



Arizona Citizens Defense League

Protecting Your Freedom

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AzCDL's Newsletter

July 2009

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John Wentling—Vice President
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 - Arizona Court Cases
 - Online Application
 - Newsletters
 - Important Links
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2009 Legislative Session Review



The Arizona State Legislature officially adjourned their 2009 legislative session at 7:31 AM on July 1, 2009 after an all-night marathon of hearing bills. This was a very bizarre legislative session. With the focus almost entirely on the budget, very little time was spent on non-budget bills, and there was a mad rush to end the session and filter out as many bills as possible. Grassroots pressure via emails, letters and phone calls kept pro-rights bills moving. Eventually a number of pro-rights bills were sent to, and signed by, the Governor. The effective date for these bills is September 30, 2009.

Legislation signed by the Governor

The following pro-rights bills passed in the Legislature and were signed by the Governor.

SB 1113—A limited Restaurant Carry bill that passed in the Legislature after amendments were added, some not supported by AzCDL, that reduced opposition to the bill. In the final version:

- Only concealed firearms are allowed in places serving alcohol.
- Only individuals with CCW permits may carry a concealed firearm where alcohol is served.
- The individual legally carrying the firearm may not consume alcohol.
- The penalty for violating the law is a class 3 misdemeanor.
- Establishments may prohibit firearms by posting a sign in a specified location.
- It is an "affirmative defense" (in court, after being arrested) if the person violating the law "was not informed of the notice," the sign had "fallen down," the person is not a resident of Arizona, or the posted sign has not been up for 30 days.
- Lack of knowledge that firearms are prohibited in establishments serving alcohol is no longer a valid defense.

SB 1168—The Senate bill containing a "strike everything" amendment substituting the language of HB 2474, the "Parking Lot" bill. SB 1168 prevents any private or public employer, property owner, etc., from banning any person from keeping a firearm in a locked vehicle in a parking area on the property, with specific limited exceptions. HB 2474, the original "Parking Lot" bill, passed in the House and made it through Senate committees but was dropped when SB 1168 made it through the process first.

SB 1243—The AzCDL-requested bill that clarifies when the defensive display of a firearm is justified. Defensive display of a firearm includes the following:

- Verbally informing another person that the person possesses a firearm or has one available.
- Exposing or displaying a firearm in a manner that a reasonable person would understand was meant to protect the person against another's use or attempted use of unlawful physical force or deadly physical force.
- Placing the person's hand on a firearm that is contained in a pocket, purse or other means of containment or transport.

SB 1243 establishes that there is no requirement for the defensive display of a firearm before the use of physical force, or the threat of physical force, by a person who is otherwise justified in the use or threatened use of physical force.

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2009 Legislative Session Review



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SB 1437—Adds persons certified by a “national association of firearms owners” (e.g., NRA) to the list of persons qualified to be an Arizona Gun Safety Program Course instructor. Currently, instructors may only be certified by the Arizona Game and Fish Department.

SB 1449—A very important bill that retroactively applies the restoration of the “innocent until proven guilty” language, that passed out of the Legislature via SB 1145 in 2006, to cases pending at the time of SB 1145’s passage. The most egregious of these was the trial of Harold Fish, who was hiking in Coconino County when a man with a violent history and his two dogs attacked him. Mr. Fish was forced to fire at his attacker, killing him. What Mr. Fish did not know, and could not know, was the violent history of his attacker. A history, among many other facts of the case, that the judge and prosecutor would not allow in court for the jury to consider. Before Mr. Fish’s trial, the Arizona Legislature returned the law from “guilty until proven innocent”, back to “innocent until proven guilty” in self defense cases. Unfortunately, the trial was conducted under the old law and Mr. Fish was convicted. You can read more about Mr. Fish’s case at: <http://www.haroldfishdefense.org/>.

Close but no cigar

The following bills survived and thrived during most of the legislative session but got trampled in the stampede at the end.

SB 1270—The AzCDL-requested Constitutional Carry bill that removed the penalty for the lawful carrying of a concealed weapon without a permit. SB 1270 passed out of the Senate Judiciary Committee on June 8th. Unfortunately it stalled in the Senate Rules Committee because of an amendment, added in the Senate Judiciary Committee, dealing with smuggling firearms across the border. As an alternative, AzCDL was able to get another bill, HB 2439, amended to include the “Petty Offense” language that passed the Legislature in the last two sessions, by wide margins, but was vetoed by former Governor

Janet Napolitano. The Petty Offense language, less controversial than Constitutional Carry, reduced the penalty for carrying concealed without a permit from a misdemeanor to a petty offense for those not committing serious or violent crimes.

