



# Arizona Citizens Defense League

*Protecting Your Freedom*

Volume 2007, Issue 2

Newsletter

June 2007

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<http://www.AzCDL.org>

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- Online Application
- Newsletters
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(623) 594-8521



## Contacting AzCDL



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## Governor says: "Get a Permit"

### SELF-DEFENSE



### a human right

This legislative session, Governor Napolitano was presented with two opportunities to sign AzCDL backed legislation clarifying where it is legal to carry a weapon without a concealed weapons (CCW) permit. Both times she vetoed them with the message that if you want to carry a firearm in Arizona you better "get a permit."

The first bill she vetoed was SB 1301, which attempted to clear up the definition of "open carry," that has been clouded by 13 year old, head scratching, Appellate Court decisions. ARS 13-3102.F describes open carry as "a weapon or weapons carried in a belt holster which holster is wholly or partially visible..." Over the years, in-the-waistband (IWB), small-of-back (SOB), and shoulder holsters have become popular ways to carry firearms. With IWB, the holster is pretty much invisible. A shoulder rig is not a "belt holster." When you're facing a policeman while wearing an SOB holster, an argument could be made that it is not "wholly or partially visible."

To make matters worse, in 1994, an Appellate Court decision, State v. Adams, held that a weapon must be visible under ordinary observation in order to not be considered concealed. Now, in addition to the visible "belt holster" requirement, if someone is standing at an angle where they cannot see your firearm—you are carrying a concealed weapon. Imagine wearing a very visible, belt holstered gun on your right-side, which cannot be seen by a policeman approaching you on your left side. As far as he (and the courts) are concerned, you are carrying a concealed weapon, and unless you have a permit, you could face arrest. It has happened!



SB 1301 was drafted as an attempt to restore the right of open carry by restating the definition. An amendment was added in the House to clarify that people are free to carry concealed without a permit on property they own, lease or rent, including in common areas of that property. The amended bill passed both bodies of the legislature with overwhelming support, getting a 40-16-4 final vote in the House, and a 21-5-4 final vote in the Senate. Yet, the Governor chose to veto SB 1301, stating that if you wish to carry in any way that could not be perceived to be open carry under existing law, as interpreted by the courts, in any place (including your own property!), under any circumstances, you should just "get a permit."

SB 1629 was also drafted to address the pitfalls of attempting to comply with firearms statutes where, thanks to the courts, there is no clear objective standard to determine if you are breaking the law. In the final version that was sent to the Governor, SB 1629 would have reclassified carrying a concealed weapon without a permit as a petty offense, unless the violation occurred in the commission of, or attempted commission of, a "serious offense or violent crime", in which case the CCW offense would have been a class 6 felony. For any other felony it would have been a class 1 misdemeanor. In a nutshell, if you're a bad guy carrying a concealed weapon, penalties would have been stiffened. If you're just carrying a gun, and not doing anything wrong, it would have become a petty offense.



In her veto of SB 1629, Governor Napolitano took her "get a permit" mantra to the next level. She stated that : "People who fail to do so are, by definition, lawbreakers in possession of deadly weapons." She then goes on to categorize people without permits as "gang members."

(Continued on page 3)



## 2007 Legislative Success!

We do not view vetoes by the Governor as failures. Getting bills introduced, cosponsored, voted out of committee, approved by both legislative bodies, and getting them to the governor's desk is 99% of the work. Regardless of what the Governor does during the last days of a bill's life, we're proud of what we accomplished, with your help, during the many months it takes to get a bill to the Governor.



The following are pro-rights bills that the Governor signed. With the exception of SB 1250, the general effective date for legislation is September 19, 2007.

**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. Starting December 31, 2007, when you renew your concealed weapons permit, you will no longer be required to submit a set of fingerprints. For procedures on renewing without submitting fingerprints, check with the DPS CCW Unit.

**SB 1258**—Prohibits the Governor, or Adjutant General, from confiscating lawfully held firearms during a state of emergency.



The original bill also included a prohibition on the confiscation of ammunition. However, to address the governor's concerns, the following amendment was added in the House:

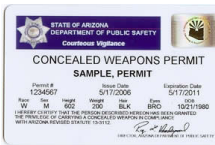
*"Nothing in this section shall be construed to prohibit the Governor, the adjutant general or other officials responding*

*to an emergency from ordering the reasonable movement of stores of ammunition out of the way of dangerous conditions."*

**HB 2116**—Allows people to let their grandchildren use their big game permits and tags to take big game under certain limited circumstances.

