

HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **SB 1705**

Márquez Floor Amendment

Removes language preempting political subdivisions from enacting gun violence prevention initiatives.

Amendment explanation prepared by SC

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4/10/2025

MÁRQUEZ FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1705
(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 13-3108, Arizona Revised Statutes, is amended to
3 read:

4 13-3108. Firearms regulated by state; state preemption;
5 injunction; civil penalties; cause of action;
6 violation; classification; definition

7 ~~[A. Except as provided in subsection 6 of this section, a political~~
8 ~~subdivision of this state shall not enact any ordinance, rule or tax~~
9 ~~relating to the transportation, possession, carrying, sale, transfer,~~
10 ~~purchase, acquisition, gift, devise, storage, licensing, registration,~~
11 ~~discharge or use of firearms or ammunition or any firearm or ammunition~~
12 ~~components or related accessories in this state.~~

13 ~~B. A political subdivision of this state shall not require the~~
14 ~~licensing or registration of firearms or ammunition or any firearm or~~
15 ~~ammunition components or related accessories or prohibit the ownership,~~
16 ~~purchase, sale or transfer of firearms or ammunition or any firearm or~~
17 ~~ammunition components, or related accessories.~~

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

21 ~~1. Any identifying information of a person who leaves a weapon in~~
22 ~~temporary storage at any public establishment or public event, except that~~
23 ~~the operator of the establishment or the sponsor of the event may require~~
24 ~~that a person provide a government issued identification or a reasonable~~
25 ~~copy of a government issued identification for the purpose of establishing~~
26 ~~ownership of the weapon. The operator or sponsor shall store any provided~~
27 ~~identification with the weapon and shall return the identification to the~~
28 ~~person when the weapon is retrieved. The operator or sponsor shall not~~

1 ~~retain records or copies of any identification provided pursuant to this~~
2 ~~paragraph after the weapon is retrieved.~~

3 ~~2. Except in the course of a law enforcement investigation, any~~
4 ~~identifying information of a person who owns, possesses, purchases, sells~~
5 ~~or transfers a firearm.~~

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

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

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

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

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

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

32 ~~[G.][B.]~~ This section does not prohibit a political subdivision of
33 this state from enacting and enforcing any ordinance or rule pursuant to
34 state law or relating to ~~[any of]~~ the following:

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

40 ~~2. Prohibiting a minor who is unaccompanied by a parent,~~
41 ~~grandparent or guardian or a certified hunter safety instructor or~~
42 ~~certified firearms safety instructor acting with the consent of the~~
43 ~~minor's parent, grandparent or guardian from knowingly possessing or~~
44 ~~carrying on the minor's person, within the minor's immediate control or in~~
45 ~~or on a means of transportation a firearm in any place that is open to the~~
46 ~~public or on any street or highway or on any private property except~~
47 ~~private property that is owned or leased by the minor or the minor's~~

1 ~~parent, grandparent or guardian. Any ordinance or rule that is adopted~~
2 ~~pursuant to this paragraph shall not apply to a minor who is fourteen,~~
3 ~~fifteen, sixteen or seventeen years of age and who is engaged in any of~~
4 ~~the following:~~

5 ~~(a) Lawful hunting or shooting events or marksmanship practice at~~
6 ~~established ranges or other areas where the discharge of a firearm is not~~
7 ~~prohibited.~~

8 ~~(b) Lawful transportation of an unloaded firearm for the purpose of~~
9 ~~lawful hunting.~~

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

13 ~~(d) Any activity that is related to the production of crops,~~
14 ~~livestock, poultry, livestock products, poultry products or ratites or~~
15 ~~storage of agricultural commodities.~~

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

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

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

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

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

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

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

47 ~~(c) Pursuant to section 12-781.~~

1 ~~[5.]~~[1.] Limiting or prohibiting the discharge of firearms in parks
2 and preserves except:

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

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

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

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

10 (e) By special permit of the chief law enforcement officer of the
11 political subdivision.

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

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

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

24 ~~[†][C].~~ If a court determines that a political subdivision has
25 knowingly and wilfully violated this section, the court may assess a civil
26 penalty of up to ~~fifty thousand dollars~~ \$50,000 against the political
27 subdivision.

28 ~~[‡][D].~~ IF A COURT DETERMINES THAT AN ELECTED OR APPOINTED LOCAL
29 GOVERNMENT OFFICIAL OR ADMINISTRATIVE AGENCY HEAD HAS KNOWINGLY AND
30 WILFULLY VIOLATED THIS SECTION, THE COURT MAY ASSESS A CIVIL PENALTY OF UP
31 TO \$5,000 AGAINST THE ELECTED OR APPOINTED LOCAL GOVERNMENT OFFICIAL OR
32 ADMINISTRATIVE AGENCY HEAD.

33 ~~⌚~~ ~~[*][E].~~ If a court determines that a person has knowingly and
34 wilfully violated this section while acting in the person's official
35 capacity through enactment of any ordinance, regulation~~[, tax, measure,~~
36 ~~directive]~~, ~~[OR]rule[, enactment, order or policy]~~, the person may be
37 subject to termination from employment to the extent allowable under state
38 law.

39 ~~✂~~ ~~[†][F].~~ A person or an organization whose membership is
40 adversely affected by any ordinance, regulation~~[, tax, measure,~~
41 ~~directive]~~, ~~[OR]rule[, enactment, order or policy]~~ that is in violation
42 of this section may file a civil action for declaratory and injunctive
43 relief and actual damages against the political subdivision in any court
44 of this state having jurisdiction over any defendant in the action. If
45 the plaintiff prevails in the action, the court shall award both:

46 1. Reasonable attorney fees and costs.

1 2. The actual damages incurred not to exceed ~~one hundred thousand~~
2 ~~dollars~~ \$100,000.
3 ~~t.~~ [M][G]. A violation of any ordinance established pursuant to
4 subsection [G][B], paragraph [5][1] of this section is a class 2
5 misdemeanor unless the political subdivision designates a lesser
6 classification by ordinance.
7 [N][H]. EXCEPT AS OTHERWISE REQUIRED BY LAW, PUBLIC MONIES MAY NOT
8 BE USED TO DEFEND OR REIMBURSE THE UNLAWFUL CONDUCT OF ANY PERSON WHO IS
9 FOUND TO HAVE KNOWINGLY AND WILFULLY VIOLATED THIS SECTION.
10 ~~M.~~ [O][I]. For the purposes of this section, "political
11 subdivision" includes a political subdivision acting in any capacity,
12 including under police power, in a proprietary capacity or otherwise.

13 Enroll and engross to conform
14 Amend title to conform

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