HB 2439—The AzCDL-requested CCW training reform bill, that was amended to include Petty Offense and Defensive Display language, sailed through the Senate by a vote of 18-5 around 2 AM on July 1st. Since it had already been through the House, all it needed was concurrence and House Final Read votes and it would be sent to the Governor. AzCDL’s representatives worked at the Capitol, conferring with legislators all night long, and we were confident we had the votes needed for HB 2439 to pass.

Unfortunately, around 5 AM, when HB 2439 was voted on in the House Final Read, it failed by one vote (30-10) because 20 (Yes, twenty!) members had left before the final batch of bills, including HB 2439, was voted on. Five of those twenty who were not present for the vote were Republicans who had indicated to us that they would vote for HB 2439. If they had been present and voted, HB 2439 would have easily passed.

The Republicans missing during the final vote were Nancy Barto (R-7), Rich Crandall (R-19), Adam Driggs (R-11), Bill Konopnicki (R-5), Lucy Mason (R-1), Doug Quelland (R-10).

Early pro-rights casualties

The following pro-rights bills were introduced this session but had insufficient support to sustain them through the legislative process.

HB 2607—The AzCDL-requested bill that would remove the authority of governing boards to create policy prohibiting possession of concealed weapons by CCW permit holders on the property of an educational institution (i.e., College or University). It was touch-and-go all the way. This legislation was drafted and sponsorship was obtained, but the bill was not filed

by the deadline. To keep the bill alive, Dave Kopp and John Wentling, AzCDL’s president and vice-president, successfully lobbied for Campus Carry to be filed in the House at the last minute. Unfortunately HB 2607 did not get a committee hearing in time to move to the House floor for debate and vote.

HB 2174—Allowed the carrying of firearms on game refuges by CCW permit holders.

HB 2420—Created an exception to the weapons misconduct statute for weapons carried inside a vehicle in a closed purse belonging to a CCW permit holder.

Bad bills stopped

The following are some of the more offensive anti-rights bills that were successfully stopped this session.

HB 2386—Added “post-secondary institutions” (i.e., colleges and universities) to the statutory definition of “school,” and created a new class 6 felony for carrying a deadly weapon there.

HB 2484—Created a new, broad and overreaching state level, “straw purchase” crime that went much further than the federal statute.

SB 1004—Created a felony offense for having a compartment in a motor vehicle that “is intended and designed to be used to conceal, hide or prevent discovery by law enforcement officer.” Of course, any hidden compartment in a vehicle, like the one you might use to keep your gun from being stolen, could be construed in such a fashion. Nearly every vehicle on the road today has at least one such compartment. The language was far too broad and open to interpretation.





AzCDL Annual Election Results



To promote continuity in leadership, the terms of office for AzCDL's directors are staggered. This year, the position held by Dave Kopp, AzCDL's President and chief volunteer lobbyist, expired, and he sought reelection. No other nominations were submitted.

Per AzCDL's bylaws, a balloting process is not required when any individual

runs unopposed. As a result, Dave has been reelected to a 3 year term. The terms of the current AzCDL directors expire in the following years:

2010—John Wentling & Charles Heller
2011—Duke Schechter & Fred Dahnke
2012—Dave Kopp

Per AzCDL's bylaws, the Board of Directors elects the Officers following the annual election of directors. On July 2, 2009, the following officers were elected:

Dave Kopp—President
John Wentling—Vice President
Charles Heller—Secretary
Fred Dahnke—Treasurer

Join us at AzCDL's 2009 Annual Meeting in Tucson!

You are invited to AzCDL's annual meeting on **Saturday, October 3, 2009**.

This year's annual meeting will be held at the Beaudry Event Center, 3200 E. Irvington, in Tucson.

As with all our annual meetings, the tasteful open carrying of firearms is appreciated!

Prior to the meeting, lunch will be catered by Port-A-Pit and will feature a barbeque buffet of chicken, pork ribs and tri-tip. Side dishes include salads, beans and muffins. Desert is a mixed berry cobbler. Iced tea, water, lemonade and coffee are included. Vegetarian alternatives will also be available.

The fee for lunch is \$25 per person. The price includes a FREE Basic Annual AzCDL membership!

If you are a Life Member, or if you joined AzCDL or renewed your membership after June 30, 2009, you are eligible to attend the Annual Meeting luncheon for FREE, or at a steeply discounted rate, depending on the cost of your membership. Details can be found on the reservation form included with this newsletter.

