.m. and 6:00 a.m., except that if the governor
21 extends the closing time for a day for spirituous liquor sales pursuant to
22 paragraph 15 of this section it is unlawful for an on-sale retailer or an
23 employee of such retailer on that day to allow a person to consume or
24 possess spirituous liquor on the premises between the hours of 3:30 a.m.
25 and 6:00 a.m.

26 18. For an on-sale retailer to allow an employee or for an employee
27 to solicit or encourage others, directly or indirectly, to buy the
28 employee drinks or anything of value in the licensed premises during the
29 employee's working hours. An on-sale retailer shall not serve employees
30 or allow a patron of the establishment to give spirituous liquor to,
31 purchase liquor for or drink liquor with any employee during the
32 employee's working hours.

33 19. For an off-sale retailer or employee to sell spirituous liquor
34 except in the original unbroken container, to allow spirituous liquor to
35 be consumed on the premises or to knowingly allow spirituous liquor to be
36 consumed on adjacent property under the licensee's exclusive control.

37 20. For a person to consume spirituous liquor in a public place,
38 thoroughfare or gathering. The license of a licensee allowing a violation
39 of this paragraph on the premises shall be subject to revocation. This
40 paragraph does not apply to the sale of spirituous liquors on the premises
41 of and by an on-sale retailer. This paragraph also does not apply to a
42 person consuming beer or wine from a broken package in a public recreation
43 area or on private property with permission of the owner or lessor or on
44 the walkways surrounding such private property or to a person consuming
45 beer or wine from a broken package in a public recreation area as part of
46 a special event or festival that is conducted under a license secured
47 pursuant to section 4-203.02 or 4-203.03.

1 21. For a person to possess or to transport spirituous liquor that
2 is manufactured in a distillery, winery, brewery or rectifying plant
3 contrary to the laws of the United States and this state. Any property
4 used in transporting such spirituous liquor shall be forfeited to the
5 state and shall be seized and disposed of as provided in section 4-221.

6 22. For an on-sale retailer or employee to allow a person under the
7 legal drinking age to remain in an area on the licensed premises during
8 those hours in which its primary use is the sale, dispensing or
9 consumption of alcoholic beverages after the licensee, or the licensee's
10 employees, know or should have known that the person is under the legal
11 drinking age. An on-sale retailer may designate an area of the licensed
12 premises as an area in which spirituous liquor will not be sold or
13 consumed ~~for the purpose of allowing~~ TO ALLOW underage persons on the
14 premises if the designated area is separated by a physical barrier and at
15 no time will underage persons have access to the area in which spirituous
16 liquor is sold or consumed. A licensee or an employee of a licensee may
17 require a person who intends to enter a licensed premises or a portion of
18 a licensed premises where persons under the legal drinking age are
19 prohibited under this section to exhibit an instrument of identification
20 that is acceptable under section 4-241 as a condition of entry or may use
21 a biometric identity verification device to determine the person's age as
22 a condition of entry. The director, or a municipality, may adopt rules to
23 regulate the presence of underage persons on licensed premises provided
24 the rules adopted by a municipality are more stringent than those adopted
25 by the director. The rules adopted by the municipality shall be adopted
26 by local ordinance and shall not interfere with the licensee's ability to
27 comply with this paragraph. This paragraph does not apply:

28 (a) If the person under the legal drinking age is accompanied by a
29 spouse, parent, grandparent or legal guardian of legal drinking age or is
30 an on-duty employee of the licensee.

31 (b) If the owner, lessee or occupant of the premises is a club as
32 defined in section 4-101, paragraph 8, subdivision (a) and the person
33 under the legal drinking age is any of the following:

34 (i) An active duty military service member.

35 (ii) A veteran.

36 (iii) A member of the United States army national guard or the
37 United States air national guard.

38 (iv) A member of the United States military reserve forces.

39 (c) To the area of the premises used primarily for serving food
40 during the hours when food is served.

41 23. For an on-sale retailer or employee to conduct drinking
42 contests, to sell or deliver to a person an unlimited number of spirituous
43 liquor beverages during any set period of time for a fixed price, to
44 deliver more than fifty ounces of beer, one liter of wine or four ounces
45 of distilled spirits in any spirituous liquor drink to one person at one
46 time for that person's consumption or to advertise any practice prohibited
47 by this paragraph. This paragraph does not prohibit an on-sale retailer

1 or employee from selling and delivering an opened, original container of
2 distilled spirits if:

3 (a) Service or pouring of the spirituous liquor is provided by an
4 employee of the on-sale retailer. A licensee shall not be charged for a
5 violation of this paragraph if a customer, without the knowledge of the
6 retailer, removes or tampers with a locking device on a bottle delivered
7 to the customer for bottle service and the customer pours the customer's
8 own drink from the bottle, if when the licensee becomes aware of the
9 removal or tampering of the locking device the licensee immediately
10 installs a functioning locking device on the bottle or removes the bottle
11 and lock from bottle service.

