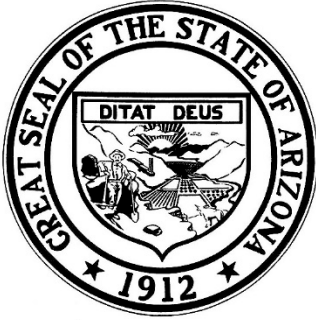


HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **SB 1053**

Kolodin Floor Amendment

-
1. Removes provision relating to the presumption clause.

Amendment explanation prepared by M. Torres

Phone Number 63219

ra

4/8/2025

KOLODIN FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1053
(Reference to Senate engrossed bill)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.

[Green underlining in brackets] indicates text added to new session law or text restoring existing law.

[~~GREEN STRIKEOUT IN BRACKETS~~] indicates new text removed from statute or previously enacted session law.

[~~Green strikeout in brackets~~] indicates text removed from existing statute, previously enacted session law or new session law.

<<Green carets>> indicate a section added to the bill.

<<~~Green strikeout in carets~~>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 Section 1. Section 13-3107, Arizona Revised Statutes, is amended to
3 read:

4 13-3107. Unlawful discharge of firearms; exceptions;
5 classification; definitions

6 A. A person who with criminal negligence discharges a firearm within
7 or into the limits of any municipality is guilty of a class 6 felony.

8 B. Notwithstanding the fact that the offense involves the discharge of
9 a deadly weapon, unless a dangerous offense is alleged and proven pursuant to
10 section 13-704, subsection L, section 13-604 applies to this offense.

11 C. This section does not apply if the firearm is discharged:

12 1. As allowed pursuant to chapter 4 of this title.

13 2. On a properly supervised range.

14 3. To lawfully take wildlife during an open season established by the
15 Arizona game and fish commission and subject to the limitations prescribed by
16 title 17 and Arizona game and fish commission rules and orders. This
17 paragraph does not prevent a city, ~~OR~~ town ~~or county~~ from adopting an
18 ordinance or rule restricting the discharge of a firearm within one-fourth
19 mile of an occupied structure without the consent of the owner or occupant of
20 the structure. For the purposes of this paragraph:

21 (a) "Occupied structure" means any building in which, at the time of
22 the firearm's discharge, a reasonable person from the location where a
23 firearm is discharged would expect a person to be present.

24 (b) "Take" has the same meaning prescribed in section 17-101.

25 4. For the control of nuisance wildlife by permit from the Arizona
26 game and fish department or the United States fish and wildlife service.

27 5. By special permit of the chief of police of the municipality.

1 6. As required by an animal control officer in the performance of
2 duties as specified in section 9-499.04.

3 7. Using blanks.

4 8. More than one mile from any occupied structure as defined in
5 section 13-3101.

6 9. In self-defense or defense of another person against an animal
7 attack if a reasonable person would believe that deadly physical force
8 against the animal is immediately necessary and reasonable under the
9 circumstances to protect oneself or the other person.

10 D. For the purposes of this section:

11 1. "Municipality" means any city or town and includes any property
12 that is fully enclosed within the city or town.

13 2. "Properly supervised range" means a range that is any of the
14 following:

15 (a) Operated by a club affiliated with the national rifle association
16 of America, the amateur trapshooting association, the national skeet
17 association or any other nationally recognized shooting organization, ~~or~~ or by
18 any public or private school.

19 (b) Approved by any agency of the federal government, this state or a
20 county or city within which the range is located.

21 (c) Operated with adult supervision for shooting air or carbon dioxide
22 gas operated guns, ~~or~~ or for shooting in underground ranges on private or
23 public property.

24 Sec. 2. Section 13-3108, Arizona Revised Statutes, is amended to read:

25 13-3108. Firearms regulated by state; state preemption;
26 injunction; civil penalty; cause of action;
27 violation; classification; definition

28 A. Except as provided in subsection G of this section, a political
29 subdivision of this state shall not enact any ordinance, rule or tax relating
30 to the transportation, possession, carrying, sale, transfer, purchase,
31 acquisition, gift, devise, storage, licensing, registration, discharge or use
32 of firearms or ammunition or any firearm or ammunition components or related
33 accessories in this state.

