



# Arizona Citizens Defense League

## Protecting Your Freedom

Volume 2008, Issue 3

AZCDL NEWSLETTER

July 2008

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## 2008 Legislative Session Review



The 2008 Legislative session is over. The Legislature officially adjourned "Sine Die" on June 27, 2008. The general effective date for legislation that passed is September 26, 2008. AzCDL managed to get all but a couple of our requested bills through the Legislative maze to the Governor. Two of our bills were signed by the Governor. By vetoing freedom-restoring bills Governor Napolitano once again exposed her true feelings regarding YOUR right to keep and bear arms.

### And the winners are....

**SB 1070**—Which makes it easier for lawful gun owners who have satisfactorily completed training to obtain a permit, or renew an expired one. If your permit has expired within the last 5 years and you can provide proof that you took the training via your expired permit or other acceptable documentation, you can renew your permit without retaking the training. SB 1070 also expands the pool of available instructors to automatically include certain NRA certified instructors.

**HB 2634**—Clarifies that a person with an expunged felony, or who has had their rights restored, may obtain a concealed weapons permit. Because the law has been silent in this area, DPS has refused to issue permits. HB 2634 benefited from broad bi-partisan support and its passage shows a significant shift in attitudes and AzCDL's clout at the legislature.

### The vetoes....

We do not view vetoes by the Governor as failures. Getting bills introduced, cosponsored, voted out of committees, approved by both legislative bodies, and sending them to the governor's desk is 99% of the work. Regardless of what the Governor does during the final days of a bill's life, we're proud of what we accomplished, with your help, during the 5-6 months it takes to get a bill from being introduced to the Governor.

The following are pro-rights bills that successfully passed in the legislature but were vetoed by the Governor.

**HB 2389**—Clarified that it is permissible to carry a weapon, without a CCW permit, visibly or concealed, anywhere within a means of transportation, excluding public transit. Current law states that, without a concealed weapons (CCW) permit, it is permissible to carry a weapon or weapons "...in a case, holster, scabbard, pack or luggage that is carried within a means of transportation or within a storage compartment, map pocket, trunk or glove compartment of a means of transportation." Unfortunately, in 1994 an Arizona Appellate court decision (State v. Adams) determined that "within a means of transportation" meant it must be obvious under ordinary observation to someone outside the vehicle that there is a weapon inside the vehicle. This created conflicts interpreting the statute. As a result, wearing a holstered firearm within a vehicle requires a CCW permit. But, that same holstered firearm in a trunk, map pocket or glove compartment, accessible by a vehicle's occupants, does not require a CCW permit. Also, possessing a concealed weapons permit and a carrying a weapon puts other occupants in the vehicle, who do not possess a CCW permit, at risk of arrest because of their proximity to your firearm. Yet, if that same weapon were in a trunk, map pocket or glove compartment accessible by all the vehicle's occupants, no crime is committed. In her veto letter, Governor Napolitano cited the concerns of a few law enforcement lobbyists as her excuse for ignoring the rights of law-abiding citizens.

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# 2008 Legislative Session Review



(Continued from page 1)

**HB 2626**—Representative Pearce's bill that allowed a sheriff to authorize posse volunteers and reserve officers with firearms training to carry a deadly weapon without a CCW permit. It also excluded individuals who have completed peace officer training from the CCW permit training requirements. Representative Pearce included AzCDL-requested language in HB 2626 that clarified Arizona's "open carry" statute. Due to 1994 Appellate court interpretations, whether a person is carrying openly is completely subjective, based largely on the location of the observer. Governor Napolitano cited the open carry reform language as her reason for vetoing HB 2626.

**HB 2629**—Clarified when a defensive display of a firearm is justified. Under current law, a defensive display can be categorized as endangerment, threatening and intimidation, assault, or aggravated assault. Governor Napolitano sees your ability to use less than lethal force to diffuse a dangerous situation as a risk to public safety. In her veto letter she inferred it would be an excuse for law-abiding gun owners to end verbal disagreements by whipping out their firearms. This sounds identical to the unfounded "blood in the streets" hysteria when CCW laws were introduced back in 1994.