12 (b) The employee of the on-sale retailer monitors consumption to
13 ensure compliance with this paragraph. Locking devices may be used, but
14 are not required.

15 24. For a licensee or employee to knowingly allow the unlawful
16 possession, use, sale or offer for sale of narcotics, dangerous drugs or
17 marijuana on the premises. For the purposes of this paragraph, "dangerous
18 drug" has the same meaning prescribed in section 13-3401.

19 25. For a licensee or employee to knowingly allow prostitution or
20 the solicitation of prostitution on the premises.

21 26. For a licensee or employee to knowingly allow unlawful gambling
22 on the premises.

23 27. For a licensee or employee to knowingly allow trafficking or
24 attempted trafficking in stolen property on the premises.

25 28. For a licensee or employee to fail or refuse to make the
26 premises or records available for inspection and examination as provided
27 in this title or to comply with a lawful subpoena issued under this title.

28 29. For any person other than a peace officer while on duty or off
29 duty or a member of a sheriff's volunteer posse while on duty who has
30 received firearms training that is approved by the Arizona peace officer
31 standards and training board, a retired peace officer as defined in
32 section 38-1113 or an honorably retired law enforcement officer who has
33 been issued a certificate of firearms proficiency pursuant to section
34 13-3112, subsection T, the licensee or an employee of the licensee acting
35 with the permission of the licensee to be in possession of a firearm while
36 on the licensed premises of an on-sale retailer. This paragraph does not
37 include a situation in which a person is on licensed premises for a
38 limited time in order to seek emergency aid and such person does not buy,
39 receive, consume or possess spirituous liquor. This paragraph does not
40 apply to:

41 (a) Hotel or motel guest room accommodations.

42 (b) Exhibiting or displaying a firearm in conjunction with a
43 meeting, show, class or similar event.

44 (c) A person with a permit issued pursuant to section 13-3112 who
45 carries a concealed handgun on the licensed premises of any on-sale
46 retailer [that has not posted a notice] pursuant to section 4-229[.
47 SUBSECTION B.

1 (d) A PERSON WITH A PERMIT ISSUED PURSUANT TO SECTION 13-3112 WHO
2 CARRIES A CONCEALED HANDGUN ON THE PREMISES OF A RESTAURANT THAT IS
3 LICENSED PURSUANT TO SECTION 4-205.02 AND WHO DOES NOT CONSUME SPIRITUOUS
4 LIQUOR ON THE LICENSED PREMISES.]

5 30. For a licensee or employee to knowingly allow a person in
6 possession of a firearm other than a peace officer while on duty or off
7 duty or a member of a sheriff's volunteer posse while on duty who has
8 received firearms training that is approved by the Arizona peace officer
9 standards and training board, a retired peace officer as defined in
10 section 38-1113 or an honorably retired law enforcement officer who has
11 been issued a certificate of firearms proficiency pursuant to section
12 13-3112, subsection T, the licensee or an employee of the licensee acting
13 with the permission of the licensee to remain on the licensed premises or
14 to serve, sell or furnish spirituous liquor to a person in possession of a
15 firearm while on the licensed premises of an on-sale retailer. It is a
16 defense to action under this paragraph if the licensee or employee
17 requested assistance of a peace officer to remove such person. [THIS
18 PARAGRAPH DOES NOT CREATE AN OBLIGATION FOR A LICENSEE OR AN EMPLOYEE OF A
19 LICENSEE TO INQUIRE, INVESTIGATE OR OTHERWISE DETERMINE WHETHER A PERSON
20 WITH A CONCEALED HANDGUN HAS A PERMIT THAT HAS BEEN ISSUED PURSUANT TO
21 SECTION 13-3112.] This paragraph does not apply to:

- 22 (a) Hotel or motel guest room accommodations.
- 23 (b) Exhibiting or displaying a firearm in conjunction with a
24 meeting, show, class or similar event.
- 25 (c) A person with a permit issued pursuant to section 13-3112 who
26 carries a concealed handgun on the licensed premises of any on-sale
27 retailer [that has not posted a notice] pursuant to section 4-229[
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30 CARRIES A CONCEALED HANDGUN ON THE PREMISES OF A RESTAURANT THAT IS
31 LICENSED PURSUANT TO SECTION 4-205.02 AND WHO DOES NOT CONSUME SPIRITUOUS
32 LIQUOR ON THE LICENSED PREMISES.]

