



Arizona Citizens Defense League

Protecting Your Freedom

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AzCDL's Membership Newsletter

May 2016

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2016 Legislative Review



The 2016 Legislative session began on January 11 and ended on May 7. For bills that the Governor signed, the general effective date is August 6. This session we witnessed the erasure of separation of powers as we watched our Republican Governor's staff work behind the scenes to kill an important bill with the apparent cooperation of several Republican legislators.

Self-defense for law-abiding citizens in government buildings defeated

AzCDL's belief is that law-abiding citizens should not have to disarm in government run "public" facilities, where the only protection afforded to those who enter is an impotent "no weapons" sign. The reality is that the only people who pay attention to these signs are the law-abiding. Criminals ignore them.

After years of pushing legislation to allow law-abiding citizens to retain the means of self-defense in public buildings, we have learned that the fat cat bureaucrats who control these facilities seem to be very comfortable with armed murderers, rapists, child molesters and domestic abusers in their midst, but are terrified of being around *law-abiding* armed citizens.

Past Arizona Governors, whose offices are secured by armed guards and metal detectors, have vetoed legislation that affords CCW permit holders the right to remain armed in these unprotected environments. Our new Governor has taken a more devious approach—his staff worked behind to scenes to get the bill killed while it was still in the Legislature.

SB 1257 was an AzCDL-requested bill that would have exempted CCW permit holders from being disarmed when entering public facilities if security was limited to a "no weapons" sign. SB 1257 was introduced in the Senate and successfully made it to the House. While it was in the House, the Governor's staff asked for an amendment to exempt the Maricopa County Hospital. We were assured by the Governor's staff that this was their only issue. SB 1257 was amended, passed out of the House and sent back to the Senate. Because the bill was amended in the House, the Senate was required to concur with the changes and take a final floor vote. In the Senate, the Governor's staff lobbied heavily for the defeat of the amended SB 1257. During the final floor vote, Republican Senators Carlyle Begay (LD7), Steve Pierce (LD1) and Bob Worsley (LD25) joined with the Democrats and voted against SB 1257. Additionally, Republican Senator Jeff Dial (LD18) decided to vanish from the chamber during the floor vote. The result of this sabotage was a tie vote that killed the bill.

Good Bills Passed

Despite the shenanigans we encountered with SB 1257, we were able, with the help of our members, to ensure the passage and signing of the following bills.

HB 2224, the AzCDL-requested bill that prohibits state and local governments from subjecting the private transfer of firearms to any taxes, fees, liens, etc. The primary purpose of this bill was to prevent you from having to pay any fees in the event private firearms transfers are required to undergo background checks.



IN THIS BUILDING
YOU ARE PROTECTED
BY THIS SIGN

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2016 Legislative Session Review



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HB 2338, the AzCDL-requested bill that prohibits the governing boards of educational institutions from banning firearms on public rights of way (sidewalks, streets, etc.) that may intersect a campus.

HB 2446 removes an outdated reference to the U.S. Department of Treasury when referencing the National Firearms Act in regards to prohibited weapons in Arizona.

SB 1266 allows for injunctions, fines and civil suits when state agencies, counties and cities disregard state firearm preemption statutes. This bill adds teeth to the preemption statutes. After this bill becomes law on August 6, if you enter a state or local government building with a "no weapons" sign and they don't have readily available storage lockers, SB 1266 gives us the ability to make these fat cat bureaucrats obey the law.

SB 1487 requires the Arizona Attorney General to investigate local ordinances that violate the Arizona Constitution or state law. Some cities, like Tucson, have ordinances on the books that are in direct violation of state firearms preemption laws.

Bad Bills Stopped!

As in past sessions, several bills were filed attacking your right to keep and bear arms. Fortunately we were able to prevent the bills listed below from becoming the law in Arizona.

HB 2011 and SB 1021 would have established a "public safety and violence prevention" committee to specifically investigate firearms ownership.

HB 2091, HCR 2007 and SB 1339 were three identical bills that would have made the private transfer of a firearm, including a temporary loan, a Class 5 Felony unless both the transferor (seller) and transferee (buyer) were screened via a NICS background check. These three bills are identical to four bills filed during the 2015 session. Their obvious purpose is identification and registration of Arizona's gun owners.

HB 2279 would have weakened Arizona's laws regarding the justification for the use of deadly force.

HB 2280 would have eliminated the Game and Fish Commission recom-

mendation board. This would have paved the way for appointments of ideologues bent on ending hunting and fishing in Arizona.

HB 2607 would have made it a crime to not keep your firearms locked away.

HB 2611 would have required confiscation of your firearms if a "mental health injunction" was filed against you at the request of a family member or peace officer. One of the indicators for being mentally unstable was if you had *purchased a firearm* in the last six months.

