House Engrossed

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 18

HOUSE BILL 2307

AN ACT

AMENDING TITLE 13, CHAPTER 31, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-3114; RELATING TO FIREARMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 13, chapter 31, Arizona Revised Statutes, is amended by adding section 13-3114, to read:

13-3114. Arizona manufactured firearms; regulation; definitions

A. BEGINNING OCTOBER 1, 2010, A PERSONAL FIREARM, A FIREARM ACCESSORY OR AMMUNITION THAT IS MANUFACTURED COMMERCIALLY OR PRIVATELY IN THIS STATE AND THAT REMAINS WITHIN THE BORDERS OF THIS STATE IS NOT SUBJECT TO FEDERAL LAW OR FEDERAL REGULATION, INCLUDING REGISTRATION, UNDER THE AUTHORITY OF CONGRESS TO REGULATE INTERSTATE COMMERCE AND IS NOT CONSIDERED TO HAVE TRAVELED IN INTERSTATE COMMERCE.

B. THIS SECTION APPLIES TO A FIREARM, A FIREARM ACCESSORY OR AMMUNITION THAT IS MANUFACTURED IN THIS STATE FROM BASIC MATERIALS AND THAT CAN BE MANUFACTURED WITHOUT THE INCLUSION OF ANY SIGNIFICANT PARTS IMPORTED FROM ANOTHER STATE.

C. THE IMPORTATION INTO THIS STATE OF A FIREARM ACCESSORY, ANY GENERIC OR INSIGNIFICANT PART THAT HAS OTHER MANUFACTURING OR CONSUMER PRODUCT APPLICATIONS OR ANY BASIC MATERIALS, INCLUDING UNMACHINED STEEL AND UNSHAPED WOOD THAT IS INCORPORATED INTO, ATTACHED TO OR USED IN CONJUNCTION WITH A FIREARM, FIREARM ACCESSORY OR AMMUNITION MANUFACTURED IN THIS STATE, DOES NOT SUBJECT THE FIREARM, FIREARM ACCESSORY OR AMMUNITION TO FEDERAL REGULATION.

D. THIS SECTION DOES NOT APPLY TO:

1. A FIREARM THAT CANNOT BE CARRIED AND USED BY ONE PERSON.

2. A FIREARM THAT HAS A BORE DIAMETER OF MORE THAN ONE AND ONE-HALF INCHES AND THAT USES SMOKELESS POWDER AS A PROPELLANT.

3. AMMUNITION WITH A PROJECTILE THAT EXPLODES USING AN EXPLOSION OF CHEMICAL ENERGY AFTER THE PROJECTILE LEAVES THE FIREARM.

4. A FIREARM THAT DISCHARGES TWO OR MORE PROJECTILES WITH ONE ACTIVATION OF THE TRIGGER OR OTHER FIRING DEVICE.

E. A FIREARM THAT IS MANUFACTURED AND SOLD IN THIS STATE PURSUANT TO THIS SECTION SHALL HAVE THE WORDS "MADE IN ARIZONA" CLEARLY STAMPED ON A CENTRAL METALLIC PART SUCH AS THE RECEIVER OR FRAME.

F. FOR THE PURPOSES OF THIS SECTION:

1. "FIREARM ACCESSORY" MEANS AN ITEM THAT IS USED IN CONJUNCTION WITH OR MOUNTED ON A FIREARM BUT THAT IS NOT ESSENTIAL TO THE BASIC FUNCTION OF A FIREARM, INCLUDING TELESCOPIC OR LASER SIGHTS, MAGAZINES, FLASH SUPPRESSORS, FOLDING OR AFTERMARKET STOCKS AND GRIPS, SPEEDLOADERS, AMMUNITION CARRIERS AND LIGHTS FOR TARGET ILLUMINATION.

2. "GENERIC OR INSIGNIFICANT PART" INCLUDES SPRINGS, SCREWS, NUTS AND PINS.

3. "MANUFACTURED" MEANS THAT A FIREARM, A FIREARM ACCESSORY OR AMMUNITION HAS BEEN CREATED FROM BASIC MATERIALS FOR FUNCTIONAL USEFULNESS, INCLUDING FORGING, CASTING, MACHINING OR OTHER PROCESSES FOR WORKING MATERIALS.

Sec. 2. Legislative findings

The Legislature finds:

1. The tenth amendment to the United States constitution guarantees to the states and their people all powers not granted to the federal government elsewhere in the constitution and reserves to the state and people of Arizona certain powers as they were understood at the time that Arizona was admitted to statehood in 1912. The guaranty of those powers is a matter of contract between the state and people of Arizona and the United States as of the time that the compact with the United States was agreed on and adopted by Arizona and the United States in 1912.

2. The ninth amendment to the United States constitution guarantees to the people rights not granted in the constitution and reserves to the people of Arizona certain rights as they were understood at the time that Arizona was admitted to statehood in 1912. The guaranty of those rights is a matter of contract between the state and people of Arizona and the United States as of the time that the compact with the United States was agreed on and adopted by Arizona and the United States in 1912.

3. The regulation of intrastate commerce is vested in the states under the ninth and tenth amendments to the United States constitution, particularly if not expressly preempted by federal law. Congress has not expressly preempted state regulation of intrastate commerce pertaining to the manufacture on an intrastate basis of firearms, firearms accessories and ammunition.

4. The second amendment to the United States constitution reserves to the people the right to keep and bear arms as that right was understood at the time that Arizona was admitted to statehood in 1912, and the guaranty of the right is a matter of contract between the state and people of Arizona and the United States as of the time that the compact with the United States was agreed on and adopted by Arizona and the United States in 1912.

5. Article II, section 26, Constitution of Arizona, clearly secures to Arizona citizens, and prohibits government interference with, the right of individual Arizona citizens to keep and bear arms. This constitutional protection is unchanged from the 1912 Arizona Constitution, which was approved by Congress and the people of Arizona, and the right exists as it was understood at the time that the compact with the United States was agreed on and adopted by Arizona and the United States in 1912.

APPROVED BY THE GOVERNOR APRIL 5, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 5, 2010.