



# Arizona Citizens Defense League

## Protecting Your Freedom

Volume 2010, Issue 2

AzCDL's Membership Newsletter

May 2010

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P.O. Box 10325  
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<http://www.AzCDL.org>

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(<http://www.AzCDL.org>)

- AzCDL Goals & Successes
  - Legislative Updates
  - Court Cases
  - Online Application
  - Newsletters
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### Contacting AzCDL



[info@AzCDL.org](mailto:info@AzCDL.org)



(623) 594-8521

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## Freedom Regained!



The 2010 Arizona legislative session resulted in the passage of a number of pro-rights bills that will soon become law. Arizona is now at the forefront of restoring freedoms that have been eroding away for decades nationwide.

### Constitutional Carry Restored

Article 2, Section 26 of the Arizona Constitution says "The right of the individual citizen to bear arms in defense of himself or the state, shall not be impaired..."  
(See Page 4 for the history on the erosion of your right to bear arms in Arizona)

On April 16th, Arizona Governor Jan Brewer signed SB 1108, the AzCDL-requested "Constitutional Carry" bill, which restores the fundamental right of law-abiding adults to carry weapons, openly or discreetly, without first seeking written permission from the government.

In essence, SB 1108 removes the prohibition and penalties for adults (21 and over) who are discreetly carrying a firearm or other weapon without a concealed weapons (CCW) permit. It also eliminates the "weapons misconduct" language dealing with open and vehicle carry, that has been clouded since 1994 by Appellate Court rulings (see page 4).

This bill only benefits the good guys. The penalty for carrying a weapon in the furtherance of a crime has been increased to a Class 6 felony. Also under the new law, when asked by a law enforcement officer, you must reveal whether you are carrying a firearm. This is a restatement of what is already in other statutes. SB 1108 also codifies the U.S. Supreme Court decision, Terry v. Ohio, that already allows a law enforcement officer to take temporary custody of your firearm during a "contact" (traffic stop, criminal investigation, etc.).

The CCW permit is not eliminated. It becomes optional and still has a purpose. You'll need one to streamline retail gun purchases, carry in states that recognize Arizona permits, and for carrying a firearm in establishments that serve alcohol. The training you receive to obtain a permit is an added bonus.

The new law also expands the training opportunities that qualify for obtaining an Arizona CCW permit. In addition to the traditional course taught by state approved instructors, the following is a partial list of other training that may be substituted:

- Completion of NRA or hunter safety courses.
- Current military service or proof of an honorable discharge.
- Completion of courses from training facilities like Front Sight or Gunsite.

If you don't have a CCW permit, don't run out and start carrying discreetly just yet. New laws don't become effective until July 29th (90 days after the legislature officially adjourned). Not requiring a CCW permit does not absolve you from knowing the law. The heaviest thing about wearing a firearm is the responsibility that comes with it. Know the law and train and practice regularly!

Freedom to carry has always been one of our primary goals. AzCDL has been working towards the passage of this historic legislation since we formed 5 years ago. Every accomplishment over the last 5 years has been pursued with this in mind. However, having a goal is meaningless without the support and activism of our membership. Thank you for making this happen!

(Continued on page 2)



# New Legislation Enacted for 2010



(Continued from page 1)

## State Preemption Strengthened

HB 2543 was signed by the Governor on April 5th. This legislation further limits the ability of political subdivisions (i.e., counties, cities, towns, etc.) to regulate firearms. Current law allows political subdivisions to enact firearms taxes and regulations such as limiting firearm possession in parks and preserves.

HB 2543 adds firearms storage and accessories to the list of things that political subdivisions cannot regulate, and in general prohibits them from enacting any local ordinances more restrictive than state law. In particular, they can no longer limit the carrying of firearms in public parks to those with CCW permits.

## Knife Preemption Added

Arizona also became the first state in the nation to enact a knife preemption law. SB 1153 was signed by the Governor on April 28th. This new law, championed by the national Knife Rights organization, not only prevents political subdivisions from enacting new knife-related ordinances, but voids all existing ordinances more restrictive than state law, similar to the new firearms preemption law.

For more information on the national knife rights movement, go to:  
<http://www.kniferights.org>.

## Firearms Freedom Act

On April 5th, Governor Brewer also signed HB 2307 into law. This new law exempts from federal law or regulation firearms manufactured and sold in Arizona, as long as they remain in Arizona.

The passage of HB 2307 is the latest in a multi-state challenge to federal authority to regulate firearms. The movement started in Montana and Arizona became the sixth state to pass a Firearms Freedom Act. About 20 other states have introduced similar legislation.