SB 1128 would have required domestic violence offenders to surrender their firearms to law enforcement. Due process and the discretion of the court would have been eliminated, and the offender would not have the opportunity to dispose of or transfer their property using any other means.

A New Beginning

AzCDL never rests! The legislative session may be over but we are already working on bills for 2017. Stay tuned.



AzCDL's 2016 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 Drake Mitchell, are due to expire.

While both 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 a vacancy there will not be a balloting process.

If you are a Life member interested in running for either of 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. 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 midnight, Saturday, July 2, 2016. Any nomination received after July 2, 2016 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.

Governor Ducey hands Arizona to Bloomberg

Constitutional Loophole

As a result of the socialist movement of the early 20th century, Arizona and most western states have a constitutional provision that allows a citizen initiated measure to be placed on the ballot for a popular vote. This process bypasses the state legislature and was viewed as a path for direct democracy, which has been described as “two wolves and a lamb voting on what to have for lunch.”

The modern reality is that this “citizens initiative” process is little more than a play toy for the very wealthy. In Arizona, the preliminary cost for a ballot measure is about \$1.5 Million. Former New York City Mayor Michael Bloomberg has been using his immense wealth to systematically exploit this socialist inspired weakness in state constitutions to push his disarmament agenda.

In 2014, through his Astro Turf subsidiary Everytown for Gun Safety, Bloomberg was successful in getting a ballot measure passed in the state of Washington that criminalized the private transfer of firearms. “Transfer” is so broadly defined that letting someone handle your firearm without a NICS check conducted by a federal firearms licensee (FFL) could make both of you criminals. The Washington ballot measure was disguised as a vote for “universal background checks” and was approved by 59% of the voters. In reality it is gun owner registration at the state level.

Arizona Targeted

Following their success in Washington, Everytown bragged that they were going to do the same thing to Nevada, Maine and **Arizona**. They have already been successful in getting “universal background check” measures on the 2016 ballot in Nevada and Maine.

Bloomberg’s Everytown dedicated six full-time employees and spent more than \$4 Million dollars to accomplish their mission in Washington. Overall,



Bloomberg and his leftist billionaire buddies spent over \$10 Million to get the Washington ballot measure passed. They’ve already raised over \$1 Million in Nevada. They’ll push even harder in Arizona—We are the gun grabbers’ brass ring.

Arizona’s citizens initiative process is contained in [Article 4](#) of the State Constitution. All that’s needed to get any subject on the ballot in Arizona are the proper number of petition signatures and the required paperwork. There are no other limits. Arizona is unique in that the Legislature *cannot override* this type of ballot measure.

Governor Ducey Surrenders

AzCDL’s counter to Bloomberg was legislation to create an interstate firearms compact that would prevent member states from enacting “universal background checks” by using the federal law on private transfers as a ceiling that could not be exceeded. Under current federal law, there are almost no restrictions on the private transfer of firearms between non-prohibited possessors.

Recognizing the threat, Bloomberg’s lobbyists were able to defeat this legislation in 2015 by persuading the Senate Leadership to bury the bill in the Senate Rules Committee while the clock ran out on the session. In 2016 we were

able to get the interstate firearms compact bill (HB 2524) through both the House and Senate and to the Governor’s desk, but *Governor Ducey vetoed the bill.*

The Governor’s veto of HB 2524 sends a signal to Bloomberg that neither the Legislature nor the Governor will move to stop him in Arizona.

With the veto of HB 2524, the only remaining way to defeat Bloomberg is at the ballot box after his measure is filed. For the 2016 election cycle, 150,642 signatures are required and the filing deadline is July 7. With Bloomberg’s wealth, the ability to hire professional petition signature gatherers and high priced attorneys to get this done is a given. The question is whether it will be this election cycle or the next.

Time may be on our side, at least temporarily. As this was being written Bloomberg’s window of opportunity was less than 6 weeks. We would welcome the delay but until the July 7 deadline passes without a ballot measure being filed, we must be prepared for it to happen this year.

We also must finance this battle ourselves. No white knight is going to ride in and save the day. In [Nevada](#), over \$1 Million has already been raised by Bloomberg affiliates to support their “universal background check” ballot measure. Fund raising to combat Bloomberg in Nevada has been largely local. Financial support from national firearms groups for Nevada has been, to put it politely, very “restrained.”

We Need your Help!

When we started AzCDL our policy was that we wouldn’t send our members fundraising emails. This policy was fine when all we needed to deal with was Arizona legislation. However it’s a suicide pact when faced with what Bloomberg is going to bring to Arizona. To fight Bloomberg, we are going to ask everyone to contribute. Regardless of how much or how often, it all helps.

<http://www.azcdl.org/html/donate.html>

It'll never happen in Arizona?