33 31. For any person in possession of a firearm while on the licensed
34 premises of an on-sale retailer to consume spirituous liquor. This
35 paragraph does not prohibit the consumption of small amounts of spirituous
36 liquor by an undercover peace officer on assignment to investigate the
37 licensed establishment.

38 32. For a licensee or employee to knowingly allow spirituous liquor
39 to be removed from the licensed premises, except in the original unbroken
40 package. This paragraph does not apply to any of the following:

- 41 (a) A person who removes a bottle of wine that has been partially
42 consumed in conjunction with a purchased meal from licensed premises if a
43 cork is inserted flush with the top of the bottle or the bottle is
44 otherwise securely closed.
- 45 (b) A person who is in licensed premises that have noncontiguous
46 portions that are separated by a public or private walkway or driveway and
47 who takes spirituous liquor from one portion of the licensed premises

1 across the public or private walkway or driveway directly to the other
2 portion of the licensed premises.

3 (c) A licensee of a bar, beer and wine bar, liquor store, beer and
4 wine store, microbrewery or restaurant that has a permit pursuant to
5 section 4-205.02, subsection H that dispenses beer only in a clean
6 container composed of a material approved by a national sanitation
7 organization with a maximum capacity that does not exceed one gallon and
8 not for consumption on the premises if:

9 (i) The licensee or the licensee's employee fills the container at
10 the tap at the time of sale.

11 (ii) The container is sealed and displays a government warning
12 label.

13 (d) A bar or liquor store licensee that prepares a mixed cocktail
14 or a restaurant licensee that ~~feases the privilege to sell mixed cocktails~~
15 ~~for consumption off the licensed premises pursuant to section 4-203.06 or~~
16 holds a permit pursuant to section 4-203.07 and section 4-205.02,
17 subsection K and that prepares a mixed cocktail and transfers it to a
18 clean container composed of a material approved by a national sanitation
19 organization with a maximum capacity that does not exceed thirty-two
20 ounces and not for consumption on the premises if all of the following
21 apply:

22 (i) The licensee or licensee's employee fills the container with
23 the mixed cocktail on the licensed premises of the bar, liquor store or
24 restaurant.

25 (ii) The container is tamperproof sealed by the licensee or the
26 licensee's employee and displays a government warning label.

27 (iii) The container clearly displays the bar's, liquor store's or
28 restaurant's logo or name.

29 (iv) For a restaurant licensee licensed pursuant to section
30 4-205.02, the sale of mixed cocktails for consumption off the licensed
31 premises is accompanied by the sale of menu food items for consumption on
32 or off the licensed premises.

33 33. For a person who is obviously intoxicated to buy or attempt to
34 buy spirituous liquor from a licensee or employee of a licensee or to
35 consume spirituous liquor on licensed premises.

36 34. For a person who is under twenty-one years of age to drive or
37 be in physical control of a motor vehicle while there is any spirituous
38 liquor in the person's body.

39 35. For a person who is under twenty-one years of age to operate or
40 be in physical control of a motorized watercraft that is underway while
41 there is any spirituous liquor in the person's body. For the purposes of
42 this paragraph, "underway" has the same meaning prescribed in section
43 5-301.

44 36. For a licensee, manager, employee or controlling person to
45 purposely induce a voter, by means of alcohol, to vote or abstain from
46 voting for or against a particular candidate or issue on an election day.

1 37. For a licensee to fail to report an occurrence of an act of
2 violence to either the department or a law enforcement agency.

3 38. For a licensee to use a vending machine ~~for the purpose of~~
4 ~~dispensing~~ TO DISPENSE spirituous liquor.

5 39. For a licensee to offer for sale a wine carrying a label
6 including a reference to Arizona or any Arizona city, town or geographic
7 location unless at least seventy-five percent by volume of the grapes used
8 in making the wine were grown in Arizona.