34 B. A political subdivision of this state shall not require the
35 licensing or registration of firearms or ammunition or any firearm or
36 ammunition components or related accessories or prohibit the ownership,
37 purchase, sale or transfer of firearms or ammunition or any firearm or
38 ammunition components, or related accessories.

39 C. A political subdivision of this state shall not require or maintain
40 a record in any form, whether permanent or temporary, including a list, log
41 or database, of any of the following:

42 1. Any identifying information of a person who leaves a weapon in
43 temporary storage at any public establishment or public event, except that
44 the operator of the establishment or the sponsor of the event may require
45 that a person provide a government issued identification or a reasonable copy

1 of a government issued identification for the purpose of establishing
2 ownership of the weapon. The operator or sponsor shall store any provided
3 identification with the weapon and shall return the identification to the
4 person when the weapon is retrieved. The operator or sponsor shall not
5 retain records or copies of any identification provided pursuant to this
6 paragraph after the weapon is retrieved.

7 2. Except in the course of a law enforcement investigation, any
8 identifying information of a person who owns, possesses, purchases, sells or
9 transfers a firearm.

10 3. The description, including the serial number, of a weapon that is
11 left in temporary storage at any public establishment or public event.

12 D. A political subdivision of this state shall not enact any rule or
13 ordinance that relates to firearms and is more prohibitive than or that has a
14 penalty that is greater than any state law penalty. A political
15 subdivision's rule or ordinance that relates to firearms and that is
16 inconsistent with or more restrictive than state law, whether enacted before
17 or after July 29, 2010, is null and void.

18 E. A political subdivision of this state shall not enact any
19 ordinance, rule or regulation limiting the lawful taking of wildlife during
20 an open season established by the Arizona game and fish commission unless the
21 ordinance, rule or regulation is consistent with title 17 and rules and
22 orders adopted by the Arizona game and fish commission. This subsection does
23 not prevent a ~~political subdivision~~ CITY OR TOWN from adopting an ordinance
24 or rule restricting the discharge of a firearm within one-fourth mile of an
25 occupied structure without the consent of the owner or occupant of the
26 structure. For the purposes of this subsection:

27 1. "Occupied structure" means any building in which, at the time of
28 the firearm's discharge, a reasonable person from the location where a
29 firearm is discharged would expect a person to be present.

30 2. "Take" has the same meaning prescribed in section 17-101.

31 F. This state, any agency or political subdivision of this state and
32 any law enforcement agency in this state shall not facilitate the destruction
33 of a firearm or purchase or otherwise acquire a firearm for the purpose of
34 destroying the firearm except as authorized by section 13-3105 or 17-240.

35 G. This section does not prohibit a political subdivision of this
36 state from enacting and enforcing any ordinance or rule pursuant to state law
37 or relating to any of the following:

38 1. Imposing any privilege or use tax on the retail sale, lease or
39 rental of, or the gross proceeds or gross income from the sale, lease or
40 rental of, firearms or ammunition or any firearm or ammunition components at
41 a rate that applies generally to other items of tangible personal property.

42 2. Prohibiting a minor who is unaccompanied by a parent, grandparent
43 or guardian or a certified hunter safety instructor or certified firearms
44 safety instructor acting with the consent of the minor's parent, grandparent
45 or guardian from knowingly possessing or carrying on the minor's person,

1 within the minor's immediate control or in or on a means of transportation a
2 firearm in any place that is open to the public or on any street or highway
3 or on any private property except private property that is owned or leased by
4 the minor or the minor's parent, grandparent or guardian. Any ordinance or
5 rule that is adopted pursuant to this paragraph shall not apply to a minor
6 who is fourteen, fifteen, sixteen or seventeen years of age and who is
7 engaged in any of the following:

8 (a) Lawful hunting or shooting events or marksmanship practice at
9 established ranges or other areas where the discharge of a firearm is not
10 prohibited.

11 (b) Lawful transportation of an unloaded firearm for the purpose of
12 lawful hunting.

13 (c) Lawful transportation of an unloaded firearm for the purpose of
14 attending shooting events or marksmanship practice at established ranges or
15 other areas where the discharge of a firearm is not prohibited.

