### HOUSE FLOOR AMENDMENT EXPLANATION



DITAT DEUS	Bill Number: <b>SB 1053</b>	
1912 ¥	Márquez	Floor Amendment

### The Marquez floor amendment dated 4/03/25 at 3:36 PM does the following:

- 1. Allows the discharge of a shotgun from a set distance as prescribed by the commission from an occupied dwelling.
- 2. Prohibits the discharge of archery equipment from a set distance as prescribed by the commission from an occupied dwelling.
- 3. Removes the presumption that a discharge of a firearm or archery equipment in prohibited areas is without consent.
- 4. Strikes that the presumption may be rebutted if there is evidence that the occupant or property owner granted written, verbal, or posted consent allowing hunting on their property.
- 5. Removes the definition of "archery equipment."

Amendment explanation prepared by Israel Kiyogera	
Phone Number	
IK	
4/4/2025	

11

12

13

24

# MÁRQUEZ 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.

 $[\underline{\text{Green underlining in brackets}}]$  indicates text added to new session law or text restoring existing law.

 $[rac{GREEN\ STRIKEOUT\ IN\ BRACKETS}]$  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.

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

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

Section 1. Section 13-3107, Arizona Revised Statutes, is amended to  $3\ \text{read}$ :

## 13-3107. <u>Unlawful discharge of firearms: exceptions:</u> classification; definitions

- 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.
  - C. This section does not apply if the firearm is discharged:
  - 1. As allowed pursuant to chapter 4 of this title.
  - 2. On a properly supervised range.
- 3. To lawfully take wildlife during an open season established by the Arizona game and fish commission and subject to the limitations prescribed by the title 17 and Arizona game and fish commission rules and orders. This paragraph does not prevent a city, OR town or county from adopting an ordinance or rule restricting the discharge of a firearm within one-fourth mile of an occupied structure without the consent of the owner or occupant of 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.
  - (b) "Take" has the same meaning prescribed in section 17-101.
- 4. For the control of nuisance wildlife by permit from the Arizona game and fish department or the United States fish and wildlife service.
  - 5. By special permit of the chief of police of the municipality.

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

24

25

26 27

28

- 4 8. More than one mile from any occupied structure as defined in 5 section 13-3101.
- 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.
  - 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.
- 2. "Properly supervised range" means a range that is any of the 14 following:
- (a) Operated by a club affiliated with the national rifle association 15 America, the amateur trapshooting association, the national skeet 17 association or any other nationally recognized shooting organization, or by 18 any public or private school.
- (b) Approved by any agency of the federal government, this state or a 19 20 county or city within which the range is located.
- (c) Operated with adult supervision for shooting air or carbon dioxide 22 gas operated guns, or for shooting in underground ranges on private or 23 public property.
  - Sec. 2. Section 13-3108, Arizona Revised Statutes, is amended to read: 13-3108. Firearms regulated by state; state preemption; injunction; civil penalty; cause of action; violation: classification: definition
- 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.
- 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.
- 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:
- 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

- 2 -

27

30

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.

- 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.
- 3. The description, including the serial number, of a weapon that is 11 left in temporary storage at any public establishment or public event.
- 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 state law 14 penalty that is greater than any 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:
- 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.
  - 2. "Take" has the same meaning prescribed in section 17-101.
- 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.
- 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:
- 1. Imposing any privilege or use tax on the retail sale, lease or 38 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.
- 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,

- 3 -

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:

- (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.
- (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.
- (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.
- 3. The regulation of commercial land and structures, including a 19 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:
- (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.
- (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.
- (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.
- 4. Regulating employees or independent contractors of the political 38 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:
- (a) On real property that is owned by the employee or independent 44 contractor.

- 4 -

34

8

42

- 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.
  - (c) Pursuant to section 12-781.
- 5 5. Limiting or prohibiting the discharge of firearms in parks and 6 preserves except:
  - (a) As allowed pursuant to chapter 4 of this title.
  - (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.
- 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.
- I. If a court determines that a political subdivision has knowingly and wilfully violated this section, the court may assess a civil penalty of up to fifty thousand dollars \$50,000 against the political subdivision.
- J. If a court determines that a person has knowingly and wilfully living violated this section while acting in the person's official capacity through enactment of any ordinance, regulation, tax, measure, directive, rule, and enactment, order or policy, the person may be subject to termination from the extent allowable under state law.
- 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:
  - 1. Reasonable attorney fees and costs.
- 43 2. The actual damages incurred not to exceed <del>one hundred thousand</del> 44 <del>dollars</del> \$100,000.