9 40. For a retailer to knowingly allow a customer to bring
10 spirituous liquor onto the licensed premises, except that an on-sale
11 retailer may allow a wine and food club to bring wine onto the premises
12 for consumption by the club's members and guests of the club's members in
13 conjunction with meals purchased at a meeting of the club that is
14 conducted on the premises and that at least seven members attend. An
15 on-sale retailer that allows wine and food clubs to bring wine onto its
16 premises under this paragraph shall comply with all applicable provisions
17 of this title and any rules adopted pursuant to this title to the same
18 extent as if the on-sale retailer had sold the wine to the members of the
19 club and their guests. For the purposes of this paragraph, "wine and food
20 club" means an association that has more than twenty bona fide members
21 paying at least \$6 per year in dues and that has been in existence for at
22 least one year.

23 41. For a person who is under twenty-one years of age to have in
24 the person's body any spirituous liquor. In a prosecution for a violation
25 of this paragraph:

26 (a) Pursuant to section 4-249, it is a defense that the spirituous
27 liquor was consumed in connection with the bona fide practice of a
28 religious belief or as an integral part of a religious exercise and in a
29 manner not dangerous to public health or safety.

30 (b) Pursuant to section 4-226, it is a defense that the spirituous
31 liquor was consumed for a bona fide medicinal purpose and in a manner not
32 dangerous to public health or safety.

33 42. For an employee of a licensee to accept any gratuity,
34 compensation, remuneration or consideration of any kind to either:

35 (a) Allow a person who is under twenty-one years of age to enter
36 any portion of the premises where that person is prohibited from entering
37 pursuant to paragraph 22 of this section.

38 (b) Sell, furnish, dispose of or give spirituous liquor to a person
39 who is under twenty-one years of age.

40 43. For a person to purchase, offer for sale or use any device,
41 machine or process that mixes spirituous liquor with pure oxygen or
42 another gas to produce a vaporized product for the purpose of consumption
43 by inhalation or to allow patrons to use any item for the consumption of
44 vaporized spirituous liquor.

45 44. For a retail licensee or an employee of a retail licensee to
46 sell spirituous liquor to a person if the retail licensee or employee
47 knows the person intends to resell the spirituous liquor.

1 45. Except as authorized by paragraph 32, subdivision (c) of this
2 section, for a person to reuse a bottle or other container authorized for
3 use by the laws of the United States or any agency of the United States
4 for the packaging of distilled spirits or for a person to increase the
5 original contents or a portion of the original contents remaining in a
6 liquor bottle or other authorized container by adding any substance.

7 46. For a direct shipment licensee, a farm winery licensee or an
8 employee of those licensees to sell, dispose of, deliver or give
9 spirituous liquor to an individual purchaser between the hours of
10 2:00 a.m. and 6:00 a.m., except that a direct shipment licensee or a farm
11 winery licensee may receive and process orders, accept payment, package,
12 load or otherwise prepare wine for delivery at any time without complying
13 with section 4-241, subsections A and K, if the actual deliveries to
14 individual purchasers are made between the hours of 6:00 a.m. and
15 2:00 a.m. and in accordance with section 4-203.04 for direct shipment
16 licensees and section 4-205.04 for farm winery licensees.

17 47. For a supplier to coerce or attempt to coerce a wholesaler to
18 accept delivery of beer or any other commodity that has not been ordered
19 by the wholesaler or for which the order was canceled. A supplier may
20 impose reasonable inventory requirements on a wholesaler if the
21 requirements are made in good faith and are generally applied to other
22 similarly situated wholesalers that have an agreement with the supplier.

23 Sec. 4. Section 4-246, Arizona Revised Statutes, is amended to
24 read:

25 4-246. Violation; classification; fine; civil penalty

26 A. A person violating ~~any provision of~~ this title is guilty of a
27 class 2 misdemeanor unless another classification is prescribed.

28 B. A person violating section 4-242.01, subsection A or section
29 4-244, paragraph 9, 14, 34, 42 or 44 is guilty of a class 1 misdemeanor.

30 C. A person violating section 4-229, ~~subsection B~~ or section 4-244,
31 paragraph 31 is guilty of a class 3 misdemeanor.

32 D. In addition to any other penalty prescribed by law, the court
33 may suspend the privilege to drive of a person who is under eighteen years
34 of age for a period of up to one hundred eighty days on receiving the
35 record of the person's first conviction for a violation of section 4-244,
36 paragraph 9.

37 E. In addition to any other penalty prescribed by law, a person who
38 is convicted of a violation of section 4-244, paragraph 42 shall pay a
39 fine of at least \$500.