16 (d) Any activity that is related to the production of crops,
17 livestock, poultry, livestock products, poultry products or ratites or
18 storage of agricultural commodities.

19 3. The regulation of commercial land and structures, including a
20 business relating to firearms or ammunition or their components or a
21 commercial shooting range in the same manner as other commercial businesses.
22 Notwithstanding any other law, this paragraph does not:

23 (a) Authorize a political subdivision to regulate the sale or transfer
24 of firearms on property it owns, leases, operates or controls in a manner
25 that is different than or inconsistent with state law. For the purposes of
26 this subdivision, a use permit or other contract that provides for the use of
27 property owned, leased, operated or controlled by a political subdivision
28 shall not be considered a sale, conveyance or disposition of property.

29 (b) Authorize a political subdivision through a zoning ordinance to
30 prohibit or otherwise regulate the otherwise lawful discharge of a firearm or
31 maintenance or improvements directly related to the discharge on a private
32 lot or parcel of land that is not open to the public on a commercial or
33 membership basis.

34 (c) Authorize a political subdivision to regulate the otherwise lawful
35 discharge of a firearm or maintenance or improvements directly related to the
36 discharge on land that is used for agriculture or other noncommercial
37 purposes.

38 4. Regulating employees or independent contractors of the political
39 subdivision who are acting within the course and scope of their employment or
40 contract. For the purposes of this paragraph, acting within the course and
41 scope of their employment or contract does not include the lawful possession,
42 carrying, transporting or storing of a firearm or other weapon:

43 (a) On real property that is owned by the employee or independent
44 contractor.

1 (b) In or on a private vehicle or craft that is owned or operated by
2 the employee or independent contractor unless the ordinance or rule violates
3 another applicable federal or state law or regulation.

4 (c) Pursuant to section 12-781.

5 5. Limiting or prohibiting the discharge of firearms in parks and
6 preserves except:

7 (a) As allowed pursuant to chapter 4 of this title.

8 (b) On a properly supervised range as defined in section 13-3107.

9 (c) In an area approved as a hunting area by the Arizona game and fish
10 department. Any such area may be closed when deemed unsafe by the director
11 of the Arizona game and fish department.

12 (d) To control nuisance wildlife by permit from the Arizona game and
13 fish department or the United States fish and wildlife service.

14 (e) By special permit of the chief law enforcement officer of the
15 political subdivision.

16 (f) As required by an animal control officer in performing duties
17 specified in section 9-499.04 and title 11, chapter 7, article 6.

18 (g) In self-defense or defense of another person against an animal
19 attack if a reasonable person would believe that deadly physical force
20 against the animal is immediately necessary and reasonable under the
21 circumstances to protect oneself or the other person.

22 H. Any ordinance, regulation, tax or rule that is enacted by a
23 political subdivision in violation of this section is invalid and subject to
24 a permanent injunction against the political subdivision from enforcing the
25 ordinance, regulation, tax or rule. It is not a defense that the political
26 subdivision was acting in good faith or on the advice of counsel.

27 I. If a court determines that a political subdivision has knowingly
28 and wilfully violated this section, the court may assess a civil penalty of
29 up to ~~fifty thousand dollars~~ \$50,000 against the political subdivision.

30 J. If a court determines that a person has knowingly and wilfully
31 violated this section while acting in the person's official capacity through
32 enactment of any ordinance, regulation, tax, measure, directive, rule,
33 enactment, order or policy, the person may be subject to termination from
34 employment to the extent allowable under state law.

35 K. A person or an organization whose membership is adversely affected
36 by any ordinance, regulation, tax, measure, directive, rule, enactment, order
37 or policy that is in violation of this section may file a civil action for
38 declaratory and injunctive relief and actual damages against the political
39 subdivision in any court of this state having jurisdiction over any defendant
40 in the action. If the plaintiff prevails in the action, the court shall
41 award both:

42 1. Reasonable attorney fees and costs.

43 2. The actual damages incurred not to exceed ~~one hundred thousand~~
44 ~~dollars~~ \$100,000.

1 L. A violation of any ordinance established pursuant to subsection G,
2 paragraph 5 of this section is a class 2 misdemeanor unless the political
3 subdivision designates a lesser classification by ordinance.