**HB 2117**—Allows people to let physically disabled minor children use their big game permits and tags to take big game under certain limited circumstances.

**HB 2469**—Reduces the penalty for not carrying your CCW permit with you to a petty offense (from the current Class 2 Misdemeanor). It



also restricts the application of the law to concealed weapons permit holders, and 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. If you produce a legible permit that was valid at the time of the violation, when you go to court you "shall not be convicted."

Under current law, 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 following are pro-rights bills that successfully passed in the legislature

but were vetoed by the Governor. When the Governor vetoed them, she exposed her true beliefs regarding YOUR rights.

**SB 1166 & 1302**—SB 1302 would have made it clear that the legislature intended to apply the 2006 "Castle Doctrine/Burden of Proof" legislation to all cases pending at the time it was signed. Unfortunately, due to a recent Arizona Supreme Court decision, cases pending at the time were held to be subject to the old law, where the burden was on the accused to prove his or her innocence. This bill was intended to correct that deficiency. The media claimed that the Governor bowed to the wishes of the Prosecutor's lobby, who claimed that the courts would be overloaded with appeals of cases pending at the time if this bill were to become law. Considering the reality of the situation (only a few hundred murder cases statewide, with only a fraction of those involving self-defense justifications), we find this excuse hard to fathom.

SB 1302 passed both the House and the Senate with more than the 2/3 majority needed to enact it as an emergency measure. However, rather than attempt an override, the Legislature replaced SB 1166 with the language from SB 1302, along with modifications intended to address the Governor's concerns stated in her veto letter.

SB 1166 passed the House by a vote of 32-23-5 and the Senate by a unanimous 29-0-1.

**SB 1251**—Public Establishment storage reform. Made various changes to ARS 13-3102.01 (storage of deadly weapons in public buildings/events). Defines "readily accessible," and states that an operator may not record the identity of the person or serial number of the weapon, except temporarily for purposes of identifying the owner of the weapon upon its return. SB 1251 had fifteen co-sponsors. It passed the House by a vote of 32-23-5 and the Senate by 16-11-3. An amendment was added in the House to cap CCW permit fees at the current \$65.

(Continued on page 3)



## 2007 Legislative Success!



(Continued from page 2)

**SB 1301**—Open carry reform (discussed on page 1). Sixteen co-sponsors. Passed the House by a vote of 40-16-4, and the Senate by 21-5-4.

**SB 1629**—Weapons misconduct reform (discussed on page 1). Thirteen co-sponsors. Passed the House by a vote of 37-18-5, and the Senate by 21-5-4. Additionally, AzCDL was able to obtain a "reconsideration" vote after the bill was killed by a tie vote in a House committee. It passed on reconsideration, much to the consternation of those trying to kill the bill.

### TEAMWORK



AzCDL's success in the Legislature is not accidental. We are working behind the scenes before the legislative session even begins; brainstorming ideas and tactics; discussing proposed legislation with potential sponsors; finding cosponsors.

During the session, Dave Kopp and John Wentling, AzCDL's President and Vice-President, work full-time at the Capitol; establishing and nurturing relationships; addressing concerns and explaining our position; testifying at committee hearings; monitoring Floor votes; working with other groups' lobby-

ists. It's a full-time job and we're lucky to have not just one, but two unpaid volunteers dedicating so much of their time.



But, it doesn't stop there! What Dave and John uncover and discover quickly goes out as Alerts, is posted on our web page, and becomes handouts and talking points by our volunteers, who tirelessly work the gun shows.

The real magic happens when YOU get involved. With your involvement, we've shut down the email systems at the Capitol. We have had legislators asking us to call off the dogs. Your presence is felt, Big Time!

Thanks to the Teamwork of everyone involved, AzCDL has become "the" RKBA lobbying group in Arizona. Legislators are now approaching us about ideas for legislation. That's an incredible achievement for a 2 year-old organization! But, we were only about a year old when AzCDL got recognized as "Grassroots Organization of the Year" at the 2006 Gun Rights Policy Conference (GRPC).

And, in those two years, AzCDL's membership has climbed from a handful of co-founders, and "sympathy" memberships (families and friends convinced in to joining), to nearly 500.

We're just warming up folks. Every time we do good, it just means we have to do better the next year. We are constantly raising the bar. YOUR support is critical to AzCDL's success. Stay involved! Please remember to renew your membership. Get your family and friends involved. If each of you recruited just one new member, AzCDL would double in size overnight. Imagine what could be accomplished with 1,000 or 5,000 or 10,000 members.