Too often when discussing Bloomberg's promise to get a "universal background check" ballot measure passed in Arizona, we hear "*Oh, that'll never happen in Arizona*" as if there is a magic force field over the state that will keep our fellow citizens from doing something really stupid in the voting booth. If that was the case, why are so many politicians being elected that are attacking our rights?

It HAS already happened

For decades, our "right" to keep and bear arms has been slowly and systematically decimated in Arizona. Article 2, [Section 2](#) of the Arizona Constitution says that the purpose of government is to protect and maintain individual rights. For the last 50 years the Arizona House of Representatives has been controlled by the Republicans. That means that every bad law that has stripped us of our rights since 1966 was passed either at the instigation, or with the blessing, of the Republican Party. And they are supposed to be the "good" guys?

What "right" to bear arms?

Article 2, [Section 26](#) of the Arizona Constitution says that our right to bear arms "shall not be impaired" yet state law is full of "impairments" to this fundamental right. Try openly carrying and walking into a restaurant that happens to serve alcohol, or into your polling place on Election Day, or any college campus, or into a state or local government building and refuse to disarm.

And, lets not forget carrying without a "permit." In 1990, an activist appellate court [ruled](#) that restricting "concealed" carry was not an impairment to your right to bear arms. The Arizona Supreme Court declined to review it making it the law throughout Arizona.

In 1994, the Arizona Legislature, instead of affirming the right to bear arms openly or discreetly, declared that if you expected your clothing to cover your firearm you were required to undergo 16 hours of training, followed by a written and shooting test, and submit a request for the [privilege](#) to carry concealed—but only for 4 years. After that, you had to take another 4 hour class, pass another test, and submit another set of fingerprints. This entire process (even the fingerprints!) had to be repeated every 4 years.

And, you could only take your training from instructors approved by the Department of Public Safety (DPS). Even though it was not part of the law, DPS was allowed to decree that training had an expiration date and could only be conducted in Arizona.

The same year that the permit system was created (1994), appellate courts ruled in two decisions that if your openly carried firearm was not visible to an observer it could be considered to be concealed, and if a firearm in our vehicle could not be seen from outside the vehicle it was concealed. The only sure way to carry openly or in your vehicle without breaking the law was to obtain a CCW permit.

Then, in 1997 the Legislature, at the urging of law enforcement, declared that you no longer had the right of "innocent until proven guilty" in a self-defense situation. The burden of proof was now on you to prove your innocence—after you admitted to the "crime." As a result of this law, a retired teacher hiking in Coconino County was found guilty of murder for defending himself against an attacker.

Firearms preemption was Balkanized with the approval of the Legislature. Cities like Tucson were able to ban firearms, carried by law-abiding citizens, from their parks.

The disintegration of Arizona's right to bear arms seemingly went unnoticed. Longtime residents focused on the "old days" when laws were less restrictive. People moving in from states with restrictive gun laws were happy that they would be "allowed" to carry a firearm. They confused "permission" with freedom.

Enter AzCDL

There were those of us who decided it was time to restore what had been lost. In 2005 we formed the Arizona Citizens Defense League (AzCDL). That same year we experienced our first legislative victory, an improvement in the CCW laws. The following are just highlights of what we have accomplished over the last decade. For a complete list visit AzCDL's [Accomplishments](#) page:

- Constitutional Carry – Restoration of the right of law-abiding adults to carry openly or discreetly without seeking government permission.

- Passage of a Constitutional Amendment to protect victims who defend themselves from being sued by their attacker.
- Restoration of "innocent until proven" guilty in self defense situations.
- Adding the presumption that a victim acted reasonably when using physical or deadly force.
- Strengthened castle doctrine, "stand your ground" and justifications for the use of force.
- Establishment of a justification for the defensive display of a firearm.
- Universal recognition of CCW permits issued by other states.
- Prohibiting state and local governments from confiscating lawfully held firearms during an emergency.
- Strengthened state preemption of firearm and knife laws.
- Prohibiting state and local governments from maintaining records of firearms or their owners.
- Requiring operators of public property that ban firearms to provide storage for your firearms that is readily accessible.
- Preventing private or public employers from banning firearms in a locked vehicle.
- Prohibiting seized firearms from being destroyed.
- Massive CCW reforms. Your CCW permit is good for 5 years. Multiple forms of training are accepted. Fingerprinting and training are no longer required to renew your permit.

Consider this. If "*it's never going to happen in Arizona*," why was it necessary to spend the last ten years getting all these laws changed? Why can't you enter a public building armed? Why are schools still victim disarmament zones? Why do you need a CCW permit to enjoy a meal in certain restaurants? Why did the Governor veto a bill that would have stopped Bloomberg?