**HB 2630**—If you are not committing, or attempting to commit, a serious or violent crime, HB 2630, an AzCDL-requested bill, reclassified carrying a concealed weapon without a permit as a petty offense. Under current law, if you have not been issued a CCW permit, it is a class 1 misdemeanor to carry a concealed weapon. Because of 1994 Appellate Court decisions, if a casual observer cannot easily see your firearm, you are carrying concealed and could be arrested. HB 2630 separated the innocent mistake by otherwise law-abiding citizens from the deliberate actions of hardcore criminals.

In her veto letter on HB 2630, Governor Napolitano says "obtain the required permit." She then says that "people who fail to do so are, by definition, lawbreakers...." She goes on to say that "serious criminals, especially gang members,

often carry concealed weapons without permits." Per the Governor, there is no distinction between gang members intentionally breaking the law, and a law-abiding person's attempt to comply with a law clouded by head-scratching court decisions. If your openly carried firearm can't be seen because of the angle that the police officer is looking at you, and you don't have a CCW permit – you are the same as a gang member. If you have a CCW permit, and are sitting near someone in a vehicle that may have access to your firearm – they are the same as gang members. If a newspaper falls over the gun that is sitting on the seat of your vehicle, and you don't have a CCW permit – you are the same as a gang member.

Governor Napolitano says that "...law enforcement officers must have the full array of enforcement options to use against these violators..." In other words, arrest everyone and let the courts sort it out. That sure beats separating the bad guys from the good guys.

Over 98% of Arizona citizens do not have concealed weapons permits, largely because the Arizona Constitution supposedly protects the right to "open carry." Per Governor Napolitano, that's not relevant – you better get a permit if your weapon might ever be considered concealed, or else you're a lawbreaker!

**SB 1106**—Provides for an optional lifetime CCW permit. In her veto letter for SB 1106 she compared CCW permit holders to food handlers, and categorized a lifetime permit as the equivalent of food poisoning.

## Campus Carry Derailed

**SB 1214**—A bill that would have allowed adults with CCW permits to carry concealed firearms on school grounds, including colleges and universities, was an AzCDL-requested bill that didn't get to the Governor's desk. As it progressed through Senate committees, SB 1214 was amended to allow concealed firearms on colleges and universities only. Since almost all Senate Democrats opposed SB 1214, it could only pass with near unanimous support from Senate Republicans. As SB 1214

approached a final vote by the full Senate, a number of Republicans refused to support it. An amendment was offered for additional skills testing and storage requirements in an attempt to placate the holdouts, but this wasn't enough to ensure passage of SB 1214, therefore it was wisely held from a floor vote by the Senate leadership, missing the deadline for any further progress this session.

Campus Carry is getting national attention, and is gaining momentum and support in other states. The issue is not going away in Arizona simply because it stalled in this session. It will be back, and we will be there to push it!

## Bad Bills Stopped

The following are anti-rights bills that we successfully stopped. Without YOUR involvement in the upcoming Fall elections, there is a strong chance that the Arizona House will have an anti-rights majority in 2009. If that comes to pass, bills like the ones described below would have a greater chance of becoming the law in Arizona. Protect your freedom and VOTE!

**HB 2358**—Increased the penalty for possession of a firearm on school grounds to a Class 5 Felony.

**HB 2429**—Established a new 75 foot perimeter around polling places where weapons are prohibited. Current law prohibits weapons only inside polling places.

**HB 2430 & HB 2431**—These companion bills would have made you a criminal and lifetime prohibited possessor, along with being subject to personal liability, if a minor gained access to one of your firearms and caused injury or death. Bills identical to HB 2430 and 2431 have been introduced in every recent session.

**HB 2833**—A back-door attempt to ban ammunition sales in Arizona. HB 2833 targeted as yet undefined "assault weapon" ammunition, which is Orwellian double-speak for almost every caliber of ammunition now popular. If

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## District of Columbia versus Heller



On June 26, 2008, in an historic ruling, the United States Supreme Court affirmed that the pre-existing individual right of firearms ownership is protected by the Second Amendment. The pundits, experts and spin-meisters are coming out of the woodwork dissecting the decision and expounding about whether the glass is half-full or half-empty.

