



Arizona Citizens Defense League

Protecting Your Freedom

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Newsletter

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2007 Legislative Update



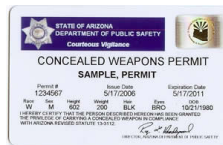
Prior to this legislative session, Dave Kopp and John Wentling, AzCDL's President and Vice-President, were meeting and working with legislators on proposed pro-rights legislation. A number of good bills were introduced as a result, along with a respectable number of co-sponsors.

Since the session began, AzCDL members, volunteers and supporters have been instrumental in pushing good legislation along, and killing bad bills through constant pressure on legislators.

The following is an update on the high priority bills that AzCDL is monitoring.

The Really Good Bills

HB 2469—Reduces the penalty for not carrying your CCW permit with you to a petty offense (from the current Class 2 Misdemeanor). Under current law (ARS 13-3112.D), a person is guilty of a class 2 misdemeanor offense if they fail to present a concealed weapons permit upon the request of a law enforcement officer. The language of the current law does not clarify that a person must be a concealed weapons permit holder, or in possession of a weapon, or even if a weapon must be concealed.



However, if they produce a legible permit that was valid at the time of the violation when they go to court, "they shall not be convicted." Meanwhile, they have been subjected to possible arrest and confiscation of their weapon prior to appearing in court. Furthermore, their concealed weapon permit information was available to the arresting officer, via a records search, at the time of the encounter.

The proposed language in HB 2469:

- Restricts the application of the law to concealed weapons permit holders.
- Reduces the penalty to a petty offense.
- Clarifies that a permit holder can only be charged if they are carrying a concealed weapon when they fail to present their permit at the request of a law enforcement officer.

HB 2469 passed the House by a 45-10 vote on February 19th and was sent to the Senate where it passed out of the Senate Judiciary committee on March 12th.

SB 1250—Removes the requirement to obtain fingerprints upon the first renewal of a CCW permit. Last year a bill passed that eliminated the fingerprint requirement after the second renewal. DPS interpreted this to mean that the second time you renew your permit after August 2005 you don't need fingerprints—or roughly in the year 2015. SB 1250 removes all that silliness and eliminates the fingerprint requirement for permit renewals altogether.



SB 1250 passed the Senate by a vote of 27-2 on February 19th and was sent to the House where it passed in the House Natural Resources and Public Safety committee on February 28th.

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SB 1251—Strengthens Public Establishment weapons storage requirements by making various changes to ARS 13-3102.01 (storage of deadly weapons in public buildings and events):

- Defines "secure storage" and readily accessible.
- Limits recording information about the weapon or individual.
- If an "operator" does not comply, they cannot prohibit weapons.

SB 1251 passed the Senate by a vote of 19-2 on February 20th and was sent to the House where it passed in the House Government committee on March 13th.

SB 1258 & HB 2458—Identical bills that prohibit the Governor or Adjutant General from confiscating lawfully held firearms during a state of emergency.



SB 1258 passed the Senate by a 22-8 vote on February 21st and was sent to the House where it passed out of the Homeland Security and Property Rights committee on February 28th.

HB 2458 passed the House by a unanimous 60-0 vote and was sent to the Senate where it is waiting to be heard in committee. To address the governor's concerns, the following amendment was added in the House:

"Nothing in this section shall be construed to prohibit the Governor, the adjutant general or other officials responding to an emergency from ordering the reasonable movement of stores of ammunition out of the way of dangerous conditions."

SB 1301—Rewrites 13-3102.F to clarify that if any portion of a weapon or holster is visible, the weapon is openly carried.

The current law has two problems:

- First, open carry is limited in statute to a belt holster, and the holster, not the weapon, must be "wholly or partially visible." SB 1301 specifies that either the weapon or the holster can be visible, and removes the "belt holster" restriction.
- The second problem is the interpretation of the "wholly or partially visible" language in ARS 13-3102.F by a 1994 Appellate court decision. This decision held that it has to be obvious to ordinary observation that you're carrying a weapon. SB 1301 replaces the "wholly or partially visible" language, and refers to "any portion" of a weapon or holster being visible.

SB 1301 passed the Senate by a vote of 23-7 on February 21st and was sent to the House where it passed in the House Judiciary committee on March 8th.

SB 1302—Makes it clear that the legislature intended to apply last session's "Castle Doctrine/Burden of Proof" legislation to all cases pending at the time it was signed. There has since been uneven application of the law, with defendants prosecuted under different standards at the whim of the courts.

Sadly, there was a high-profile case pending last year, when the law went into effect, involving a hiker who used a gun to defend himself against an attack. The judge in the case did not allow the case to be heard under the new law. The hiker was convicted of murder under the old law where he had to first admit to shooting someone, then try to prove his innocence to a jury with the prosecuting attorney controlling all the evidence.

