



Arizona Citizens Defense League

Protecting Your Freedom

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AzCDL's Membership Newsletter

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Legislative Session Underway



The 2018 Legislative session convened on Monday, January 8, and will run for approximately 100 days. We have a Republican Governor who has a history of being unsupportive of pro-rights firearm bills and whose staff has worked behind the scenes to prevent good bills from leaving the Legislature. While there is still a solid Republican majority in the House this year, there is a paper thin Republican majority in the Senate. All it takes is 2 Republican Senators to vote against a bill to create a tie, and a tie vote means the bill does not pass. Unfortunately, there are 3 Senators, [Kate Brophy McGee](#), [Frank Pratt](#) and [Bob Worsley](#), that have a history of voting against bills that restore and protect your right to keep and bear arms. As a result, it will be more challenging this year for good bills to pass. The following are key bills that impact your Right to Keep and Bear Arms (RKBA). You can view the status of all the bills we are monitoring this session at AzCDL's [Bill Tracking Page](#).

Déjà Vu all over again

When will Republicans work to support your rights as hard as Democrats work to disarm you? With consistency, the Democrats at the Legislature introduce substantially similar bills year after year to weaken your right to keep and bear arms guaranteed under the Arizona Constitution. Meanwhile the Republicans are clutching their pearls at the thought of upholding your rights. This year we're hearing that the legislative leadership doesn't want any bills that would attract negative attention from the media. Maybe they should change their party logo to a windsock?



The following are bills, predominantly filed by Democrats, aimed at weakening your rights. Many of these bills have also been filed in prior sessions.

HB 2023 (Rep. [Randy Friesse](#), D-LD9) and **SB 1348** (Sen. [Olivia Cajera Bedford](#), D-LD3) would add "bump stocks" and similar devices to the definition of prohibited weapons.

HB 2024, HCR 2001 (Rep. [Randy Friesse](#), D-LD9) and **SCR 1015** (Sen. [Steve Farley](#), D-LD9) are identical bills that would criminalize the transfer of personal property (your firearms) unless the firearm is surrendered to a Federal Firearms Licensee (FFL) and background checks are conducted. This includes temporary transfers, such as loaning a gun to a friend. Violation of the proposed law would be a Class 5 felony. The real objective is not to stop criminals (they are called criminals because they don't obey the law) but to register you and your firearms. HCR 2001 and SCR 1015 are proposed ballot measures for the upcoming election cycle. Similar legislation and ballot measures have been filed by Democrats for the last six years.

HB 2140 (Rep. [Randy Friesse](#), D-LD9) and **SB 1347** (Sen. [Katie Hobbs](#), D-LD24) would require the 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 ill is purchasing a firearm in the last six months. This is the third year that this legislation has been proposed.

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2018 Legislation

(Continued from page 1)

HB 2299 Rep. [Randy Friese](#), D-LD9) and **SB 1224** (Sen. [David Bradley](#), D-LD10) would require those on *probation* for any domestic violence violation to surrender their firearms. This is legislation has been proposed for the last three years.

HB 2354 (Rep. [Kristen Engel](#), D-LD10) and **SB 1374** (Sen. [Kate Brophy McGee](#), R-LD18) are aimed at weakening state firearm preemption laws. In particular they attack the statute that was instrumental in forcing Tucson to stop destroying seized and surrendered firearms.

SB 1078 (Sen. [Nancy Barto](#), R-LD15) and **SB 1244** (Sen. [Martin Quezada](#), D-LD29) propose to expand membership in the state's criminal justice commission to include members from professions and groups traditionally opposed to your right to keep and bear arms.

SB 1231 (Sen. [Juan Mendez](#), D-LD26) would nullify the "no duty to retreat" in the statutes justifying the use of deadly force for self-defense. This type of legislation has been proposed for the last four years.

SB 1428 (Sen. [Juan Mendez](#), D-LD26) is a home invader empowerment bill. It would make it a crime to not store your firearm "without using a lock and key or combination on the trigger of the firearm or placing the firearm in a securely locked box or other container." Since 2013, this is the fifth time this type of legislation has been proposed.

As you can see, those who want to disarm you will never stop. Neither will we.

AzCDL has an [excellent track record](#) of preventing bad bills, like those listed above, from becoming law. Since we started counting them in 2008, we have stopped over 80 anti-rights bills that would make Arizona more like California. With your [support](#), we can add these bills to the dustbin of tyranny.



The Good Bills

While many of those who claim to support your rights seem to be hiding, there are still legislators that do care about your rights. The following are key pro-rights bills that we are supporting this year.

HB 2057, HB 2058, HB 2059 and HCR 2002 are state militia related bills sponsored by Representative [David Stringer](#) (R-LD1). As a group they primarily deal with membership, equipment and training for state militia members. HCR 2002 is a proposed ballot measure to amend the Arizona Constitution to eliminate the upper age limit (currently 45) for militia members.

HB 2172 (Rep. [Travis Grantham](#), R-LD12) would prohibit most Arizona colleges and universities from banning the possession of "nonlethal" weapons on campus.