- 5 -

8

9

42

- 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.
  - Sec. 3. Section 17-309, Arizona Revised Statutes, is amended to read:
  - 17-309. <u>Violations; classification; consent; burden of proof;</u> definition
- 10 A. Unless otherwise prescribed by this title, it is unlawful for a 11 person to:
- 12 1. Violate any provision of this title or any rule adopted pursuant to 13 this title.
- 2. Take, possess, transport, release, buy, sell or offer or expose for 15 sale wildlife except as expressly [permitted] [ALLOWED] by this title.
- 3. Destroy, injure or molest livestock, growing crops, personal property, notices or signboards, or other improvements while hunting, trapping or fishing.
- 4. Discharge a firearm while taking wildlife within one-fourth mile of 20 an occupied farmhouse or other residence, A cabin, A lodge or A building 21 without permission of the owner or resident [AS PRESCRIBED IN SUBSECTION B OF 22 THIS SECTION]. THIS PARAGRAPH DOES NOT PROHIBIT THE DISCHARGE OF A SHOTGUN 23 FROM A [SET] DISTANCE [GREATER THAN ONE-EIGHTH MILE] [AS PRESCRIBED BY THE 24 COMMISSION] OF AN OCCUPIED FARMHOUSE OR OTHER RESIDENCE, A CABIN, A LODGE OR 25 A BUILDING WITHOUT PERMISSION OF THE OWNER OR RESIDENT.
- 5. DISCHARGE ARCHERY EQUIPMENT WHILE TAKING WILDLIFE WITHIN [ONE-EIGHTH MILE] [A SET DISTANCE AS PRESCRIBED BY THE COMMISSION] OF AN OCCUPIED FARMHOUSE OR OTHER RESIDENCE, A CABIN, A LODGE OR A BUILDING WITHOUT PERMISSION OF THE OWNER OR RESIDENT [AS PRESCRIBED IN SUBSECTION B OF THIS 30 SECTION].
- 5. 6. Take a game bird, game mammal or game fish and knowingly permit ALLOW an edible portion thereof to go to waste, except as provided in section 33 17-302.
- $\frac{6}{1}$  7. Take big game, except bear or mountain lion, with the aid of  $\frac{6}{1}$  dogs.
- 36 7. 8. Make more than one use of a shipping permit or coupon issued by 37 the commission.
- 38 8. 9. Obtain a license or take wildlife during the period for which 39 the person's license has been revoked or suspended or the person has been 40 denied a license.
- 41 9. 10. Litter hunting and fishing areas while taking wildlife.
  - 10. 11. Take wildlife during the closed season.
- 43 11. 12. Take wildlife in an area closed to the taking of that 44 wildlife.