4 M. For the purposes of this section, "political subdivision" includes
5 a political subdivision acting in any capacity, including under police power,
6 in a proprietary capacity or otherwise.

7 Sec. 3. Section 17-309, Arizona Revised Statutes, is amended to read:

8 17-309. Violations; classification; definitions

9 A. Unless otherwise prescribed by this title, it is unlawful for a
10 person to:

11 1. Violate any provision of this title or any rule adopted pursuant to
12 this title.

13 2. Take, possess, transport, release, buy, sell or offer or expose for
14 sale wildlife except as expressly ~~permitted~~ ALLOWED by this title.

15 3. Destroy, injure or molest livestock, growing crops, personal
16 property, notices or signboards, ~~or~~ or other improvements while hunting,
17 trapping or fishing.

18 4. Discharge a firearm while taking wildlife within one-fourth mile of
19 an occupied farmhouse or other residence, A cabin, A lodge or A building
20 without permission of the owner or resident AS PRESCRIBED IN SUBSECTION B OF
21 THIS SECTION. THIS PARAGRAPH DOES NOT PROHIBIT THE DISCHARGE OF A SHOTGUN
22 FROM A DISTANCE GREATER THAN ONE-EIGHTH MILE OF AN OCCUPIED FARMHOUSE OR
23 OTHER RESIDENCE, A CABIN, A LODGE OR A BUILDING WITHOUT PERMISSION OF THE
24 OWNER OR RESIDENT.

25 5. DISCHARGE ARCHERY EQUIPMENT WHILE TAKING WILDLIFE WITHIN ONE-EIGHTH
26 MILE OF AN OCCUPIED FARMHOUSE OR OTHER RESIDENCE, A CABIN, A LODGE OR A
27 BUILDING WITHOUT PERMISSION OF THE OWNER OR RESIDENT AS PRESCRIBED IN
28 SUBSECTION B OF THIS SECTION.

29 ~~5.~~ 6. Take a game bird, game mammal or game fish and knowingly ~~permit~~
30 ALLOW an edible portion thereof to go to waste, except as provided in section
31 17-302.

32 ~~6.~~ 7. Take big game, except bear or mountain lion, with the aid of
33 dogs.

34 ~~7.~~ 8. Make more than one use of a shipping permit or coupon issued by
35 the commission.

36 ~~8.~~ 9. Obtain a license or take wildlife during the period for which
37 the person's license has been revoked or suspended or the person has been
38 denied a license.

39 ~~9.~~ 10. Litter hunting and fishing areas while taking wildlife.

40 ~~10.~~ 11. Take wildlife during the closed season.

41 ~~11.~~ 12. Take wildlife in an area closed to the taking of that
42 wildlife.

43 ~~12.~~ 13. Take wildlife with an unlawful device.

44 ~~13.~~ 14. Take wildlife by an unlawful method.

45 ~~14.~~ 15. Take wildlife in excess of the bag limit.