Don't expect to find "Made in Arizona" firearms for sale in your local gun store any time soon. The Bureau of Alcohol Tobacco, Firearms and Explosives (BATFE) has already warned Montan-

ans not to try to manufacture any "Made in Montana" firearms and a lawsuit has been filed in federal district court to test the new law.

Grab the popcorn and get comfortable. This is going to get interesting.

For more information on the Firearms Freedom movement go to:  
<http://www.firearmsfreedomact.com>.

## Right to Hunt and Fish

On April 22nd, a proposed constitutional amendment, HCR 2008, passed out of the legislature. It was sent to the Secretary of State to be placed on the November ballot. If approved by the voters, it will add hunting, fishing and harvesting wildlife as rights guaranteed under the Arizona Constitution. It also declares that the state legislature has exclusive authority to regulate activities pertaining to the taking of wildlife.

## Firearms Registration Stopped

HB 2629 passed out of the Legislature and was sent to the Governor on April 29th. We believe she will sign it.

This bill is a great example of how a few activists can make a real difference!

HB 2629 resulted from Mohave County being too exuberant in applying the law requiring the storage of firearms when entering public (i.e., government) buildings. It seems a lot of extra record keeping was in place, in effect registering gun owners and their firearms. Fortunately the process was videotaped by concerned citizens and shared with AzCDL and the legislature.

HB 2629 prohibits a political subdivision from requiring or maintaining any permanent or temporary records related to the storage of firearms that contain descriptions (serial numbers, etc.) of firearms or their owners.

The legislation also clarifies that a person has no duty to retreat in any place they have a right to be.

## Restaurant Carry Improvements

On April 19th, HB 2002 was signed into law. While primarily a bill dealing with liquor licenses and "sampling," it contains an AzCDL-requested provision that requires liquor licenses to be displayed "in a conspicuous public area of the licensed premises..." This becomes important in identifying establishments serving alcohol that prohibit firearms, since a "no firearms" sign is required to be posted near the liquor license.

Under current law, the "no firearms" sign could be sitting next to the liquor license in an area not normally seen by the public and anyone entering with a firearm would be unaware that they are breaking the law.

## Remember in November!

Enormous strides were made this year in restoring our fundamental freedoms. This is an election year. The primaries are in August. If principled individuals are elected that respect your rights, we can make even greater gains next year.

We urge you to get involved, study the candidates, and not vote for someone simply for their party affiliation.

AzCDL members now have an extra tool to help candidates "see the light"—our Political Action Committee (PAC).

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

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.

All donations are welcome!

<http://www.azcdlpac.com>

(Or call 928-685-4219)

## 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.



Join us in celebrating Arizona's historic restoration of Constitutional Carry. We are expecting a huge turnout.

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)



## AzCDL's 2010 Director Election



To promote continuity in leadership, the terms of office for AzCDL's directors are staggered. This year, the director positions held by John Wentling, AzCDL's Vice President and Charles Heller, AzCDL's Secretary, are due to expire.

While both John and Charles are seeking reelection, the nomination process is open to all members. All nominations will appear on the ballot. If there is only one nominee for the vacancy there will not be a balloting process.

If you are a Life member interested in running for these positions on the AzCDL Board of Directors, you may nominate yourself or be nominated by any other member.

If you are going to nominate someone else, you must provide a personal verification from the nominee, including the nominee's signature and membership number, indicating they want to be on the ballot. Candidate biographies and/or statements are welcomed. Send all nomination requests to:

AzCDL Membership  
P.O. Box 86256  
Tucson, AZ 85754-6256

You may also email nominations to: [treasurer@AzCDL.org](mailto:treasurer@AzCDL.org). A readable, scanned image of the nominee's personal verification document attached to an email may be considered acceptable if, in the sole judgment of AzCDL's Board of Directors, it can be verified as

authentic.

All nominations must be received by AzCDL by June 30, 2010. Any nomination received after June 30, 2010 will not be placed on the ballot.

If you include a candidate biography and/or a statement of why they/you should be elected, it must be limited to a single 8.5" x 11" page using standard margins and line spacing, and a font size equivalent to Arial 10. Any legitimate candidate statement timely received will be made available to members during the balloting process.



## AzCDL members trained at Front Sight



On April 9th, 18 AzCDL members descended on Front Sight, Nevada for a four day Defensive Pistol class. We were not alone. Over 800 other students from around the world, trained at Front Sight that weekend.