- 6 -

- 12. 13. Take wildlife with an unlawful device.
- 2 13. 14. Take wildlife by an unlawful method.
- 3 14. 15. Take wildlife in excess of the bag limit.
- 4 15. 16. Possess wildlife in excess of the possession limit.
- 16. 17. Possess or transport any wildlife or parts of the wildlife 6 that was unlawfully taken.
- 17. 18. Possess or transport the carcass of big game without a valid 7 8 tag being attached.
- 18. Use the edible parts of any game mammal or any part of any 10 game bird or nongame bird as bait.
- 19. 20. Possess or transport the carcass or parts of a carcass of any 12 wildlife that cannot be identified as to species and legality.
- 20. 21. Take game animals, game birds and game fish with an explosive 14 compound, A poison or any other deleterious substances.
- 21. 22. Import into this state or export from this state the carcass 16 or parts of a carcass of any wildlife unlawfully taken or possessed.
- 17 THERE IS A PRESUMPTION THAT A DISCHARGE OF A FIREARM OR ARCHERY 18 EQUIPMENT WITHIN THE APPLICABLE LIMITS PRESCRIBED BY SUBSECTION A, PARAGRAPHS 19 4 AND 5 IS WITHOUT CONSENT. THE PRESUMPTION MAY BE REBUTTED BY EVIDENCE THAT 20 THE OCCUPANT OR PROPERTY OWNER OF AN OCCUPIED STRUCTURE HAS GRANTED ANY OF 21 THE FOLLOWING:
- 22 1. WRITTEN CONSENT FOR HUNTING OR FOR THE DISCHARGE OF A FIREARM OR 23 ARCHERY EQUIPMENT ON THE PROPERTY ON A FORM THAT INCLUDES THE NAME OF THE 24 OCCUPANT OR PROPERTY OWNER, DURATION OF AUTHORIZATION AND GENERAL DESCRIPTION 25 OF THE PROPERTY.
- 26 2. VERBAL CONSENT FOR HUNTING OR FOR THE DISCHARGE OF A FIREARM OR 27 ARCHERY EQUIPMENT ON THE PROPERTY.
- 3. POSTED CONSENT BY POSTING A SIGN THAT IS PLACED IN A CONSPICUOUS 29 LOCATION NOTIFYING THE PUBLIC THAT HUNTING OR THE DISCHARGE OF A FIREARM OR 30 ARCHERY EQUIPMENT IS ALLOWED ON THE PROPERTY.]
- $[\underline{B}.]$   $[\underline{C}.]$  Unless a different or other penalty or punishment is 32 specifically prescribed, a person who violates any provision of this title, 33 or who violates or fails to comply with a lawful order or rule of the 34 commission, is guilty of a class 2 misdemeanor.
- $[\underline{C}]$   $[\underline{D}]$  A person who knowingly takes any big game during a closed 36 season or who knowingly possesses, transports or buys any big game that was 37 unlawfully taken during a closed season is guilty of a class 1 misdemeanor.
  - [D.] [E.] A person is guilty of a class 6 felony who knowingly:
- 1. Barters, sells or offers for sale any big game or parts of big game 39 40 taken unlawfully.
- 2. Barters, sells or offers for sale any wildlife or parts of wildlife 41 42 unlawfully taken during a closed season.
- 3. Barters, sells or offers for sale any wildlife or parts of wildlife 44 imported or purchased in violation of this title or a lawful rule of the 45 commission.

- 7 -

28

38

- 4. Assists another person for monetary gain with the unlawful taking 2 of big game.
- 5. Takes or possesses wildlife while under permanent revocation under 4 section 17-340, subsection B, paragraph 3.
- $[\underline{E}]$  A peace officer who knowingly fails to enforce a lawful 6 rule of the commission or this title is guilty of a class 2 misdemeanor.
  - [G.] [F.] FOR THE PURPOSES OF THIS SECTION[,][:
  - 1. "ARCHERY EQUIPMENT":

8

12

14

18

19

20

21

22

35

43

- (a) MEANS A LONGBOW, RECURVE BOW, COMPOUND BOW OR CROSSBOW THAT IS 10 DESIGNED TO DISCHARGE AN ARROW OR BOLT THROUGH THE MANUAL OR MECHANICAL 11 DRAWING OF A BOWSTRING.
- (b) DOES NOT INCLUDE ANY DEVICE CLASSIFIED AS A FIREARM PURSUANT TO 13 THE LAWS OF THIS STATE OR FEDERAL LAW.
- 2.] "SHOTGUN" MEANS A FIREARM THAT IS INTENDED TO BE FIRED FROM THE 15 SHOULDER AND THAT USES THE ENERGY FROM AN EXPLOSIVE IN A FIXED SHOTGUN SHELL 16 TO FIRE EITHER BALL SHOT OR A SINGLE PROJECTILE THROUGH A SMOOTH BORE OR 17 RIFLED BARREL FOR EACH PULL OF THE TRIGGER.
  - Sec. 4. Section 17-340, Arizona Revised Statutes, is amended to read:
  - 17-340. Revocation, suspension and denial of privilege of taking wildlife; civil penalty; notice; violation; classification
- A. On conviction or after adjudication as a delinquent juvenile as 23 defined in section 8-201 and in addition to other penalties prescribed by 24 this title, the commission, after a public hearing, may revoke or suspend a 25 license issued to any person under this title and deny the person the right 26 to secure another license to take or possess wildlife for a period of not to 27 exceed five years for:
- 1. Unlawful taking, unlawful selling, unlawful offering for sale, 28 29 unlawful bartering or unlawful possession of wildlife.
- 2. Careless use of CARELESSLY USING firearms that resulted RESULT in 30 31 the injury or death of any person.
- 3. Destroying, injuring or molesting livestock, or damaging or 33 destroying growing crops, personal property, notices or signboards or other 34 improvements while hunting, trapping or fishing.
  - 4. Littering public hunting or fishing areas while taking wildlife.
- 36 5. Knowingly allowing another person to use the person's big game tag, 37 except as provided by section 17-332, subsection D.
- 6. A violation of section 17-303, 17-304, 17-316 or 17-341 or section 38 39 17-362, subsection A.
- 7. A violation section 17-309. of subsection Α.  $41 \, \frac{5}{} \, 6$  involving a waste of edible portions other than meat damaged due to the 42 method of taking as follows:
  - (a) Upland game birds, migratory game birds and wild turkey: breast.

