



Arizona Citizens Defense League

Protecting Your Freedom

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AzCDL's Membership Newsletter

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Legislative Session Underway



The 2019 Legislative session convened on Monday, January 14. Sessions run for approximately 100 days. We have a second term 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. The 2018 mid-term elections resulted in shrinking Republican majorities in both the House (31 to 29) and Senate (17 to 13). Unfortunately, there are Republican Representatives and Senators 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 a challenge 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 as hard to support your rights 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 hiding under their desks at the thought of upholding your rights. Like last year, we're again hearing that the legislative leadership doesn't want any bills that would attract negative attention from the media.



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 2160 & SB 1508—Would make it a Class 6 felony if a minor gets access to your firearm. It would be an “affirmative defense” at your trial if your son or daughter uses your firearm for “hunting, sporting, or another lawful purpose.” Affirmative defense simply means a judge can consider your “affirmative defense” before sentencing you.

HB 2161 & SB 1318—Would allow for “emergency” confiscations of your firearms using low evidentiary standards with virtually no recourse or appeals based on claims from disgruntled family members or school officials that might be dangerous. One of the indicators for being “dangerous” is *recently* purchasing a firearm. “Family members” includes anyone you have shared a household with during the last year.

HB 2247—Would outlaw the mere possession of a bump stock or “any part, combination of parts, component, device, attachment or accessory that is designed *or functions* to accelerate the rate of fire of a semiautomatic rifle.” That could include that aftermarket trigger you bought to smooth out your trigger press, since it can *function* to accelerate the rate of fire.

HB 2248, HCR 2012, SB 1507—A perennial favorite of the Democrats. These are identical bills that would make it a Class 5 felony to transfer your personal property (your firearms) unless you surrender them to a Federal Firearms Licensee (FFL) and background checks are conducted on both you and the transferee. “Transfer” is broadly defined and could include

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2019 Legislation

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simply handing your firearm to a family member or friend. HCR 2012 is a proposed ballot measure.

HB 2249—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 indications for being mentally ill is purchasing a firearm in the last six months.

HB 2384—Would completely ban the possession or use of Tannerite or similar products by minors.

HB 2575—Would add additional regulatory requirements for firearms dealers, which in the proposed law would include gunsmiths and businesses that make aftermarket parts. Among the 4 pages of additional onerous state regulations are:

- Criminalizing private firearms sales as “trafficking.”
- Limiting customer firearms purchases to one per month.
- Reporting anyone who buys multiple firearms in a 90-day period to law enforcement.
- Requires searching of state and local databases in addition to NICS.
- Visual and audio recording of sales. Maintaining a database of purchasers and the guns they buy.
- Performing background checks for private party transfers at gun shows.

HB 2577 & SB 1512—Aimed at weakening state firearms preemption laws. In particular they would eliminate the statute that was instrumental in forcing Tucson to stop destroying seized and surrendered firearms.

HB 2749 & SB 1219—Would greatly expand the definition of domestic violence to include several misdemeanors. Would also expand the category of prohibited possessors. Individuals under the expanded laws would be required to

surrender their firearms only to law enforcement or a federal firearms licensee (FFL) for disposal.

SB 1132—Would eliminate the Game and Fish recommendation Board, setting the stage for the appointment of political ideologues determined to end hunting and fishing in Arizona.

SB 1148—Would create a hotline for *anonymous* reporting of claims of “dangerous, violent or unlawful” activity involving schools and associated events and activities.

SB 1207—Would nullify “no duty to retreat” in the statutes justifying the use of deadly force for self-defense.

SB 1262—Would make it a crime to store your firearms “without using a lock and key or combination on the trigger of the firearm or placing the firearm in a security locked box or other container.” This applies even when you are home.

SB 1475—Would establish a state DNA database managed by the Department of Public Safety (DPS). Would require DNA samples for many non-criminal activities like submitting fingerprints when obtaining your CCW permit.

As you can see, those who want to disarm you will never stop, that includes some Republicans. 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 almost 100 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 pro-rights bills that we are supporting this year.

HB 2257—Would enforce the duty to protect those entering a facility that allows public access but bans firearms.

It would also establish a civil liability if a person is harmed because they were disarmed.

HB 2693—Would remove the requirement that a firearm is unloaded when carried in a vehicle, by an adult, on school grounds

HCR 2005 & SCR 1023—Identical bills proposing a constitutional amendment that would require ballot measure petitions to have a specific percentage of signatures from each legislative district in Arizona. Currently, the percentages are based on the state's voting population, regardless of location. Passage of this amendment would lessen the likelihood of large population centers overriding the desire of voters in less populated areas. Under current law, if a deep-pocketed anti-rights group wanted to use a ballot measure to disarm you, they only have to send their army of paid signature gatherers to a handful of locations in the Phoenix metro area to get the required number of signatures.