40 F. In addition to any other penalty prescribed by law, a person who
41 is convicted of a violation of section 4-241, subsection L, M or N shall
42 pay a fine of at least \$250.

43 G. A person that violates section 4-244, paragraph 47 is subject to
44 a civil penalty as prescribed in section 4-210.01.

1 <<Sec. 5. Section 4-311, Arizona Revised Statutes, is amended to
2 read:

3 4-311. Liability for serving intoxicated person or minor:
4 exceptions; definition

5 A. A licensee is liable for property damage and personal injuries
6 or is liable to a person who may bring an action for wrongful death
7 pursuant to section 12-612, or both, if a court or jury finds all of the
8 following:

9 1. The licensee sold spirituous liquor either to a purchaser who
10 was obviously intoxicated, or to a purchaser under the legal drinking age
11 without requesting identification containing proof of age or with
12 knowledge that the person was under the legal drinking age.

13 2. The purchaser consumed the spirituous liquor sold by the
14 licensee.

15 3. The consumption of spirituous liquor was a proximate cause of
16 the injury, death or property damage.

17 [B. NOTWITHSTANDING ANY OTHER LAW, A LICENSEE IS NOT LIABLE FOR
18 PROPERTY DAMAGE OR PERSONAL INJURIES OR TO A PERSON WHO MAY BRING AN
19 ACTION FOR WRONGFUL DEATH PURSUANT TO SECTION 12-612, OR BOTH, IF THE
20 PROPERTY DAMAGE, PERSONAL INJURY OR WRONGFUL DEATH WAS CAUSED BY A
21 CONCEALED HANDGUN THAT WAS CARRIED ON THE LICENSED PREMISES OF AN ON-SALE
22 RETAILER UNLESS A COURT OR JURY FINDS ONE OF THE FOLLOWING:

23 1. THE LICENSEE OR AN EMPLOYEE OF THE LICENSEE SERVED SPIRITUOUS
24 LIQUOR TO THE PERSON WHO THE LICENSEE OR EMPLOYEE OF THE LICENSEE KNEW WAS
25 CARRYING A CONCEALED HANDGUN.

26 2. THE LICENSEE OR AN EMPLOYEE OF THE LICENSEE KNEW THAT THE PERSON
27 WAS CARRYING A CONCEALED HANDGUN IN VIOLATION OF SECTION 4-229 AND THE
28 LICENSEE OR EMPLOYEE OF THE LICENSEE FAILED TO NOTIFY A LAW ENFORCEMENT
29 AGENCY.]

30 ~~[B.]~~ ~~[C.]~~ ~~[No]~~ [A] licensee is [NOT] chargeable with knowledge of
31 previous acts by which a person becomes intoxicated at other locations
32 unknown to the licensee unless the person was obviously intoxicated. If
33 the licensee operates under a restaurant license, the finder of fact shall
34 not consider any information obtained as a result of a restaurant audit
35 conducted pursuant to section 4-213 unless the court finds the information
36 relevant.

37 ~~[C.]~~ [D.] For the purposes of subsection A, paragraph 2 of this
38 section, if it is found that an underage person purchased spirituous
39 liquor from a licensee and such underage person incurs or causes injuries
40 or property damage as a result of the consumption of spirituous liquor
41 within a reasonable period of time following the sale of the spirituous
42 liquor, it shall create a rebuttable presumption that the underage person
43 consumed the spirituous liquor sold to such person by the licensee.

1 ~~[D.] [E.]~~ For the purposes of this section, "obviously
2 intoxicated" means inebriated to such an extent that a person's physical
3 faculties are substantially impaired and the impairment is shown by
4 significantly uncoordinated physical action or significant physical
5 dysfunction that would have been obvious to a reasonable person.>>

6 ~~<<Sec. 6. Section 13-3112, Arizona Revised Statutes, is amended to~~
7 ~~read:~~

8 ~~13-3112. Concealed weapons; qualification; application; permit~~
9 ~~to carry; civil penalty; report; applicability;~~
10 ~~annual report~~

11 ~~A. The department of public safety shall issue a permit to carry a~~
12 ~~concealed weapon to a person who is qualified under this section. The~~
13 ~~person shall carry the permit at all times when the person is in actual~~
14 ~~possession of the concealed weapon and is required by section 4-229 or~~
15 ~~4-244 ANY OTHER LAW to carry the permit. If the person is in actual~~
16 ~~possession of the concealed weapon and is required by section 4-229 or~~
17 ~~4-244 ANY OTHER LAW to carry the permit, the person shall present the~~
18 ~~permit for inspection to any law enforcement officer on request. The~~
19 ~~department of public safety shall prioritize applications of in-state~~
20 ~~residents when issuing a permit to carry a concealed weapon.~~