### A Specific Enumerated Right

Alan Korwin, AzCDL member and author of several books on gun laws is preparing a book on the Heller decision that is expected to be published shortly. In a recent review of the Heller decision, Alan had this to say:

The core issue of "judicial scrutiny" is now established—better than we had dreamed—in what will be known as Famous Footnote #27.

Laws impinging on the Second Amendment can receive no lower level of review than any other "specific enumerated right" such as free speech, the guarantee against double jeopardy or the right to counsel (the Court's list of examples).

This is a tremendous win, and overlooked in all initial reviews I've seen. Attorney Mike Anthony was the first to spot it, way to go Mike.

"Strict scrutiny," which many folks sought, is a term without formal definition that could prove problematic. I was hoping for a test of some sort and got more than I hoped for. By recognizing the Second Amendment as a "specific enumerated right" the majority ties the Second Amendment to the rigid standards and precedents of our most cherished rights. That's as strong as there is.

Coupled with the Court's destruction of a scrutiny scheme invented by Breyer in his dissent, Second Amendment protection is now extra robust. The antis and even some of our own will argue that scrutiny is not fully resolved, but do not willingly yield ground. And battles to strengthen scrutiny and solidify Fourteenth Amendment incorporation against the state will no doubt continue.

The decision works hard in many ways to preclude further abuses, to establish the primacy of the fundamental rights in

the Second Amendment, to foreclose future mischief against the rights protected, and to take certain policy choices off the table—like banning handguns for self defense at home—regardless of how bad criminals are or how they do their dirty work. Government has other tools to fight crime, and has to use those.



Critics and anti-rights advocates are almost gleeful at the Court's acceptance of Mr. Heller's request for registration and a license to carry his gun in his own home, as long as the terms aren't arbitrary or capricious. Agreed this is a weak and unsavory intermediate step with potential for abuse, while on the way to greater freedom than D.C. currently has. It has a very dangerous potential for abuse that will be exploited. Antis will try to imply that registration and licensing are more than OK, they are the new standard. This is completely false:

✓ *It is not a national requirement, it's a response to a specific request.*

✓ *Heller's request applies specifically to his case, at home, in D.C., to be acted upon by D.C. for its residents.*

✓ *Because RKBA is now recognized as a "specific enumerated right" (a phrase you should start using), laws related to it will be subjected to stringent standards like those protecting freedom of speech, protection against double jeopardy or the right to counsel (among the most safeguarded rights we have).*

✓ *Registration and a license to practice free speech would obviously never be permissible, so Mr. Heller's request should hold little sway, if any, outside the context of his "prayer" (the Court's word) for relief from the onerous disability he suffered as a D.C. resident.*

Anti-rights lawyers and legislators will try to argue otherwise, but the ammunition is piled high in the pro-rights arsenal. Our argument is compelling, do not

yield. (Alan Korwin)

### Arizona Impact

The impact of the Heller decision could be substantial, both for challenging bad laws on the books, and for introducing and enacting new ones. Until the Heller decision, and since 2002, Arizona has been living under a 9th Circuit Court of Appeals ruling that the Second Amendment "does not confer an individual right to own or possess arms." This has now been reversed.

Fortunately, the Arizona Constitution protects your right to keep and bear arms (RKBA) in Article 2, Section 26. In *DC v. Heller*, the Supreme Court upheld virtually all existing Arizona laws and court decisions protecting your right to keep and bear arms, and dealt a blow to laws that infringe your rights. AzCDL deals with the reality of Arizona law and our focus will continue to be on the successful restoration of your rights through legislative lobbying.

### A Temporary Victory?

As one observer pointed out, we are one Supreme Court justice away from being French. Like many recent Supreme Court decisions, Heller won by a narrow 5-4 majority. The Supreme Court is composed of two factions. Four justices support creative interpretations of the Constitution as a "living document" to achieve goals which don't include your right to be armed or free. Another four justices lean toward reading the Constitution as it was written. In the middle of these two factions is a "wind-sock" justice that blows more left than right. The fact that 4 out of 9 Supreme Court justices disagree that the Second Amendment means what it says is horrifying and should be a cause for great concern for anyone who believes in freedom.

