



Arizona Citizens Defense League

Protecting Your Freedom

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AzCDL Newsletter

February 2009

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Bold Bills Introduced in 2009



The 2009 Legislative session is underway. In the 2008 elections, the Republicans strengthened their majority in the Legislature and with the appointment of Janet Napolitano to President Obama's Dept. of Homeland Security, we have a Republican, and pro-rights, Governor Jan Brewer. The stage has been set for pro-rights victories this session and AzCDL is taking advantage of this opportunity. We have been working with legislators on proposed legislation ever since the last session ended, and all the bills on AzCDL's wish list for this session have been filed! Here are some of the key firearm related bills that have been filed so far this session. You can find the full list of bills we are monitoring on our website's Legislation page.

Constitutional Carry

SB 1270 is the AzCDL-requested bill that removes the penalty for the lawful carrying of a concealed weapon without a permit, while increasing the penalty for carrying a concealed weapon during the commission of a serious or violent crime. These changes would also add additional incentives to obtain a permit by granting permit holders permission to carry a weapon in places that they were previously unable to.

Defensive Display

SB 1243 is the AzCDL-requested bill that clarifies when a defensive display of a firearm is justified. This bill is similar to an AzCDL-requested bill filed last year that passed in the Legislature but was vetoed by our former anti-rights Governor. Defensive display includes:

- Verbally informing another person that you have a firearm available.
- Exposing or displaying a firearm in a manner that conveys you mean to protect yourself.
- Placing your hand on your firearm while it is holstered.

Alternative CCW Training

HB 2439 is the AzCDL-requested bill that provides for an alternative 3 hour CCW course, dealing only in legal issues, for qualified individuals who can show proof of prior firearms training, such as:

- Completion of an NRA pistol course.
- Completion of pistol related courses at the college level, or at places like Front Sight.
- Completion of certain law enforcement training.
- Current military service or an honorable discharge.
- A competitive rating or ranking in an organized shooting competition.
- A CCW permit from another jurisdiction that required training or testing to obtain.

Campus Carry

HB 2607 is the AzCDL-requested bill that removes that authority of a governing board to prohibit a person who possesses a CCW permit from carrying a concealed firearm on the property of an educational institution (i.e., College or University). It was touch-and-go for awhile. This legislation was drafted and sponsorship was obtained, but the bill was not filed by the Senate deadline. To keep the bill alive, Dave Kopp and John Wentling, AzCDL's president and vice-president, successfully lobbied for Campus Carry to be filed in the House before the House deadline.

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New Bills Introduced For 2009



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Meanwhile, an anti-rights bill was filed (**HB 2386**) that would add "post secondary education institution" (i.e., colleges and universities) to the statutory definition of "school" and create a new Class 6 Felony for carrying a deadly weapon there. AzCDL strongly opposes HB 2386 and will work to defeat it this session!



Restaurant Carry

Two bills have been filed allowing the limited carrying of firearms in restaurants where alcohol is consumed. Both bills need some work, but are a good start.

HB 2171—Provides that firearms must be permitted in certain restaurants if they derive more than 50% of their gross revenue from the sale of food.

SB 1113—Firearms are permitted in certain restaurants if signs are not posted forbidding firearms, and the person possessing the firearm does not consume alcohol.

Other Firearms Related Bills

HB 2026—Exempts all AZPOST certified peace officers from any rule in any political division of Arizona forbidding them from carrying a firearm, with specific listed exceptions. Also includes all schools in the definition of "political subdivision." It makes some

technical corrections to a similar bill that passed in a previous session.

HB 2027—Allows AZPOST certified members of the Sheriff's Posse or Reserves to carry concealed weapons without obtaining a CCW permit.

HB 2174—Allows the carrying of firearms on game refuges by CCW permit holders.

HB 2235—Requires all appointments to the Arizona Game and Fish Commission to be an Arizona resident for at least ten years, and to be a continuously registered member of the same political party or an independent, and to hold a valid hunting or hunting/fishing license for at least five years. Also requires applications for appointments to the Commission to be public records.

HB 2418—Allows holders of Federal manufacturer, importer, or dealer licenses to bypass the training requirements for obtaining a CCW permit.

HB 2420—Creates an exception to the weapons misconduct statute for weapons carried inside a vehicle in a closed purse belonging to a CCW permit holder.

HB 2474—Prevents any private or public employer, property owner, etc. from banning any person from keeping a firearm in a locked vehicle in a parking area on the property, with specific, limited exceptions.

HB 2484—Creates a new, state level, "straw purchase" crime that goes much further than the federal statute. Very broad and overreaching.

HB 2532—An attempt to provide a more concrete means for people who have been found incompetent to bear arms due to mental disability to have their rights restored.

HB 2552—Makes the use of a deadly weapon by a prohibited possessor in the commission of certain crimes an aggravating factor or sentence enhancement during court proceedings.

HB 2566—Exempts armed guards at nuclear generating stations, in the performance of their official duties, from several subsections of the "misconduct involving weapons" statute, including carrying concealed without a permit, possessing a prohibited weapon, possessing a defaced weapon, carrying in a public establishment or event, carrying in a polling place, and carrying on school grounds. Would also exempt law enforcement, military, and armed nuclear security guard training ranges from statutory noise standards that apply to public shooting ranges.