1 ~~15.~~ 16. Possess wildlife in excess of the possession limit.
2 ~~16.~~ 17. Possess or transport any wildlife or parts of the wildlife
3 that was unlawfully taken.
4 ~~17.~~ 18. Possess or transport the carcass of big game without a valid
5 tag being attached.
6 ~~18.~~ 19. Use the edible parts of any game mammal or any part of any
7 game bird or nongame bird as bait.
8 ~~19.~~ 20. Possess or transport the carcass or parts of a carcass of any
9 wildlife that cannot be identified as to species and legality.
10 ~~20.~~ 21. Take game animals, game birds and game fish with an explosive
11 compound, A poison or any other deleterious substances.
12 ~~21.~~ 22. Import into this state or export from this state the carcass
13 or parts of a carcass of any wildlife unlawfully taken or possessed.
14 ~~[B. THERE IS A PRESUMPTION THAT A DISCHARGE OF A FIREARM OR ARCHERY~~
15 ~~EQUIPMENT WITHIN THE APPLICABLE LIMITS PRESCRIBED BY SUBSECTION A, PARAGRAPHS~~
16 ~~4 AND 5 IS WITHOUT CONSENT. THE PRESUMPTION MAY BE REBUTTED BY EVIDENCE THAT~~
17 ~~THE OCCUPANT OR PROPERTY OWNER OF AN OCCUPIED STRUCTURE HAS GRANTED ANY OF~~
18 ~~THE FOLLOWING:~~
19 ~~1. WRITTEN CONSENT FOR HUNTING OR FOR THE DISCHARGE OF A FIREARM OR~~
20 ~~ARCHERY EQUIPMENT ON THE PROPERTY ON A FORM THAT INCLUDES THE NAME OF THE~~
21 ~~OCCUPANT OR PROPERTY OWNER, DURATION OF AUTHORIZATION AND GENERAL DESCRIPTION~~
22 ~~OF THE PROPERTY.~~
23 ~~2. VERBAL CONSENT FOR HUNTING OR FOR THE DISCHARGE OF A FIREARM OR~~
24 ~~ARCHERY EQUIPMENT ON THE PROPERTY.~~
25 ~~3. POSTED CONSENT BY POSTING A SIGN THAT IS PLACED IN A CONSPICUOUS~~
26 ~~LOCATION NOTIFYING THE PUBLIC THAT HUNTING OR THE DISCHARGE OF A FIREARM OR~~
27 ~~ARCHERY EQUIPMENT IS ALLOWED ON THE PROPERTY.]~~
28 ~~[B.]~~ ~~[C.]~~ Unless a different or other penalty or punishment is
29 specifically prescribed, a person who violates any provision of this title,
30 or who violates or fails to comply with a lawful order or rule of the
31 commission, is guilty of a class 2 misdemeanor.
32 ~~[C.]~~ ~~[D.]~~ A person who knowingly takes any big game during a closed
33 season or who knowingly possesses, transports or buys any big game that was
34 unlawfully taken during a closed season is guilty of a class 1 misdemeanor.
35 ~~[D.]~~ ~~[E.]~~ A person is guilty of a class 6 felony who knowingly:
36 1. Barter, sells or offers for sale any big game or parts of big game
37 taken unlawfully.
38 2. Barter, sells or offers for sale any wildlife or parts of wildlife
39 unlawfully taken during a closed season.
40 3. Barter, sells or offers for sale any wildlife or parts of wildlife
41 imported or purchased in violation of this title or a lawful rule of the
42 commission.
43 4. Assists another person for monetary gain with the unlawful taking
44 of big game.

1 5. Takes or possesses wildlife while under permanent revocation under
2 section 17-340, subsection B, paragraph 3.

3 [E.] [F.] A peace officer who knowingly fails to enforce a lawful
4 rule of the commission or this title is guilty of a class 2 misdemeanor.

5 [G.] [E.] FOR THE PURPOSES OF THIS SECTION:

6 1. "ARCHERY EQUIPMENT":

7 (a) MEANS A LONGBOW, RECURVE BOW, COMPOUND BOW OR CROSSBOW THAT IS
8 DESIGNED TO DISCHARGE AN ARROW OR BOLT THROUGH THE MANUAL OR MECHANICAL
9 DRAWING OF A BOWSTRING.

10 (b) DOES NOT INCLUDE ANY DEVICE CLASSIFIED AS A FIREARM PURSUANT TO
11 THE LAWS OF THIS STATE OR FEDERAL LAW.

12 2. "SHOTGUN" MEANS A FIREARM THAT IS INTENDED TO BE FIRED FROM THE
13 SHOULDER AND THAT USES THE ENERGY FROM AN EXPLOSIVE IN A FIXED SHOTGUN SHELL
14 TO FIRE EITHER BALL SHOT OR A SINGLE PROJECTILE THROUGH A SMOOTH BORE OR
15 RIFLED BARREL FOR EACH PULL OF THE TRIGGER.

16 Sec. 4. Section 17-340, Arizona Revised Statutes, is amended to read:

17 17-340. Revocation, suspension and denial of privilege of taking
18 wildlife; civil penalty; notice; violation;
19 classification

20 A. On conviction or after adjudication as a delinquent juvenile as
21 defined in section 8-201 and in addition to other penalties prescribed by
22 this title, the commission, after a public hearing, may revoke or suspend a
23 license issued to any person under this title and deny the person the right
24 to secure another license to take or possess wildlife for a period of not to
25 exceed five years for:

26 1. Unlawful taking, unlawful selling, unlawful offering for sale,
27 unlawful bartering or unlawful possession of wildlife.