HB 2211 (Rep. [Bob Thorpe](#), R-LD6) is an AzCDL-requested bill that would specifically exempt firearms from a personal bankruptcy process.

HB 2212 (Rep. [Bob Thorpe](#), R-LD6) would eliminate the restriction that only *Arizona* peace officers cannot be prohibited from carrying firearms in Arizona. The proposed law would extend the privilege to any law enforcement officer employed by any jurisdiction in the U.S.

HB 2535 (Rep. [Kevin Payne](#), R-LD21) would add to the statutes regarding the Department of Child Safety that "Notwithstanding any other law, the Department, the Director, a Child Welfare Agency or a Governing Board of a Child Welfare Agency may not adopt, implement or enforce a rule or policy that relates to the possession, transfer or storage of a firearm."

SB 1186 (Senator [John Kavanagh](#), R-LD23) is an AzCDL-requested bill that would raise the standard of evidence and bar the courts from seizing your firearms in cases involving a civil injunction against harassment.

Current law allows for a civil injunction against harassment to be issued by a court if someone meeting a *minimal standard of evidence* can show they are "alarmed, annoyed or harassed" by your actions and can have your firearms seized by law enforcement. This is frequently done in an ex parte proceeding where you aren't even present to defend yourself, and you can only respond after the fact.

SCR 1001 (Senator [John Kavanagh](#), R-LD23) is a proposed ballot measure to amend the Arizona Constitution to restrict ballot initiatives to a single subject.

SCR 1002 (Senator [David C. Farnsworth](#), R-LD16) is a proposed ballot measure to amend the Arizona Constitution to require any ballot measure approved by popular vote to require a subsequent popular vote in ten years. Currently any law arising from a ballot measure approved by popular vote is permanent and can only be removed or changed by a subsequent ballot measure.

Whether a bill lives or dies is largely up to us as citizen advocates. If our legislators don't hear from us good bills will fail and bad bills will pass. It is up to us, as activists, to advocate for legislation restoring and protecting our rights and demand that bad bills are stopped.

In order to do this, we need *activists*, not just members. As the session progresses, we will be asking you to use our [Legislative Action Center](#) to send targeted, pre-written emails to your legislators and the Governor. All it takes are a few mouse clicks to make a difference!

AzCDL now has almost 15,000 members. That can make for one very loud voice at the Capitol—but only if every one reading this commits to getting involved.

**Make a Difference.
Be an Activist!**



Your AzCDL membership pays for professional lobbying at the Capitol. Our official representatives monitor legislation, get good bills introduced, testify at hearings, promote bills we support and call attention to bills we oppose.

However, the effectiveness of our lobbying efforts at the Capitol is dependent upon you contacting committee members and legislators, letting them know that as a voting constituent you are watching what they are doing, expecting them to vote for bills you support and against bills you don't support.

You rely on us to get good bills introduced, tracked and championed at the Capitol, but we need you to hammer the message home.

Lounge Chair Activism

From the comfort of your home or office, you can make your voice heard at the Legislature using two very powerful tools.

RTS

The first of these is the [Request to Speak](#) (RTS) system provided by the Legislature.

Note: Using the "Request to Speak" system does not require you to "speak."

The original RTS system was a paper system set up in the last century to let committee chairs know when a person requested to testify at a committee hearing.

When the system was automated a feature was added to allow users to log-in via the Internet and voice their opinion on a bill scheduled to be debated at a committee hearing. This information is provided to all the committee members.

The RTS system is the ideal way to contact committee members prior to a committee hearing. Once your RTS account has been set up, it only takes a few mouse clicks to "vote" and comment on a bill.

AzCDL Membership Benefits

RTS accounts can only be set up using an official RTS terminal at either the Capitol in Phoenix or the State offices in Tucson. If you are an AzCDL member in good standing, we will be happy to assist you in creating an RTS account.

Helping Us Help You

For more information about using RTS, contact Fred at treasurer@azcdl.org.

AzCDL's Legislative Action Center

Once a bill passes out of committee, it is normally scheduled for a Committee of the Whole (COW) hearing where all the legislators in the chamber (House or Senate) can debate the merits of the bill and offer amendments. After passing out of a COW hearing, a bill must survive a formal "Third Read" vote before it can leave the chamber.

The COW hearing and Third Read present ideal times for you to contact your legislators to tell them you want them to vote for pro-rights bills and against bad bills.

We have an "app" for that. It's our Legislative Action Center.

<http://cqrcengage.com/azcdl/issues>

As key bills are scheduled for COW hearings and floor votes, we prepare emails targeted to your Senator or Representatives. All that's left is for you to do is send your personalized email.

You can send your message as is or add your comments. All it takes is a few mouse clicks to make your voice heard.

Activism Works!

We cannot overemphasize the impact of contacting your legislators. When they are inundated with constituent emails, it gets their attention and can affect how they vote.

Historically, support for pro-rights legislation comes from Republicans. This year, Republicans have a thin 17 to 13 majority in the Senate. For a bill to pass, it must have support of the majority of the 30 Senators. That equates to 16 votes. If just 2 of the Republican Senators vote against a bill, or are not present for the vote, it cannot pass.