A number of justices are elderly and some are dealing with serious illnesses. It is certain that whoever the next president is will be appointing at least one replacement justice. Who makes that choice is dependent on the outcome of the November Presidential election. If you value your right to keep and bear arms, then vote! The choice is yours. Choose wisely.



# A Review of AzCDL Accomplishments

For our legislative successes, AzCDL was recognized as the Grassroots Organization of the Year at the 2006 gun rights Policy Conference.

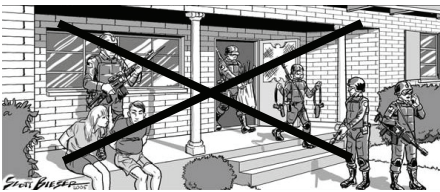


**AzCDL has been instrumental in the introduction and/or passage of the following legislation.**



“Innocent until proven guilty” in self-defense situations, taken away in 1997, was restored in 2006. “Castle Doctrine (stand your ground) was also strengthened.

The governor is now prohibited from confiscating lawfully held firearms during a state of emergency.



The places where a weapon can be carried, without a CCW permit, in a vehicle has been expanded to include “map pockets.”



Requiring operators of public (i.e., state and local government) establishments or events that prohibit weapons to provide storage that is readily accessible on entry and permits immediate retrieval upon exit.

Strengthening firearms preemption with language that specifically limits to the legislature the ability to “enact or implement any law, rule or ordinance relating to the possession or storage of firearms other than as provided by statute.



## Concealed Weapons (CCW) law improvements:

- ✓ Reduction of the training requirement for initial CCW permits from 16 hours to 8 hours.
- ✓ Elimination of the training requirements for CCW permit renewals.
- ✓ Elimination of the fingerprint requirements for CCW permit renewals.
- ✓ Near universal recognition, by Arizona, of concealed weapon / handgun permits held by residents of other states.
- ✓ Reduction in the penalty for not having your CCW permit in your possession from a Class 2 Misdemeanor to a Petty Offense.
- ✓ Ability to renew expired permits without repeating the training.
- ✓ Proof of training is good for 5 years.
- ✓ Codified that training can be conducted by NRA Instructors.
- ✓ A person with an expunged felony, or who has their rights restored, may obtain a CCW permit.

## Arizona Citizens Defense League

**Protecting Your Freedom**



## Governor Vetoes

AzCDL does not view vetoes by the governor as failures. Getting bills introduced, cosponsored, voted out of committees, approved by both legislative bodies, and getting them to the governor’s desk is 99% of the work. The following are pro-rights bills that we championed, but were vetoed:

- Justification of the use of “Defensive Display.”
- Redefinition of “open carry” and “vehicle carry” that have been clouded by 1994 Appellate Court decisions.
- Clarification that people are free to carry concealed, without a permit, on property they own, lease or rent, including common areas.
- Reduction of the penalty, for a law-abiding citizen, carrying concealed without a permit from a Class 1 Misdemeanor to a Petty Offense.
- Clarification that the 2006 Castle Doctrine / Burden of Proof law applied to all cases pending when the Governor signed the bill.

## Stopping Bad Bills

AzCDL is always on the lookout for legislation that adversely affects our rights. The following are some of the really bad anti-rights legislative proposals we helped defeat.

- ☠ Requiring each round of ammo sold to have a serial # encoded on each bullet and casing.
- ☠ Making it a crime if you don’t “properly” store your firearm to prevent access by a minor.
- ☠ An almost unlimited expansion of the definition of the “secure” area at airports where guns are banned.
- ☠ Banning weapons within 75’ of a polling place.
- ☠ An attempt to outlaw the Minuteman by classifying gun owners as terrorists.