About 800 rounds later, along with daily lectures, a couple of tactical scenarios, dozens of reloading and malfunction drills, and too-many-to-count fast turning targets, we finished with a skills test and were amazed at how much we had learned and progressed.

That was way too much fun not to share! If you would like to help us make this an annual event, please contact Fred at



[treasurer@azcdl.org](mailto:treasurer@azcdl.org). To learn more about Front Sight, check out <http://www.frontsight.com>.

The heaviest thing about wearing a firearm is the responsibility that comes with it. Even though the CCW permit will soon become optional, that doesn't re-

lieve us from our duty to know the law, become competent with our handguns, and understand our responsibilities. The same goes with those who have a CCW permit. Your training never ends.

Though it's our favorite, Front Sight isn't the only place to get quality training. Gunsite (<http://www.gunsite.com>), established by Col. Jeff Cooper, is a well-known training facility in Arizona. There are also a growing number of dedicated instructors throughout Arizona (many are AzCDL members) that offer advanced courses in handguns and other firearms.

**Be responsible—Never stop training!**

# The Erosion and Restoration of Arizona's Right to Carry

## **1910—Article 2, Section 26 of the Arizona Constitution says:**

*The right of the individual citizen to bear arms in defense of himself or the state shall not be impaired...*

The Arizona Constitutional Convention notes also indicate that the Legislature was specifically denied the power to regulate the carrying of arms - openly or concealed.

## **1990—An Arizona Court of Appeals determines that the right to bear arms in Arizona is not absolute, and that the State can restrict "concealed" carry.**

(Dano v. Collins, 166 Ariz. 322, 803 P.2d 1021)

## **1994—Instead of reaffirming that Article 2, Section 26 means what it says, Arizona adopts a "shall issue" concealed carry permit system requiring that citizens, who wish to fully exercise their Constitutionally guaranteed right to bear arms, ask for permission in writing after taking two days of training from government approved instructors, followed by submitting their fingerprints and having law enforcement check their background. The media predicts blood flowing in the streets.**

The "right" to carry without a permit is narrowly defined. ARS § 13-3102, states that a concealed carry permit is not required when:

*"a weapon or weapons carried in a belt holster which holster is wholly or partially visible, or carried in a scabbard or case designed for carrying weapons which scabbard or case is wholly or partially visible or carried in luggage."*

*"a weapon or weapons carried in a case, holster, scabbard, pack or luggage that is carried within a means of transportation or within a storage compartment, trunk or glove compartment of a means of transportation."*

## **1994—An Arizona Court of Appeals further diminishes the right to carry without a permit. The court determines that a gun in a vehicle is a concealed weapon, open carry must be obvious to "ordinary observation," and the "conveyance" (holster, scabbard, case, etc.) used for carrying a firearm must be recognizable as something for that purpose (State v. Adams, 189 Ariz. 235, 941 P.2d & State v. Moerman, 182 Ariz. 255, 895 P.2d 1018).**

*"...the legislature intended to prohibit a person from carrying a concealed weapon on his or her person in a manner readily accessible for immediate use unless the conveyance utilized to carry the weapon reasonably would place others on notice that such person is armed." (State v. Moerman).*

*"The critical question turns on whether an individual, standing near a person with a firearm...may by ordinary observation know the questioned object to be a firearm." (State v. Adams).*

*"...even if the weapon was visible from a certain angle outside the vehicle; the weapon was hidden from 'ordinary observation' or 'ordinary sight' of a person outside the vehicle." (State v. Adams).*

**Note:** Lower courts have already ruled that an openly carried, holstered gun is concealed if it is not obvious from the position of the observer. Also, passengers in a vehicle are considered to have access to a gun in a vehicle and may be arrested for carrying without a permit.

## **2005—The Arizona Citizens Defense League (AzCDL) is founded and begins work on turning the tide on the erosion of our liberties.**

**2005 through 2010—Laws are passed restoring and strengthening our rights. Among these are the restoration of "innocent until proven guilty"; strengthened firearms preemption; preventing the Governor from confiscating firearms in an emergency; establishing a justification for defensive display; preventing employers from banning firearms in locked vehicles; many CCW law improvements, and; adding "map pocket" as a place where a holstered weapon may be carried within a vehicle without a concealed weapons permit.**

**2010—Arizona restores the fundamental right of law-abiding adults to carry weapons, openly or discreetly, without first seeking written permission from the government. The CCW permit becomes optional. This is just the beginning!**

The Arizona Citizens Defense League — *Protecting Your Freedom*