SB 1167—Adds community correctional officers and special investigators of the state Department of Corrections, who are weapons qualified, to the list of exemptions to various types of misconduct involving weapons.

SB 1242—Allows Sheriff's Posse and Reserve officers, who are firearms certified, to carry concealed weapons without a permit.

SB 1437—Allows the Arizona gun Safety Program to be taught by instructors certified by "a national association of firearms owners."

SB 1449—Applies the 2006 Castle Doctrine/Burden of Proof law retroactively to certain types of cases pending at the time of passage. Similar to a bill that the previous Governor vetoed.

Other Legislation

There are also many non-firearm related bills that AzCDL is monitoring this year. The following are some of the key bills along with our position.

HB 2010, HB 2213 & SB 1076 Eliminate the problem of being ticketed for having "Arizona" obscured on one's license plate, and the unnecessary vehicle stop along with it, by the deleting the provision from statute. (support)

HB 2106 & SB 1355—Eliminate the photo radar system from Arizona highways. (support)

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New Bills Introduced For 2009



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HB 2313—Adds private process servers to the list of people that any assault upon is automatically elevated to an “aggravated assault.” It also exempts private process servers from all forms of criminal trespass on YOUR property. (oppose)

HB 2426—Prohibits the state from creating “enhanced” driver licenses and/or identification licenses or implementing the Western Hemisphere Travel Initiative (similar to Real ID). (support)

HB 2507 & SB 1143—Create “enhanced Driver Licenses and Identification Licenses in compliance with the Western Hemisphere Travel Initiative requirements. Similar to “Real ID.” (oppose)

HB 2551—Would increase the penalty for minor criminal damage cases (less than \$250) to a Class 1 Misdemeanor (maximum \$2500 fine and 6 months in jail). The punishment does not fit the crime. (oppose)

HB 2628—Clarifies that parents have the right to be the primary decision makers regarding their children’s education, health, and legal issues. Also specifies that their rights are expansive, and not limited to those listed in the bill. (support)

HCR 2008—A referendum measure that attempts to repeal the Private Property Protection Act (Proposition

207) of 2006, which provided for more restrictions on the government’s power of eminent domain, and more protections for private property owners. (oppose)

HCR 2024 & SCR 1038—Resolutions that would assert Arizona’s state sovereignty under the U.S. Constitution and Bill of Rights. (strongly support)

HCR 2030—A referendum measure that provides for two thirds voter approval on any initiative or referendum measure that raises taxes, tax rates, or spending. (support)

HCR 2033—Lowers the percentage threshold to file an initiative and sets a statutory deadline for filing. Also changes the voting requirement for passage of a legislative referendum from a simply majority to two thirds. We see no real reason to make the initiative process, which is currently dominated by big dollar special interests, easier, while making the referendum process more difficult. (oppose)

SB 1004—Creates a felony offense for having a compartment in a motor vehicle that “is intended and designed to be used to conceal, hide or prevent discovery by law enforcement officer.” Of course, any hidden compartment in a vehicle, like the one you might use to keep your gun from being stolen, could be construed in such a fashion. Nearly every vehicle on the road today has at least one such compartment. The language is far too broad and open to interpretation. (oppose)

SB 1348—Creates a Class 1 misdemeanor crime for knowingly withholding information from, or providing false information to, any public official, but does not provide any definition of “false.” While seemingly well-intentioned, it’s easy to envision a simple difference of opinion on policy issues resulting in misdemeanor charges against those whom “public officials” disagree with. Far too broadly written, with too many unintended consequences. (oppose)

SB 1411—A primary offense seat belt violation bill. Provides an excuse to pull everyone over for any reason and “request” a search. (oppose)

SCR 1034—A resolution that would rescind a previously enacted call, by the state of Arizona, to hold a national Constitutional Convention. (support)

As you can see, a number of controversial bills have been filed. How far they get through the process of committee hearings and floor votes depends largely on YOU and the pressure YOU put on the legislature through your emails, calls and letters.

If you have not subscribed to our e-mail Alerts, we urge you to do so. Go the AzCDL website and click on the “Alerts” tab.

<http://www.AzCDL.org>

AzCDL Newsletters mailed only by request



Sadly, we must discontinue the physical mailing of our newsletter, except by request. The all-volunteer labor involved preparing a newsletter for mailing has become overly time-consuming. It took us almost a week to stuff, fold, seal, label and sort the over 1,000 newsletters we last mailed.

Since then, we have grown to over 1,600 members and we expect to have

over 2,000 members before the end of the year. That’s a lot of newsletters! We don’t want to delay delivery of your newsletter when the Internet is so much faster.

Beginning with this newsletter, we will only mail a newsletter to members who request a printed copy or who do not have Internet access.

If you are a current member whose dues

are up to date, and you would prefer to have a newsletter delivered to you via the US Postal Service, either call and leave a message at **623-594-8521**, or send an email to info@AzCDL.org. We’ll be happy to accommodate you.

We sincerely thank everyone for helping out by downloading AzCDL’s newsletter from our website.



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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 3rd 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!

