



# Arizona Citizens Defense League

## Protecting Your Freedom

Volume 2010, Issue I

AzCDL's Membership Newsletter

January 2010

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## Bold Bills Introduced in 2010



The 2010 Legislative session got underway on January 11th. This session, we have a Republican Governor, along with Republican majorities in both chambers of the Legislature. The stage is set for pro-rights victories and AzCDL is taking advantage of the opportunity. We started working with legislators on proposed bills for 2010 right after the 2009 session ended. As a result, a number of pro-rights bills have been filed. The following are some of the key firearms and self-defense related bills that we are monitoring. You can find a more complete list of bills at our website's Legislation page.

### Constitutional Carry

AzCDL has been laying the groundwork for Constitutional Carry since we began in 2005. In the last two legislative sessions we came very close. This year, identical AzCDL-requested bills have been filed in the House (**HB 2347**) and Senate (**SB 1102**) with the following features:

- Eliminate the prohibition and penalties for adults carrying a concealed weapon without a permit.
- Incorporate defensive display in the justification for deadly force statutes.
- Allow CCW permit holders to carry in "non-secure" public buildings and establishments.
- Remove the unloaded firearm restriction when picking up and dropping off school students.
- Allow LEOSA certified retired Law Enforcement Officers to carry on school grounds.
- Require confiscated firearms to be sold rather than destroyed.
- Eliminate the training requirement to obtain a CCW permit.

### Improved State Preemption

**HB 2534 & SB 1168** are identical AzCDL-requested bills that strengthen Arizona's firearms preemption laws. Among their features are adding firearms storage and reloading components to the list of things that political subdivisions cannot regulate, and removing the prohibition on carrying a firearm in public parks without a CCW permit.

### Firearms Freedom Act

**HB 2307 & SB 1098** are identical bills similar to legislation that has passed in Montana and Tennessee and pending in over a dozen other states. If passed and signed into law, any firearm manufactured in Arizona and that remains in the state, "is not subject to Federal law or Federal regulation, including registration, under the authority of Congress to regulate interstate commerce and it not considered to have traveled in interstate commerce." These bills reinforce States Rights under the Tenth Amendment of the U.S. Constitution.

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# New Bills Introduced for 2010



(Continued from page 1)

## Restaurant Carry Improvements

**HB 2406 & SB 1015** clarify the confusing “no firearms” signage requirements in the Restaurant Carry legislation that passed in 2009. These bills also change the affirmative defense (something to use after you are arrested and in court) language in the statute to “not an offense.” Finally, they restore the requirement that a person “knows the possession of a firearm is prohibited” in an establishment that serves alcohol.

## Campus Carry

This year there are a few bills that have been filed that tinker around the edges of Campus Carry, but nothing that addresses it head on. There is also one bill that would make school campuses even more dangerous.

**HB 2347 & SB 1102**, the Constitutional Carry bills, contain a provision to allow LEOSA certified retired Law Enforcement Officers to carry on school grounds.

**SB 1011** allows college and university faculty members with CCW permits to possess a concealed firearm on campus.

On the negative side, **HB 2271** would increase the penalty, from a misdemeanor to a class 6 felony, for possessing a firearm at a post-secondary institution. It would become a greater crime to illegally carry a firearm at a college or university than at a grade school or high school. AzCDL opposes this bill.

## Other Self-Defense Related Bills

**HB 2015 & SB 1021**, along with the Constitutional Carry bills, incorporate defensive display into the statutes regarding the justification for deadly force.

**HB 2016** allows out of state applicants, whose rights have been restored, to obtain a CCW permit under the same conditions as Arizona residents.

**HB 2017 & SB 1172** improve the language in Arizona’s school gun safety program statutes.

**HB 2167** allows for the creation of “gun safety and education” special license plates. Fees collected for these special license plates may be disbursed to organizations that “promote firearm safety and firearm educational training to benefit the public.”

**HB 2201** creates a crime for firearm “Straw Purchases” made in Arizona. Straw Purchases are already against Federal law. There is no need to create a state law.

Additionally, HB 2201 is overly broad covering the “purchase, sale, trade, gift, transfer, delivery, exchange, or any other acquisition or disposition of a weapon.” It is not limited to firearms and includes private sales. It also makes a straw purchase a racketeering crime. AzCDL strongly opposes this bill.

**SB 1153** is state knife preemption law being championed by the national Knife Rights organization (KnifeRights.org).

## Other Legislation of Interest

While AzCDL primarily focuses on the Right to Keep and Bear Arms (RKBA), we are a civil liberties organization that believes that government is a servant of the People. We continually monitor, and express our opinion on, Arizona legislation that affects all our freedoms.

The following are just some of the non-firearms related bills we are watching this year.

**HB 2268** is part of a nationwide movement to negate the impact of the Electoral College on Presidential elections by forcing Arizona’s Electoral votes to conform to the National popular vote. The result would be that states with large populations (e.g., New York and California) would determine who becomes President, making the votes of Arizonans meaningless.

By setting up the Electoral College to determine the outcome of a national election, our Founding Fathers made sure that the votes in every state carried weight. Without this mechanism in place, all a modern Presidential candidate would need to do was woo the voters in large population cities like

New York and Los Angeles and ignore everyone else. How’s that for Hope and Change? AzCDL opposes this bill.

**HCR 2034** bans paid lobbying on behalf of a Public agency, department, board, commission or political subdivision. Currently your tax dollars are used by government organizations, counties, cities, etc. to lobby on behalf of their best interests, which may not be the same as your best interests.