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

30 ~~C. A permittee who carries a concealed weapon, who is required by~~
31 ~~section 4-229 or 4-244 ANY OTHER LAW to carry a permit and who fails to~~
32 ~~present the permit for inspection on the request of a law enforcement~~
33 ~~officer commits a violation of this subsection and is subject to a civil~~
34 ~~penalty of not more than \$300. The department of public safety shall be~~
35 ~~notified of all violations of this subsection and shall immediately~~
36 ~~suspend the permit. A permittee shall not be convicted of a violation of~~
37 ~~this subsection if the permittee produces to the court a legible permit~~
38 ~~that is issued to the permittee and that was valid at the time the~~
39 ~~permittee failed to present the permit for inspection.~~

40 ~~D. A law enforcement officer shall not confiscate or forfeit a~~
41 ~~weapon that is otherwise lawfully possessed by a permittee whose permit is~~
42 ~~suspended pursuant to subsection C of this section, except that a law~~
43 ~~enforcement officer may take temporary custody of a firearm during an~~
44 ~~investigatory stop of the permittee.~~

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

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

1 ~~2. Is twenty-one years of age or older or is at least nineteen~~
2 ~~years of age and provides evidence of current military service or proof of~~
3 ~~honorably discharge or general discharge under honorable conditions from~~
4 ~~the United States armed forces, the United States armed forces reserve or~~
5 ~~a state national guard.~~
6 ~~3. Is not under indictment for and has not been convicted in any~~
7 ~~jurisdiction of a felony unless that conviction has been expunged, set~~
8 ~~aside or vacated or the applicant's rights have been restored and the~~
9 ~~applicant is currently not a prohibited possessor under state or federal~~
10 ~~law.~~
11 ~~4. Does not suffer from mental illness and has not been adjudicated~~
12 ~~mentally incompetent or committed to a mental institution.~~
13 ~~5. Is not unlawfully present in the United States.~~
14 ~~6. Has ever demonstrated competence with a firearm as prescribed by~~
15 ~~subsection N of this section and provides adequate documentation that the~~
16 ~~person has satisfactorily completed a training program or demonstrated~~
17 ~~competence with a firearm in any state or political subdivision in the~~
18 ~~United States. For the purposes of this paragraph, "adequate~~
19 ~~documentation" means:~~
20 ~~(a) A current or expired permit issued by the department of public~~
21 ~~safety pursuant to this section.~~
22 ~~(b) An original or copy of a certificate, card or document that~~
23 ~~shows the applicant has ever completed any course or class prescribed by~~
24 ~~subsection N of this section or an affidavit from the instructor, school,~~
25 ~~club or organization that conducted or taught the course or class~~
26 ~~attesting to the applicant's completion of the course or class.~~
27 ~~(c) An original or a copy of a United States department of defense~~
28 ~~form 214 (DD-214) indicating an honorable discharge or general discharge~~
29 ~~under honorable conditions, a certificate of completion of basic training~~
30 ~~or any other document demonstrating proof of the applicant's current or~~
31 ~~former service in the United States armed forces as prescribed by~~
32 ~~subsection N, paragraph 5 of this section.~~
33 ~~(d) An original or a copy of a concealed weapon, firearm or handgun~~
34 ~~permit or a license as prescribed by subsection N, paragraph 6 of this~~
35 ~~section.~~
36 ~~F. The application shall be completed on a form prescribed by the~~
37 ~~department of public safety. The form shall not require the applicant to~~
38 ~~disclose the type of firearm for which a permit is sought. The applicant~~
39 ~~shall attest under penalty of perjury that all of the statements made by~~
40 ~~the applicant are true, that the applicant has been furnished a copy of~~
41 ~~this chapter and chapter 4 of this title and that the applicant is~~
42 ~~knowledgeable about the provisions contained in those chapters. The~~
43 ~~applicant shall submit the application to the department with any~~
44 ~~documentation prescribed by subsection E of this section, two sets of~~
45 ~~fingerprints and a reasonable fee determined by the director of the~~
46 ~~department.~~