- 8 -

- 1 (b) Deer, elk, pronghorn (antelope), bighorn sheep, bison (buffalo) 2 and peccary (javelina): hind quarters, front quarters and loins.
  - (c) Game fish: fillets of the fish.
- 8. A violation of section 17-309, subsection A, paragraph 1 involving 5 any unlawful use of aircraft to take, assist in taking, harass, chase, drive, 6 locate or assist in locating wildlife.
- 7 B. On conviction or after adjudication as a delinquent juvenile and in 8 addition to any other penalties prescribed by this title:
- 9 1. For a first conviction or a first adjudication as a delinquent 10 juvenile, for unlawfully taking or wounding wildlife at any time or place, 11 the commission, after a public hearing, may revoke, suspend or deny the 12 person's privilege to take wildlife for a period of up to five years.
- 2. For a second conviction or a second adjudication as a delinquent juvenile, for unlawfully taking or wounding wildlife at any time or place, the commission, after a public hearing, may revoke, suspend or deny the person's privilege to take wildlife for a period of up to ten years.
- 3. For a third conviction or a third adjudication as a delinquent la juvenile, for unlawfully taking or wounding wildlife at any time or place, the commission, after a public hearing, may revoke, suspend or deny the 20 person's privilege to take wildlife permanently.
- C. In accordance with title 41, chapter 6, article 10 and 22 notwithstanding subsection A of this section, a person against whom the 23 commission imposes a civil penalty under section 17-314 for the unlawful 24 taking, wounding, killing or possession of wildlife may be denied the right 25 to obtain a license to take wildlife until the person has made PAYS [IN full] 26 payment of the civil penalty [IN FULL].
- D. On receiving a report from the licensing authority of a state that a party to the wildlife violator compact adopted under chapter 5 of this title that a resident of this state has failed to comply with the terms of a wildlife citation, the commission, after a public hearing, may suspend any allicense issued under this title to take wildlife until the licensing authority furnishes satisfactory evidence of compliance with the terms of the wildlife citation.
- E. In carrying out this section, the director shall notify the licensee, within one hundred eighty days after conviction, to appear and show acause why the license should not be revoked, suspended or denied. The notice may be served personally or by certified mail sent to the address appearing on the license.
- F. The commission shall furnish to license dealers the names and do addresses of persons whose licenses have been revoked or suspended, and the periods for which they have been denied the right to secure licenses.
- 42 G. The commission may use the services of the office of administrative 43 hearings to conduct hearings and to make recommendations to the commission 44 pursuant to this section.

- 9 -

- H. Except for a person who takes or possesses wildlife while under permanent revocation, a person who takes wildlife in this state, or attempts to obtain a license to take wildlife, at a time when the person's privilege to do so is suspended, revoked or denied under this section is guilty of a 5 class 1 misdemeanor.
- 6 Enroll and engross to conform
- 7 Amend title to conform

AARON MÁRQUEZ

1053FloorMÁRQUEZ3.docx 04/03/2025 3:36 PM C: CT

- 10 -