28 2. ~~Careless use of~~ CARELESSLY USING firearms that ~~resulted~~ RESULT in
29 the injury or death of any person.

30 3. Destroying, injuring or molesting livestock, ~~or~~ or damaging or
31 destroying growing crops, personal property, notices or signboards or other
32 improvements while hunting, trapping or fishing.

33 4. Littering public hunting or fishing areas while taking wildlife.

34 5. Knowingly allowing another person to use the person's big game tag,
35 except as provided by section 17-332, subsection D.

36 6. A violation of section 17-303, 17-304, 17-316 or 17-341 or section
37 17-362, subsection A.

38 7. A violation of section 17-309, subsection A, paragraph
39 ~~5~~ 6 involving a waste of edible portions other than meat damaged due to the
40 method of taking as follows:

41 (a) Upland game birds, migratory game birds and wild turkey: breast.

42 (b) Deer, elk, pronghorn (antelope), bighorn sheep, bison (buffalo)
43 and peccary (javelina): hind quarters, front quarters and loins.

44 (c) Game fish: fillets of the fish.

1 8. A violation of section 17-309, subsection A, paragraph 1 involving
2 any unlawful use of aircraft to take, assist in taking, harass, chase, drive,
3 locate or assist in locating wildlife.

4 B. On conviction or after adjudication as a delinquent juvenile and in
5 addition to any other penalties prescribed by this title:

6 1. For a first conviction or a first adjudication as a delinquent
7 juvenile, for unlawfully taking or wounding wildlife at any time or place,
8 the commission, after a public hearing, may revoke, suspend or deny the
9 person's privilege to take wildlife for a period of up to five years.

10 2. For a second conviction or a second adjudication as a delinquent
11 juvenile, for unlawfully taking or wounding wildlife at any time or place,
12 the commission, after a public hearing, may revoke, suspend or deny the
13 person's privilege to take wildlife for a period of up to ten years.

14 3. For a third conviction or a third adjudication as a delinquent
15 juvenile, for unlawfully taking or wounding wildlife at any time or place,
16 the commission, after a public hearing, may revoke, suspend or deny the
17 person's privilege to take wildlife permanently.

18 C. In accordance with title 41, chapter 6, article 10 and
19 notwithstanding subsection A of this section, a person against whom the
20 commission imposes a civil penalty under section 17-314 for the unlawful
21 taking, wounding, killing or possession of wildlife may be denied the right
22 to obtain a license to take wildlife until the person ~~has made~~ **PAYS IN** full
23 ~~payment of~~ the civil penalty.

24 D. On receiving a report from the licensing authority of a state that
25 is a party to the wildlife violator compact adopted under chapter 5 of this
26 title that a resident of this state has failed to comply with the terms of a
27 wildlife citation, the commission, after a public hearing, may suspend any
28 license issued under this title to take wildlife until the licensing
29 authority furnishes satisfactory evidence of compliance with the terms of the
30 wildlife citation.

31 E. In carrying out this section, the director shall notify the
32 licensee, within one hundred eighty days after conviction, to appear and show
33 cause why the license should not be revoked, suspended or denied. The notice
34 may be served personally or by certified mail sent to the address appearing
35 on the license.

36 F. The commission shall furnish to license dealers the names and
37 addresses of persons whose licenses have been revoked or suspended, and the
38 periods for which they have been denied the right to secure licenses.

39 G. The commission may use the services of the office of administrative
40 hearings to conduct hearings and to make recommendations to the commission
41 pursuant to this section.

42 H. Except for a person who takes or possesses wildlife while under
43 permanent revocation, a person who takes wildlife in this state, or attempts
44 to obtain a license to take wildlife, at a time when the person's privilege

1 to do so is suspended, revoked or denied under this section is guilty of a
2 class 1 misdemeanor.

3 Enroll and engross to conform

4 Amend title to conform

ALEXANDER KOLODIN

1053FloorKOLODIN.docx

04/01/2025

08:41 AM

H: MT/l's