1 ~~G. On receipt of a concealed weapon permit application, the~~
2 ~~department of public safety shall conduct a check of the applicant's~~
3 ~~criminal history record pursuant to section 41-1750. The department of~~
4 ~~public safety may exchange fingerprint card information with the federal~~
5 ~~bureau of investigation for federal criminal history record checks.~~

6 ~~H. The department of public safety shall complete all of the~~
7 ~~required qualification checks within sixty days after receiving the~~
8 ~~application and shall issue a permit within fifteen working days after~~
9 ~~completing the qualification checks if the applicant meets all of the~~
10 ~~conditions specified in subsection E of this section. If a permit is~~
11 ~~denied, the department of public safety shall notify the applicant in~~
12 ~~writing within fifteen working days after completing all of the required~~
13 ~~qualification checks and shall state the reasons why the application was~~
14 ~~denied. On receipt of the notification of the denial, the applicant has~~
15 ~~twenty days to submit any additional documentation to the department. On~~
16 ~~receipt of the additional documentation, the department shall reconsider~~
17 ~~its decision and inform the applicant within twenty days of the result of~~
18 ~~the reconsideration. If denied, the applicant shall be informed that the~~
19 ~~applicant may request a hearing pursuant to title 41, chapter 6,~~
20 ~~article 10. For the purposes of this subsection, "receiving the~~
21 ~~application" means the first day that the department has physical control~~
22 ~~of the application and that is presumed to be on the date of delivery as~~
23 ~~evidenced by proof of delivery by the United States postal service or a~~
24 ~~written receipt, which shall be provided by the department on request of~~
25 ~~the applicant.~~

26 ~~I. On issuance, a permit is valid for five years, except a permit~~
27 ~~that is held by a member of the United States armed forces, including a~~
28 ~~member of the Arizona national guard or a member of the reserves of any~~
29 ~~military establishment of the United States, who is on federal active duty~~
30 ~~and who is deployed overseas shall be extended until ninety days after the~~
31 ~~end of the member's overseas deployment.~~

32 ~~J. The department of public safety shall maintain a computerized~~
33 ~~permit record system that is accessible to criminal justice agencies for~~
34 ~~the purpose of confirming the permit status of any person who is contacted~~
35 ~~by a law enforcement officer and who claims to hold a valid permit issued~~
36 ~~by this state. This information and any other records that are maintained~~
37 ~~regarding applicants, permit holders or instructors shall not be available~~
38 ~~to any other person or entity except on an order from a state or federal~~
39 ~~court. A criminal justice agency shall not use the computerized permit~~
40 ~~record system to conduct inquiries on whether a person is a concealed~~
41 ~~weapons permit holder unless the criminal justice agency has reasonable~~
42 ~~suspicion to believe the person is carrying a concealed weapon and the~~
43 ~~person is subject to a lawful criminal investigation, arrest, detention or~~
44 ~~investigatory stop.~~

1 ~~K. A permit issued pursuant to this section is renewable every five~~
2 ~~years. At least sixty days before the expiration date of a permit, the~~
3 ~~department of public safety shall send a renewal reminder notice and~~
4 ~~renewal application form to the permit holder. Before a permit may be~~
5 ~~renewed, a criminal history records check shall be conducted pursuant to~~
6 ~~section 41-1750 within sixty days after receipt of the application for~~
7 ~~renewal. For the purposes of permit renewal, the permit holder is not~~
8 ~~required to submit additional fingerprints.~~

9 ~~L. Applications for renewal shall be accompanied by a fee~~
10 ~~determined by the director of the department of public safety.~~

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

17 ~~N. An applicant shall demonstrate competence with a firearm through~~
18 ~~any of the following:~~

19 ~~1. Completion of any firearms safety or training course or class~~
20 ~~that is available to the general public, that is offered by a law~~
21 ~~enforcement agency, a junior college, a college or a private or public~~
22 ~~institution, academy, organization or firearms training school and that is~~
23 ~~approved by the department of public safety or that uses instructors who~~
24 ~~are certified by the national rifle association.~~

25 ~~2. Completion of any hunter education or hunter safety course~~
26 ~~approved by the Arizona game and fish department or a similar agency of~~
27 ~~another state.~~

28 ~~3. Completion of any national rifle association firearms safety or~~
29 ~~training course.~~

30 ~~4. Completion of any law enforcement firearms safety or training~~
31 ~~course or class that is offered for security guards, investigators,~~
32 ~~special deputies or other divisions or subdivisions of law enforcement or~~
33 ~~security enforcement and that is approved by the department of public~~
34 ~~safety.~~

