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Prohibited possessor; mental health

1 Section 1. Title 13 Chapter 31, section 13-3101 is amended to read:

2 **13-3101. Definitions**

3 A. In this chapter, unless the context otherwise requires:

4 1. "Deadly weapon" means anything that is designed for lethal use. The
5 term includes a firearm.

6 2. "Deface" means to remove, alter or destroy the manufacturer's serial
7 number.

8 3. "Explosive" means any dynamite, nitroglycerine, black powder, or
9 other similar explosive material, including plastic
10 explosives. Explosive does not include ammunition or ammunition
11 components such as primers, percussion caps, smokeless powder, black
12 powder and black powder substitutes used for hand loading purposes.

13 4. "Firearm" means any loaded or unloaded handgun, pistol, revolver,
14 rifle, shotgun or other weapon that will expel, is designed to expel or
15 may readily be converted to expel a projectile by the action of an
16 explosive. Firearm does not include a firearm in permanently inoperable
17 condition.

18 5. "Improvised explosive device" means a device that incorporates
19 explosives or destructive, lethal, noxious, pyrotechnic or incendiary
20 chemicals and that is designed to destroy, disfigure, terrify or harass.

21 6. "Occupied structure" means any building, object, vehicle, watercraft,
22 aircraft or place with sides and a floor that is separately securable
23 from any other structure attached to it, that is used for lodging,
24 business, transportation, recreation or storage and in which one or more
25 human beings either are or are likely to be present or so near as to be
26 in equivalent danger at the time the discharge of a firearm
27 occurs. Occupied structure includes any dwelling house, whether
28 occupied, unoccupied or vacant.

29 7. "Prohibited possessor" means any person **WHO**:

30 (a) ~~Who~~ Has been found to constitute a danger to self or to others or
31 to be persistently or acutely disabled or gravely disabled pursuant to
32 court order pursuant to section 36-540, and whose right to possess a
33 firearm has not been restored pursuant to section 13-925.

34 (b) ~~Who~~ Has been convicted within or without this state of a felony or
35 who has been adjudicated delinquent for a felony and whose civil right
36 to possess or carry a gun or firearm has not been restored.

- 1 (c) ~~Who~~ Is at the time of possession serving a term of imprisonment in
2 any correctional or detention facility.
- 3 (d) ~~Who~~ is at the time of possession serving a term of probation pursuant
4 to a conviction for a domestic violence offense as defined in section
5 13-3601 or a felony offense, parole, community supervision, work
6 furlough, home arrest or release on any other basis or who is serving a
7 term of probation or parole pursuant to the interstate compact under
8 title 31, chapter 3, article 4.1.
- 9 (e) ~~Who~~ Is an undocumented alien or a nonimmigrant alien traveling with
10 or without documentation in this state for business or pleasure or who
11 is studying in this state and who maintains a foreign residence
12 abroad. This subdivision does not apply to:
- 13 (i) Nonimmigrant aliens who possess a valid hunting license or permit
14 that is lawfully issued by a state in the United States.
- 15 (ii) Nonimmigrant aliens who enter the United States to participate in
16 a competitive target shooting event or to display firearms at a sports
17 or hunting trade show that is sponsored by a national, state or local
18 firearms trade organization devoted to the competitive use or other
19 sporting use of firearms.
- 20 (iii) Certain diplomats.
- 21 (iv) Officials of foreign governments or distinguished foreign visitors
22 who are designated by the United States department of state.
- 23 (v) Persons who have received a waiver from the United States attorney
24 general.
- 25 (f) ~~Who~~ Has been found incompetent pursuant to rule 11, Arizona rules
26 of criminal procedure, and who subsequently has not been found competent.
- 27 (g) ~~Who~~ Is found guilty except insane.
- 28 (h) IS SUBJECT TO A COURT ORDERED GUARDIANSHIP PURSUANT TO SECTION 14-
29 5303, EXCEPT IF THE APPOINTMENT OF A GUARDIAN IS DUE SOLELY TO THE WARD'S
30 PHYSICAL INCAPACITY.
- 31 8. "Prohibited weapon":
- 32 (a) Includes the following:
- 33 (i) An item that is a bomb, grenade, rocket having a propellant charge
34 of more than four ounces or mine and that is explosive, incendiary or
35 poison gas.
- 36 (ii) A device that is designed, made or adapted to muffle the report
37 of a firearm.
- 38 (iii) A firearm that is capable of shooting more than one shot
39 automatically, without manual reloading, by a single function of the
40 trigger.

1 (iv) A rifle with a barrel length of less than sixteen inches, or
2 shotgun with a barrel length of less than eighteen inches, or any firearm
3 that is made from a rifle or shotgun and that, as modified, has an
4 overall length of less than twenty-six inches.

5 (v) An instrument, including a nunchaku, that consists of two or more
6 sticks, clubs, bars or rods to be used as handles, connected by a rope,
7 cord, wire or chain, in the design of a weapon used in connection with
8 the practice of a system of self-defense.

9 (vi) A breakable container that contains a flammable liquid with a flash
10 point of one hundred fifty degrees Fahrenheit or less and that has a
11 wick or similar device capable of being ignited.

12 (vii) A chemical or combination of chemicals, compounds or materials,
13 including dry ice, that is possessed or manufactured for the purpose of
14 generating a gas to cause a mechanical failure, rupture or bursting or
15 an explosion or detonation of the chemical or combination of chemicals,
16 compounds or materials.

17 (viii) An improvised explosive device.

18 (ix) Any combination of parts or materials that is designed and intended
19 for use in making or converting a device into an item set forth in item
20 (i), (vi) or (viii) of this subdivision.

21 (b) Does not include:

22 (i) Any fireworks that are imported, distributed or used in compliance
23 with state laws or local ordinances.

24 (ii) Any propellant, propellant actuated devices or propellant actuated
25 industrial tools that are manufactured, imported or distributed for their
26 intended purposes.

27 (iii) A device that is commercially manufactured primarily for the
28 purpose of illumination.

29 9. "Trafficking" means to sell, transfer, distribute, dispense or
30 otherwise dispose of a weapon or explosive to another person, or to buy,
31 receive, possess or obtain control of a weapon or explosive, with the
32 intent to sell, transfer, distribute, dispense or otherwise dispose of
33 the weapon or explosive to another person.

34 B. The items set forth in subsection A, paragraph 8, subdivision (a),
35 items (i), (ii), (iii) and (iv) of this section do not include any
36 firearms or devices that are registered in the national firearms registry
37 and transfer records of the United States treasury department or any
38 firearm that has been classified as a curio or relic by the United States
39 treasury department.

40 Section 2. Delayed effective date

1 This act is effective from and after December 31, 2015