## 2008 Legislative Session Review



(Continued from page 2)

passed, it would have effectively halted all ammunition sales in Arizona. HB 2833 required all ammunition manufacturers to encode a unique serial number on the base of every bullet and on the

inside of every cartridge. The bullet serial number and cartridge casing serial number would have to be identical. Ammunition sales would require recordation (i.e., registration) of the purchaser's name, driver's license, date of birth, etc. DPS would be required to maintain a database of ammunition

coding and buyers. Anyone possessing ammunition without serial numbers would be required to dispose of it. A tax of ½ cent would have been added to every round of ammunition sold. Manufactures and vendors would be steeply fined for not complying.



## AzCDL's First Annual Election Results



The terms for all five AzCDL Directors expired this year. Per the bylaws, voting was conducted by written ballot mailed to all active members.

All current directors sought reelection. There were no other nominees. By an overwhelming majority of the ballots received, the current directors have been reelected. We thank everyone who mailed in their ballots, and we are encouraged by the thoughtful notes of

appreciation many of you jotted on your ballots.

Per the bylaws the terms of the directors are staggered following this election in order to provide a yearly opportunity for nominations and elections. The terms of the recently elected directors are as follows:

3 year term—J.D. "Duke" Schechter  
3 year term—Fred Dahnke

2 year term—John Wentling  
2 year term—Charles Heller  
1 year term—Dave Kopp

Following the members' election of directors, the Board of Directors elected the following officers:

Dave Kopp—President  
John Wentling—Vice President  
Charles Heller—Secretary  
Fred Dahnke—Treasurer

## Front Sight donates Annual Meeting door prize!



Ignatius Piazza, philanthropist, Second Amendment activist, founder and Director of the Front Sight Firearms Institute has donated,

to AzCDL, a Course Certificate for training valued at \$2,000 for use at Front Sight. This Course Certificate will be given away to one lucky attendee at AzCDL Annual Meeting in October.

The Course Certificate can be used by

one person for a 4-day course, or by two people for a 2-day course, in Defensive Handgun, Tactical Shotgun or Practical Rifle. You can find out more about Front Sight at: <http://www.frontsight.com>

Sound interesting? Mark you calendar for AzCDL's Annual Meeting!

This year, your Annual Meeting will be on October 18, 2008 at the same place we held it last year, The Crowne Plaza Hotel in Phoenix.

Our Annual Meeting Committee is wrapping up the details and will be sending out invitations to all members. Since it's an election year, we are expecting a number of State Legislators to be in attendance (some are members!) and available for your feedback.

Don't forget, at AzCDL's Annual Meeting, we expect you to exercise your right to keep and bear arms via tasteful open carry.

## Attend the Phoenix Gun Rights Policy Conference

Enclosed is a flyer for the 2008 Gun Rights Policy Conference (GRPC) to be held at the Sheraton Crescent in Phoenix on September 26, 27 and 28, 2008.

We urge all our members to attend. AzCDL will be participating. At the 2006 GRPC, AzCDL was awarded Grassroots Organization of the Year for our Legislative success.



### ADMISSION TO GRPC IS FREE!

In addition to 3 days of hearing from pro-rights movement leaders and networking with hundreds of activists from around the country, the Citizens Committee for the Right to Keep and Bear Arms (CCRKBA) and the Second Amendment Foundation (SAF) provide enough FREE books and materials to start a Second Amendment library. And, they even toss in a FREE luncheon, evening re-

ceptions and snack breaks.

If you consider yourself a serious freedom advocate, you can't afford to miss this opportunity. The last time GRPC was in Phoenix was 6 years ago in 2002. Who knows if you'll get the chance to attend another GRPC this close to home.

You can complete the enclosed flyer and send it in, or register online at: <http://www.saf.org/default.asp?p=grpc>



Arizona Citizens Defense League  
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## The Arizona Citizens Defense League

AzCDL was founded by a group of local activists who recognized that a sustained, coordinated, statewide effort was critical to protecting and expanding the rights of law-abiding gun owners. AzCDL has been instrumental in the successful passage of the first major improvements to Arizona's CCW (concealed carry) laws since they were instituted in 1994, and has been at the forefront of the fight to restore justice to our self-defense laws.