## Governor's Veto (continued from Page 1)

(Continued from page 1)

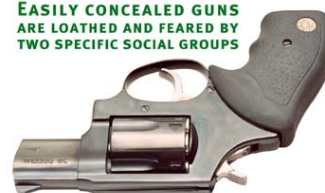
Through her vetoes, Governor Napolitano invokes the boogeyman of "gangs" as a way keep armed, law-abiding citizens, in their place. If you want to be allowed to defend yourself and your loved ones, you better get a permission slip from the State first.

Copies of the governor's veto letters are

included with this newsletter. Please read them over and share them with your friends.

Your right to keep and bear arms was hit when these bills were vetoed. The next time anyone tells you how "pro-gun" this Governor is, remember this, remember that she told you to "Get a permit," and that she associates law-abiding gun owners with gang members.

EASILY CONCEALED GUNS  
ARE LOATHED AND FEARED BY  
TWO SPECIFIC SOCIAL GROUPS



CRIMINALS AND POLITICIANS  
PREFER DISARMED VICTIMS.

**CARRY** 



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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 3<sup>rd</sup> 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!





STATE OF ARIZONA

JANET NAPOLITANO  
GOVERNOR

OFFICE OF THE GOVERNOR  
1700 WEST WASHINGTON STREET, PHOENIX, AZ 85007

MAIN PHONE: 602-542-4331  
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April 27, 2007

The Honorable Timothy S. Bee  
President  
Arizona State Senate  
1700 West Washington Street  
Senate Office Building  
Phoenix, Arizona 85007

Re: SB 1301: misconduct involving weapons; exception

Dear President Bee:

Today I vetoed Senate Bill 1301, which would have expanded the circumstances under which a person could legally carry a concealed weapon without a permit.

I object to the provisions of this bill that would allow weapons to be carried without a concealed weapons permit so long as *any* portion of the weapon is visible. A small corner of the handle of a gun may be insufficient to give reasonable notice to the public or to law enforcement that a person is armed.

Moreover, if lawful gun owners wish to carry concealed weapons in common areas of office buildings, or other places this bill would allow, they should get a permit. Allowing concealed weapons in office parking lots or other common areas to be carried by persons who have not met the qualification requirements set forth in A.R.S. § 13-3112 is not in the best interests of Arizonans.

For these and other reasons, I have vetoed Senate Bill 1301.

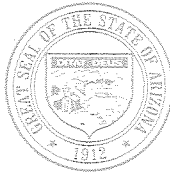
Yours very truly,

A handwritten signature in dark ink, appearing to read "Janet Napolitano", followed by a long horizontal flourish.

Janet Napolitano  
Governor

JN:TAN/jm

cc: The Honorable Jim Weiers  
The Honorable Karen Johnson



STATE OF ARIZONA

JANET NAPOLITANO  
GOVERNOR

OFFICE OF THE GOVERNOR  
1700 WEST WASHINGTON STREET, PHOENIX, AZ 85007

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May 16, 2007

The Honorable Timothy S. Bee  
President  
Arizona State Senate  
1700 West Washington Street  
Senate Office Building  
Phoenix, Arizona 85007

Re: Senate Bill 1629: misconduct involving weapons; classification

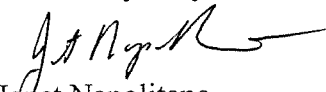
Dear President Bee:

Today, at the request of Arizona law enforcement, I vetoed Senate Bill 1629, which would have reduced the penalty for carrying a concealed weapon without a permit from a class one misdemeanor to a petty offense and exempted such illegally carried weapons from forfeiture.

As I indicated in my April 27, 2007 letter regarding Senate Bill 1301, lawful gun owners who wish to carry concealed weapons should comply with A.R.S. § 13-3112 and get the required permit. People who fail to do so are, by definition, lawbreakers in possession of deadly weapons; and our law enforcement officers must have an array of enforcement options to use against these violators. For example, serious criminals, especially gang members, often carry concealed weapons without permits. Without tough penalties (including the ability to affect arrests) against people who carry weapons unlawfully, Arizona's law enforcement would be deprived of a valuable tool. Such penalties both ensure that our current laws are obeyed and help keep our citizens and law enforcement officers safe. Relaxing them is not in the best interest of Arizona.

For these and other reasons, I have vetoed Senate Bill 1629.

Yours very truly,

  
Janet Napolitano  
Governor

JN:TAN/jm

cc: The Honorable Jim Weiers  
The Honorable Karen Johnson