SB 1302 passed the Senate and House by over 2/3 majorities but the governor vetoed it on March 2nd. There is still hope that the governor's concerns can be addressed before the session ends.

SB 1629—If you are not committing, or attempting to commit, a serious or violent crime, SB 1629 reclassifies carrying a concealed weapon without a permit as a petty offense.

Under current law, if you have not been issued a concealed weapons (CCW) permit, it is a class 1 misdemeanor to carry a concealed weapon. Because of 1994 Appellate Court decisions:

- There is no clear objective standard in statute that you can rely on to avoid violating the law.
- If a casual observer cannot easily see your firearm, you are carrying concealed.
- Wearing a gun in a vehicle equals concealed carry. Without a permit you are subject to arrest.
- Having a CCW permit and wearing a gun in a vehicle puts your non-CCW permit passengers at risk of being arrested for carrying concealed without a permit.

SB 1629 passed the Senate by a vote of 20-8 on March 8th and was sent to the House where it is assigned to the Homeland Security and Property Rights committee.

Other Important Bills

SB 1132—Creates a "homeland security committee" with membership consisting of two state Senators, two state Representatives, and five appointees of the Governor. The committee would direct and regulate a "homeland security force" consisting of citizen volunteers that are subject to training and not subject to federal active duty.

SB 1132 passed in the Senate by a 20-8 vote on March 8th and was sent to the House where it is waiting to be heard in committee.

SB 1152—A "Strike Everything" amendment replaced the subject and text of the original bill passed in the Senate Government committee. It is now a bill that prohibits the implementation of the REAL ID Act of 2005 in Arizona.

SB 1152 passed in the Senate by a vote of 23-5 and was sent to the House and assigned to the House Government committee.

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REALLY BAD BILLS

HB 2286—The “Outlaw the Minutemen” bill that classifies gun owners as terrorists:

“An individual or group of individuals commits domestic terrorism if the individual or group of individuals are not affiliated with a local, state or federal law enforcement entity and associate with another individual or group of individuals as an organization, group, corporation or company for the purpose of patrolling to detect alleged illegal activity or to individually patrol for the purpose of detecting alleged illegal activity and if the individual or group of individuals is armed with a firearm or other weapon.”

Under the proposed language in HB 2286, you are a terrorists if you are armed and:

- Come to the aid of someone being attacked.
- Are patrolling with your Neighborhood Watch group.
- Observe criminal activity and report it to law enforcement.

The House Homeland Security and Property Rights killed HB 2286 on January 18th. Because it “Failed on Reconsideration” (i.e., a second vote

was taken) this bill could not be heard again during this session.

Just think what the outcome would have been had the political make-up of the legislature been different. If you don't want to see a bill like HB 2286 become law, be sure to VOTE in every election.



HB 2411 & HB 2412—Gun Owners = Criminals

Both bills make it a crime to “store or keep any loaded firearm on any premises under the person's control if the person knows or reasonably should know that a minor is likely to gain access....”

That pretty much describes every firearm that is not unloaded,

disassembled, locked away, and rendered useless for self-defense. It gets worse:

A person who fails to securely store a loaded firearm, or keep it under their control, is strictly liable for damages if a minor obtains the firearm and causes injury or death to themselves or others. And, it's a felony for the firearm owner if the minor injures, or kills himself or another person.

And, here's the kicker – Anyone convicted for not locking up their firearms will become a “Prohibited Possessor” and forbidden from owning or handling a gun for the rest of their life.

The objective of these bills is to make you liable for injury or death to any minor, or their victim, using your gun – even if they steal it.

These bills were assigned to the House Judiciary committee but have not been heard, and are effectively dead for this session, but that doesn't mean we should relax our guard. Virtually identical bills were introduced last year (HB 2526 & HB 2527).



Caveat!

We encourage you to read actual texts of the bills rather than rely on the brief synopsis represented here.

AzCDL Rifle Raffle—We have a Winner!

On February 17, 2007, at the McMann's Roadrunner gun show in Tucson, AzCDL raffled off a Cavalry Arms CAV-15 Scout Rifle in .223 Remington, with a 16”, 1 in 9 twist barrel with compensator, A3 flat-top upper, polymer lower, and two 30 round, standard capacity magazines, valued at over \$850.



We printed up 1,000 tickets but less than 1/2 were sold creating really good odds.

The winning ticket was #0732 held by Zeke in Tucson—Congratulations!

To everyone who bought tickets:
THANK YOU FOR YOUR SUPPORT!

A note of appreciation goes to Cavalry Arms (<http://www.cavalryarms.com/>) for offering their CAV-15 Scout rifle.

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!