SB 1291—Would repeal the decades old ban on nunchakus, a law born out of an era of Kung Fu movies and legislators fretting they would become a tool of “gang members.” The law was so broadly written that in Arizona it is technically a Class 4 felony to be in possession of a jump rope.

SB 1292—Would reduce the penalty for certain “misconduct with weapons” offenses that only involve the carrying but not the use or misuse of a weapon. In particular, it proposes to reduce the penalty for entering a state or local government-controlled facility or event that bans firearms while armed from a Class 1 Misdemeanor to a Petty Offense.

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 to 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!



Helping Us Help You



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 established 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. 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. Last year, AzCDL supporters and activists sent over 69,000 emails to their legislators and the governor.

Historically, support for pro-rights legislation comes from Republicans. This year, Republicans have a thin majorities in both the house and the Senate. In the House it only takes ONE Republican Representative to side with the Democrats to kill a bill. In the Senate, it only takes TWO Republican votes.

The sad reality is that there are Republican legislators 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 8 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? Go to:

www.azcdl.org



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Governor To Revive Firearms Confiscation Plan



In the final weeks of the 2018 Arizona Legislative session, at the behest of Governor Ducey, a bill was introduced in the Senate to allow for the “emergency” confiscation of your firearms, using low evidentiary standards with virtually no recourse or appeals and based on unsubstantiated claims from disgruntled family members or school officials.

- Family members and strangers, not medical professionals, will be able to “predict” your mental state and destroy your life.
- No notice is given to you until the police show up at your door.
- There is no due process prior to confiscation.
- You are assumed dangerous until you can prove otherwise.
- Confiscation is based on someone’s word.

Let’s say you pick your son or daughter up at school and a teacher is “triggered” and *feels* threatened by your MAGA hat or AzCDL window sticker. All they need to do is fill out some paperwork at the local courthouse to get a *civil injunction* filed and rubber-stamped by a judge, with no prior notification to you, to have the police visit your home at “Oh-Dark-Thirty” and rummage through your home looking for firearms, while you and your family are held at gun point.

This is Orwellian “thought police” tactics. You are considered a threat because someone claims you might be

dangerous. Without you being present to defend yourself, your fundamental rights are stripped away.

Governor Ducey refers to his firearms confiscations as STOP (Severe Threat Order of Protection) orders. In many other states they are referred to as “red flag” laws, all part of a distressing national trend to trample your rights.

Recently in Vermont, the courts used their state’s red flag law to [confiscate the firearms of an uncle](#) of a student who was plotting to go on a rampage at his local school. The uncle was targeted, not because he was involved, but because the student mentioned that he knew that there were guns at his uncle’s house. Imagine that happening to you. In Maryland, the police [killed a man](#) while confiscating his guns using their red flag law.

The alleged purpose of red flag legislation is to curtail school shootings but the targets of the confiscations are law-abiding adults. It’s gun confiscation disguised as “gun violence prevention.”

Thanks largely to AzCDL’s intervention, the Governor’s bill failed to pass out of the House before the end of the 2018 session. However, the Arizona Capitol Times, [in their issue dated January 11, 2019](#), reported that one of Governor Ducey’s top priorities for the 2019 session is passage of his [firearms confiscation plan](#). And, in his [“State of the State” address](#) to the Arizona Legislature on Monday, January 14, Governor

Ducey once again voiced his support for firearms confiscation via STOP orders.

In the current legislative session, Democrats filed their version of the Governor’s red flag proposal in two identical bills, HB 2161 and SB 1318. Thanks largely to AzCDL’s efforts, both bills failed to get traction and are effectively dead for this session.

Republican legislators have been telling us they would not support the Democrat’s version of the bills. What will they say when the Republican version is filed? Last year, the Governor’s red flag proposal was sponsored by a Republican Senator and passed out of the Senate with all the Republican Senators supporting it.

While the deadline for filing new legislation this session has passed, we expect the Legislative Leadership to follow the same path as last year and suspend their rules to allow the Governor’s proposal to be filed and then rammed through the hearing and voting process. We are also aware that the Governor’s staff has been shopping for a sponsor for his red flag proposal.

You Snooze—We All Lose

When the Governor’s red flag bill is introduced, AzCDL can defeat it, but only with your help. If this legislation passes, no one will be there for you when the government decides you can’t be trusted with your firearms.