35 ~~5. Evidence of current military service or proof of honorable~~
36 ~~discharge or general discharge under honorable conditions from the United~~
37 ~~States armed forces.~~

38 ~~6. A valid current or expired concealed weapon, firearm or handgun~~
39 ~~permit or license that is issued by another state or a political~~
40 ~~subdivision of another state and that has a training or testing~~
41 ~~requirement for initial issuance.~~

42 ~~7. Completion of any governmental police agency firearms training~~
43 ~~course and qualification to carry a firearm in the course of normal police~~
44 ~~duties.~~

45 ~~8. Completion of any other firearms safety or training course or~~
46 ~~class that is conducted by a department of public safety approved or~~
47 ~~national rifle association certified firearms instructor.~~

1 ~~0. The department of public safety shall maintain information~~
2 ~~comparing the number of permits requested, the number of permits issued~~
3 ~~and the number of permits denied. The department shall annually report~~
4 ~~this information electronically to the governor and the legislature.~~
5 ~~P. The director of the department of public safety shall adopt~~
6 ~~rules for the purpose of implementing and administering TO IMPLEMENT AND~~
7 ~~ADMINISTER this section, including fees relating to permits that are~~
8 ~~issued pursuant to this section.~~
9 ~~Q. This state and any political subdivision of this state shall~~
10 ~~recognize a concealed weapon, firearm or handgun permit or license that is~~
11 ~~issued by another state or a political subdivision of another state if~~
12 ~~both:~~
13 ~~1. The permit or license is recognized as valid in the issuing~~
14 ~~state.~~
15 ~~2. The permit or license holder is all of the following:~~
16 ~~(a) Legally present in this state.~~
17 ~~(b) Not legally prohibited from possessing a firearm in this state.~~
18 ~~R. For the purpose of establishing mutual permit or license~~
19 ~~recognition with other states, the department of public safety shall enter~~
20 ~~into a written agreement if another state requires a written agreement.~~
21 ~~The department of public safety shall submit an electronic report to the~~
22 ~~governor and the legislature each year that includes any changes that were~~
23 ~~made in the previous year to a written agreement with another state.~~
24 ~~S. Notwithstanding the provisions of this section, a person with a~~
25 ~~concealed weapons permit from another state may not carry a concealed~~
26 ~~weapon in this state if the person is under twenty-one years of age or is~~
27 ~~under indictment for, or has been convicted of, a felony offense in any~~
28 ~~jurisdiction, unless that conviction is expunged, set aside or vacated or~~
29 ~~the person's rights have been restored and the person is currently not a~~
30 ~~prohibited possessor under state or federal law.~~
31 ~~T. The department of public safety may issue certificates of~~
32 ~~firearms proficiency according to the Arizona peace officer standards and~~
33 ~~training board firearms qualification for the purposes of implementing the~~
34 ~~law enforcement officers safety act of 2004 (P.L. 108-277; 118 Stat. 865;~~
35 ~~18 United States Code sections 926B and 926C). A law enforcement or~~
36 ~~prosecutorial agency shall issue to a qualified retired law enforcement~~
37 ~~officer who has honorably retired a photographic identification that~~
38 ~~states that the officer has honorably retired from the agency. A person~~
39 ~~who was a municipal, county or state prosecutor is deemed to meet the~~
40 ~~qualifications of 18 United States Code section 926C(c)(2). The chief law~~
41 ~~enforcement officer shall determine whether an officer has honorably~~
42 ~~retired and the determination is not subject to review. A law enforcement~~
43 ~~or prosecutorial agency has no obligation to revoke, alter or modify the~~
44 ~~honorable discharge photographic identification based on conduct that the~~
45 ~~agency becomes aware of or that occurs after the officer has separated~~
46 ~~from the agency. For the purposes of this subsection, "qualified retired~~

1 ~~law enforcement officer" has the same meaning prescribed in 18 United~~
2 ~~States Code section 926C.~~

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

6 ~~V. On or before July 31 of each year, the department of public~~
7 ~~safety shall report to the joint legislative budget committee on the~~
8 ~~number of concealed weapons permits issued in the prior fiscal year. The~~
9 ~~report shall also include the number of outstanding concealed weapons~~
10 ~~permit applications that have not been issued and the average turnaround~~
11 ~~time to issue a concealed weapons permit.>>~~

12 Enroll and engross to conform

13 Amend title to conform

WENDY ROGERS

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