AzCDL is a non-profit, all volunteer, non-partisan grassroots organization dedicated to the principles contained in Article II, Section 2 of the Arizona Constitution that:

*"All political power is inherent in the people, and the governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights."*

AzCDL believes that the rights of self-defense and bearing arms are the

foundation for all other rights. Our freedom of speech, our freedom from unreasonable searches, our right against self-incrimination, our right to bear arms, all of our fundamental rights only exist because we stand firmly resolved to preserve them. The AzCDL exists to strengthen that resolve.

AzCDL believes that the emphasis of gun laws should be on criminal misuse and that law-abiding citizens should be able to own and carry firearms unaffected by unnecessary laws or regulations. Towards that end, we are pursuing the following legislative improvements:

- ✓ "Constitutional Carry" – The right of law-abiding citizens to carry a firearm openly or concealed.
- ✓ Continued strengthening and preservation of the right of presumed innocence in self-defense situations.
- ✓ Stronger State Preemption –

Firearms laws should be consistent throughout the State.

- ✓ Fewer restrictions on the lawful carrying of firearms on Public property (buildings, parks, etc.).
- ✓ Explicit 3<sup>rd</sup> Party Storage Requirements when entering a posted "No Guns" facility.
- ✓ Liability responsibility for property owners who ban firearms.
- ✓ Improvements to CCW laws.
- ✓ "Restaurant Carry" – The ability of law-abiding citizens to dine out while carrying a firearm.

Our volunteer lobbyists are at the capitol regularly, fighting for your rights!

Join or Renew today!





**Register TODAY!**

**September 26, 27 and 28, 2008**

**Sheraton Crescent Phoenix, Arizona**

**2008 Gun Rights Policy Conference**

**ELECT FREEDOM**

**Sponsored by the Citizens Committee for the Right to Keep and Bear Arms and the Second Amendment Foundation**

Come meet national gun rights leaders and your fellow grassroots activists at the 23rd Annual Gun Rights Policy Conference (GRPC 2008) in Phoenix , Arizona. This is your once-a-year chance to network and get an insider look and plan pro-gun rights strategies for the coming year.

Past GRPCs have outlined victory plans and made public the latest firearms trends. They allow you a first-hand chance to hear movement leaders--and make your voice heard.

This year we'll take a look at critical issues such as: city gun bans, youth violence, "smart" guns, concealed carry, federal legislation, legal actions, gun show regulation, state and local activity. We'll also preview the upcoming Presidential Elections and analyze the U.S. Supreme Court Heller decision.

The full roster of GRPC 2008 speakers has not yet been set. Past speakers have included: Alan M. Gottlieb, Joseph P. Tartaro, Wayne LaPierre, G. Gordon Liddy, Michael Reagan, Larry Elder, Ken Hamblin, John Lott, Sandy Froman, Massad Ayoob, Tom Gresham, Sen. Larry Craig, Reps. Bob Barr and Chris Cannon and many others. Check our web sites -- [www.saf.org](http://www.saf.org) or [www.ccrkba.org](http://www.ccrkba.org) for updates.

**CONFERENCE and HUNDREDS OF DOLLARS WORTH OF MATERIALS ARE FREE!**

Books, monographs and other materials—enough to start a Second Amendment library are free, as are Saturday luncheon, Friday and Saturday evening receptions and morning and afternoon snack breaks. Other meals, travel and lodging are to be paid by attendee. For room reservations, please contact the Sheraton Crescent at 1-800-325-3535. Please mention GRPC to receive the special room rate of \$102.00 per night. We will mail you a list of invited speakers and a tentative agenda in September.

**2008 Gun Rights Policy Conference / FREE**

Yes, I want to attend. I understand that registration, conference materials and luncheon will be provided courtesy of CCRKBA and SAF. All other meals, lodging and airfare are to be paid by attendee.

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_ PHONE (\_\_\_\_) \_\_\_\_\_  
Fax \_\_\_\_\_ Email \_\_\_\_\_ Topics you would like discussed: \_\_\_\_\_

Send to:  
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Phone (425) 454-7012/ Fax (425) 451-3959  
Email your registration to: [GRPC2008@saf.org](mailto:GRPC2008@saf.org)