When AzCDL volunteers lobby on your behalf, they are up against high powered and richly paid lobbyists, funded by taxpayer money that is funneled through state and local government organizations, determined to maintain their status-quo at your expense. It’s classic David and Goliath, only while you are rooting for David, Goliath is outfitted for battle with your tax dollars.

**SB 1086** is a Domestic Violence bill that classifies strangulation and suffocation as aggravated assault and a class 4 felony. Unfortunately, there is no exemption for the legitimate act of self-defense. AzCDL opposes this bill.

## Photo Enforcement

Those fixed, portable and mobile revenue generators appearing all over the state have caused a lot of controversy. The following bills attempt to rein in the use (and misuse) of photo enforcement.

**HB 2085** specifies that a citation or notice of violation issued pursuant to the state photo enforcement system must be issued by a law enforcement officer at the time of the violation.

**HB 2213** prohibits a public agency of this state, including the Department of Public Safety (DPS), from entering into a new contract or renewing an existing contract authorizing photo enforcement unless the contract is approved by the Legislature.

**SB 1018** would require a photo enforcement complaint to be served before being filed in court.

**SB 1129** repeals the photo enforcement provisions in state law.

## Join us at AzCDL's 2010 Annual Meeting in Phoenix!

Mark your calendars! You are invited to AzCDL's annual meeting on:

**Saturday, October 2, 2010.**

This year's annual meeting will be held at the **Crowne Plaza, 2532 W. Peoria Ave, in Phoenix.** This is the same hotel where we had our 2007 and 2008 annual meetings



The fee for lunch is \$25 per person. The price includes a FREE Basic Annual AzCDL membership (or renewal)!

As more information becomes available we will notify our membership along with posting it on our website at:

[http://www.azcdl.org/html/annual\\_mtg.html](http://www.azcdl.org/html/annual_mtg.html)

## Political Action Committee (PAC) Donations Needed!

This is an election year! The primaries are in August. AzCDL members now have an extra tool to help legislators "see the light"—our Political Action Committee (PAC).

Campaign donations speak loudly to legislators seeking reelection and new candidates seeking to challenge sitting legislators. We want to see principled, pro-rights leaders get elected.

AzCDL's PAC is a force-multiplier for your individual donation. No matter what the size of your donation, when combined with hundreds or thousands of others, it WILL make a big difference!

All donations are welcome. We are in a dangerous era, and it's time to make

hard decisions. Which is more important, an extra box of plinking ammo or the election of men and women who will fight for your right to use that ammo?

AzCDL will soon have over 3,000 members, and we expect to be 4,000 strong by the end of 2010. If every member donated \$10 to the PAC, we could make a serious difference in the outcome of the coming elections. Think of what could be accomplished if everyone was able to donate even more!

AzCDL has already made a tremendous impact on Arizona's gun laws in a just a few years (see page 4 of this newsletter). With a strong and vibrant PAC, we have the potential to significantly alter the political landscape for legislative

sessions in coming years.

In keeping with our focus on Arizona legislation, our PAC is limited to supporting or opposing candidates for the Arizona legislature or other statewide offices (e.g., governor). Arizona laws prohibit the use of PAC monies to support or oppose candidates for Federal offices or any local (county, city, town, etc.) elections.

Your donations are the fuel that the PAC need to be strong and successful.

Please donate today!

<http://www.azcdlpac.com>

**(Or call 928-685-4219)**



## Event Volunteers Needed!



Like it says in our brochure, AzCDL is an "all volunteer" organization. We need volunteers to staff the AzCDL tables at Arizona gun shows and other events.

**To all of you already volunteering**  
**THANK YOU!**

Unlike anti-rights organizations, AzCDL does not have a rich "sugar daddy," receive any grants or have any paid staff. We pay our expenses from individual donations.

Also, unlike anti-rights organizations, AzCDL has an actual membership and we are experiencing phenomenal growth

(we averaged over 100 new members a month in 2009!), thanks to our volunteers.

The more members we have, the more clout we have at the Legislature. The more clout we have, the greater our success.

However, recruiting members takes lots of work. Our best venue for educating gun owners about AzCDL's success, is at gun shows. Almost everyone reading this joined AzCDL at a gun show. As a result, you have seen your membership "investment" returned several fold in terms of restored and expanded rights.

In addition to Phoenix and Tucson, we are working events in Tombstone, Prescott, Yuma (thanks Kirk!) and anywhere else we can find a friendly audience and eager volunteers. We are also not limiting ourselves to gun shows. We have had great success at Tea Party gatherings and other political events.

How about helping us spread the word?

If you would like to volunteer or know of an event that you think we should "work" please call 623-594-8521 or contact:

**Duke.Schechter@AzCDL.org**

# A Review of AzCDL Accomplishments



For our legislative and grassroots success, AzCDL was recognized at the 2006 Gun Rights



Policy Conference and again in 2008.

**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.

Establishment of a justification defense for referring to, showing, or displaying a firearm in a defensive manner when confronted with physical or deadly force.

Preventing private or public employers, property owners, and others from banning firearms in a locked vehicle.

Prohibiting the governor 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 laws.



## 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:

- 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.

## 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 civilian border observers by classifying gun owners as terrorists.
- ✘ Adding “post-secondary institutions” (i.e., colleges and universities) to the statutory definition of “school” and creating a new class 6 felony for carrying a deadly weapon there.