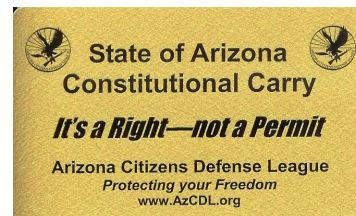
The sad reality is that there are Republican Senators unwilling to support your right to keep and bear arms unless they hear from you. It's up to all of us to remind all our Senators (and Representatives) that we are watching and *expect* them to support bills we want passed.



We Snooze—We Lose

Arizona became a state in 1912 with a Constitution that says our right to bear arms "shall not be impaired." Over 100 years later, we find ourselves fighting to restore that right after a century of apathy has allowed much of it to be legislated away. Don't believe it? What do you think would happen if you openly carried your pistol and ignored the "no guns" sign at your local MVD office, or when you vote, or pick up your kid from school, or when you visit the local steak house?

It was just a little over 7 years ago that if your shirt covered your firearm you were breaking the law unless you first begged for government permission via a "permit," despite what the Arizona Constitution said about "shall not be impaired." AzCDL changed that in 2010 with the passage of Constitutional Carry.



The status quo is unacceptable. We can further restore and protect our Constitutional rights—but only with your help.

When you receive an Action Alert from AzCDL—*take action*. Don't expect the "other guy" to do it for you. We've done the heavy lifting at the Capitol, but your emails to legislators and RTS votes are what really determines the fate of any bill. Not getting our email alerts? [Subscribe here.](#)

http://www.azcdl.org/html/subscribe_to_alerts.html



This could happen to you!



Imagine the police showing up at your house demanding that you surrender all your firearms and you can't have them back for a year. Not because you committed any crime but because your neighbor was upset and obtained a Civil Injunction against you.

This has happened

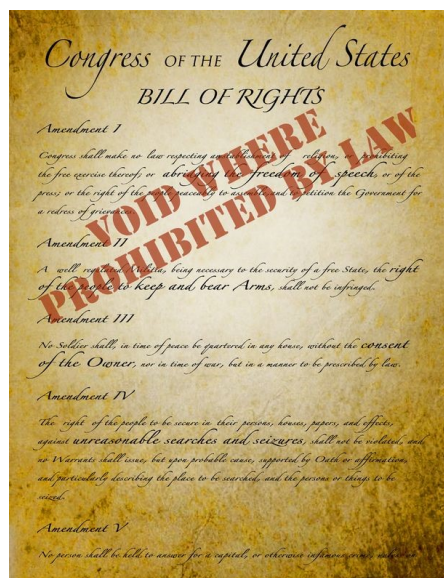
In 2015, Glendale, Arizona, police confiscated the firearms of disabled Navy Veteran Rick Bailey. No crime had been committed. The firearms confiscations was the result of a civil injunction requested by his neighbor.

Rick's neighbor was upset with him for [filing a complaint](#) with the city about parking his dump trucks in the neighborhood cul-de-sac where they both lived. The neighbor retaliated by filing for a Civil Injunction Against Harassment claiming that Rick had threatened him. After hearing the neighbor's complaint, where Rick was not present, the judge ordered the confiscation of all of Rick's firearms.

Eventually, with help from the [Second Amendment Foundation](#) and Phoenix Attorney [Marc J. Victor](#), Rick was able to have the injunction vacated and his firearms returned to him. However, it took six months and cost \$5,000 with an even greater emotional toll.

This could happen to you

Under Arizona law ([ARS 12-1809](#)) it's fairly easy to obtain a civil injunction against you. It starts with a petition to a



local magistrate, justice of the peace or superior court judge. There is no fee to file and your presence (as defendant) in court is not required.

The court may issue a civil injunction if the petitioner meets minimal requirements to show they are merely "alarmed, annoyed or harassed" by your actions.

The civil injunction statute does not authorize the seizure of your firearms. However, the Arizona Supreme Court created [Rule 25\(g\)](#) of the Arizona Rules of Protective Order Procedure (ARPOP) requiring the lower courts to "ask the plaintiff about the defendant's use of or access to firearms" and allow

them to prohibit the defendant "from possessing, purchasing, or receiving firearms for the duration of the order."

So much for your *right* to keep and bear arms, due process or the rule of law.

In today's world where it seems everyone is hyper-sensitive about their feelings and wears victim status like a badge of honor, you could easily find yourself facing the same ordeal that Rick Bailey did. Can you afford it?

Unfortunately, because of another Arizona bill, [HB 2249](#), that is currently being fast-tracked through the Legislature, Civil Injunction filings may soon be electronically transmitted to the federal criminal databases that are accessed by NICS when you purchase a firearm. A civil disagreement with a neighbor could make you a prohibited possessor.

One of the bills AzCDL requested this year is [SB 1186](#). This proposed legislation would raise the standard of evidence and bar the courts from seizing your firearms in cases involving a civil injunction against harassment. With your help we can work to restore the rule of law and protect your right to keep and bear arms in civil cases.

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Special thanks to activist Mike Palmer for providing research and background information on this subject. In 2017 Mike filed a [petition](#) to repeal ARPOP Rule 25(g). Not unexpectedly, it was denied.