The schedule of events is as follows:
Noon – Registration & seating for lunch
1:00 PM – Lunch is served
2:00 PM – Annual Meeting begins
4:00 PM – Adjournment

More information can be found at:
http://www.azcdl.org/html/annual_mtg.html

Reservations must be received by Saturday, September 26, 2009. Pre-payment is required to reserve meals.

All attendees will be eligible for our door prize drawing of a Front Sight Course Certificate, good for a 4-day Defensive Pistol, Tactical Shotgun or Practical Rifle class. The certificate also allows two people to attend a 2-day version of these classes. Information on these courses can be found at:
<http://www.FrontSight.com>



2009 Independence Day Rifle Match



On July 4, 2009, the fourth annual AzCDL Independence Day Action Rifle Match was hosted by the Phoenix Rod and Gun Club.

As a benefit match, all proceeds (\$2,240 minus range and target expenses) were donated to AzCDL. Fifty-two participants finished the match.

Links to a photo gallery of the match, along with match results can be found at AzCDL's website:
http://www.azcdl.org/html/rifle_match.html



Match Sponsors

We extend our thanks to the following Contributing Sponsors for this year's match:

Alan Korwin (Gun Laws)
ATK - Federal Premium Ammunition
Camelbak
Cavalry Arms
Coyote Tactical
MGM Targets
Practical Tactical
Sabre Defence
Scottsdale Gun Club
Shooter's World
Spec Ops Brand
Specter Gear

A Review of AzCDL Accomplishments



For our legislative and grassroots success, AzCDL was recognized at the 2006 Gun Rights

Policy Conference and again in 2008.



AzCDL has been instrumental in the introduction and/or passage of the following legislation.



“Innocent until proven guilty” in self-defense situations, taken away in 1997, was restored in 2006.

“Castle Doctrine (stand your ground) was also strengthened.

Establishment of a justification defense for referring to, showing, or displaying a firearm in a defensive manner when confronted with physical or deadly force.

Preventing private or public employers, property owners, and others from banning firearms in a locked vehicle.

Prohibiting the governor from confiscating lawfully held firearms during a state of emergency.

The places where a weapon can be carried, without a CCW permit, in a vehicle has been expanded to include “map pockets.”

Requiring operators of public (i.e., state and local government) establishments or events that prohibit weapons to provide storage that is readily accessible on entry and permits immediate retrieval upon exit.

Strengthening firearms preemption laws.



Concealed Weapons (CCW) law improvements:

- ✓ Reduction of the training requirement for initial CCW permits from 16 hours to 8 hours.
- ✓ Elimination of the training requirements for CCW permit renewals.
- ✓ Elimination of the fingerprint requirements for CCW permit renewals.
- ✓ Near universal recognition, by Arizona, of concealed weapon / handgun permits held by residents of other states.
- ✓ Reduction in the penalty for not having your CCW permit in your possession from a Class 2 Misdemeanor to a Petty Offense.
- ✓ Ability to renew expired permits without repeating the training.
- ✓ Proof of training is good for 5 years.
- ✓ Codified that training can be conducted by NRA Instructors.
- ✓ A person with an expunged felony, or who has their rights restored, may obtain a CCW permit.

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Governor Vetoes

AzCDL does not view vetoes by the governor as failures. Getting bills introduced, cosponsored, voted out of committees, approved by both legislative bodies, and getting them to the governor’s desk is 99% of the work. The following are pro-rights bills that we championed, but were vetoed:

- Redefinition of “open carry” and “vehicle carry” that have been clouded by 1994 Appellate Court decisions.
- Clarification that people are free to carry concealed, without a permit, on property they own, lease or rent, including common areas.
- Reduction of the penalty, for a law-abiding citizen, carrying concealed without a permit from a Class 1 Misdemeanor to a Petty Offense.

Stopping Bad Bills

AzCDL is always on the lookout for legislation that adversely affects our rights. The following are some of the really bad anti-rights legislative proposals we helped defeat.

- ✘ Requiring each round of ammo sold to have a serial # encoded on each bullet and casing.
- ✘ Making it a crime if you don’t “properly” store your firearm to prevent access by a minor.
- ✘ An almost unlimited expansion of the definition of the “secure” area at airports where guns are banned.
- ✘ Banning weapons within 75’ of a polling place.
- ✘ An attempt to outlaw the Minuteman by classifying gun owners as terrorists.
- ✘ Adding “post-secondary institutions” (i.e., colleges and universities) to the statutory definition of “school” and creating a new class 6 felony for carrying a deadly weapon there.