



Arizona Citizens Defense League

Protecting Your Freedom

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AzCDL's Membership Newsletter

February 2012

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(623) 594-8521

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New Bills Introduced in 2012



The AzCDL-requested and historic Constitutional Carry legislation that became law in 2010 was not the be-all-end-all of restoring the right to carry in Arizona. It was a major milestone, but there are still a century's worth of statutes that need to be excised or significantly altered in order to truly restore your right to bear arms in Arizona. Our job is far from over.

AzCDL began working with legislators on proposed bills for the 2012 legislative session shortly after the 2011 session ended. As a result, a number of pro-rights bills have been filed. Listed below are key firearms, self-defense and hunting related bills, introduced this session, that we are monitoring. You can find these bills listed on our website's Bill Tracking page.

We have a busy agenda this year. AzCDL's representatives are working full time on these bills at the Capitol, but the success or failure of any of them depends on your participation. If you are an AzCDL member and are not getting our legislative email Alerts, either send an email to Fred (treasurer@azcdl.org) or leave a message at (623) 594-8521 and we'll make sure you are added to the list.

Freedom To Carry

HB 2095 is an AzCDL-requested bill that would limit the restrictions that a Home Owners Association (HOA) can place on firearms. In modern day suburban Arizona, it is almost impossible to not live in a planned community controlled by an HOA. In the Phoenix area, there are HOA communities bigger than some towns. Unfortunately, the laudable idea of establishing residential standards to optimize property values has a dark side. Social engineering has crept into HOA governing documents. In the not too distant past, racial purity was required in home sales. Still embedded in many governing documents are requirements that residents must be unarmed as a condition of living in the community. HB 2095 was drafted to allow the residents of HOA governed communities the same constitutionally protected right to bear arms they enjoy once they leave the boundaries of their neighborhood.

HB 2719 would declare that any person lawfully possessing a firearm outside the grounds of a school is considered to meet the requirements of 18 USC, Section 922, the federal law that says you need a CCW permit to have a firearm within 1,000 feet of a school. While there is no equivalent of the federal 1,000 foot school zone rule in Arizona law, and law-abiding adults generally don't need a CCW permit to carry a firearm in Arizona, that doesn't mean that federal law can't be enforced. President Obama has promised "under the radar" gun control and TSA has expanded their mission to include using mobile Visible Intermodal Prevention and Response (VIPR) teams to set up check points at highways, sports events and even high school proms. Could federal school zone enforcement be next?

SB 1077 is AzCDL-requested legislation that would specifically exempt the "lawful possession or discharge of a firearm while hunting, while target shooting, in self-defense or in defense of another," from the state lands trespass statute.

HJR 2001 is a resolution that would authorize opposition to the use of an international force on American soil that seeks to enforce any United Nations treaty. This resolution is primarily aimed at the United Nations Arms Trade Treaty, which includes provisions for the regulation of private firearms ownership.

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2012 Legislation

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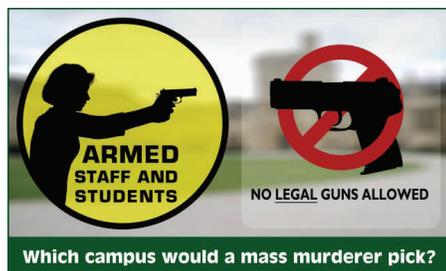
Campus Carry

This year, there are two bills that have been introduced that would restore a limited right to bear arms on college and university campuses.

HB 2254 would allow faculty members, who have a valid CCW permit, to “possess a concealed firearm” on campus.

SB 1474 is a bill that would allow CCW permit holders to carry discreetly on campus, but would allow the school governing bodies to prohibit weapons inside of buildings as long as “temporary and secure” storage is provided.

On the negative side, Senator’s Gallardo’s **SB 1130** would add colleges and universities to the definition of “schools” in the weapons misconduct (ARS 13-3102) statutes, expanding the places where weapons are prohibited. Currently ARS 31-3102 defines a school as Kindergarten through 12th grade.



Public Establishments

“Public establishment” is a bureaucratic term describing state and local government property (i.e., paid for by your tax dollars). AzCDL’s opinion is that law abiding citizens should not have to disarm when entering public establishments unless the public establishment can guarantee the safety of those entering the property.

Until AzCDL got involved, public establishments could paste a “no weapons” sign on the door and arrest anyone who didn’t obey the cardboard notice. A few years back, AzCDL got the law changed to require public establishments banning weapons to provide accessible storage lockers. We are constantly hearing sto-

ries of state agencies and local governments blatantly disregarding these requirements.

This year 3 bills have been introduced attempting to improve the issue of weapons in public establishments.

HB 2729 would require public property, wishing to ban weapons, to restrict access to the property and provide armed guards, metal detectors and storage lockers. The bill also allows for legal action against the operator of public property when they don’t obey the law.

SB 1448 would require public establishments to have access “controlled or restricted by the presence of a state or other certified law enforcement officer, or an armed security officer” in order to ban the carrying of weapons.

SB 1479 would reduce the penalty for entering a public establishment that bans weapons to a Petty Offense, unless it is a secured facility (guards, metal detectors, etc.), then the penalty is a Misdemeanor. SB 1479 also allows for legal action when public establishments don’t obey the law.

Meanwhile, Senator Gallardo (D 13) has filed **SB 1175** which would make it a crime to enter “any state building, including the House of Representatives wing and the Senate wing of the State Capitol, carrying a deadly weapon.”

Preemption

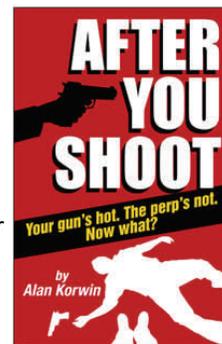
Related to “public establishment” laws is state preemption over local laws. Currently the public establishment laws reside in the weapons misconduct criminal statutes. HB 2729 and SB 1479 would move these provisions to the preemption section which enables enforcement against government entities not obeying the law.

Another preemption related bill is **SB 1304** which would remove the authority of local governments to pass ordinances regarding the discharge of firearms within 1/4 mile of an occupied structure. Under the current loophole in the preemption statutes, a person could be arrested under a local law for “discharging a firearm” during a legitimate act of self-defense.

SB 1241 would remove local control over the disposition of forfeited weapons, which usually results in their destruction. Under this bill, forfeited weapons must be sold within one year to “any business authorized to receive and dispose of the article under federal and state law,” unless otherwise prohibited.

Self-Defense

In his book “After You Shoot,” author, and AzCDL life member, Alan Korwin discusses the issue of self-incrimination during that 9-1-1 call people make after being involved in a self-defense shooting. (You can find Alan’s books at: <http://www.gunlaws.com/>).



HB 2652 has been introduced to establish a balance between the need for reporting and your right to remain silent. If you are involved in “an act that involved the threatened or actual use of deadly force” and report it to obtain emergency medical or police services, HB 2652 would make your “statement” (that recorded 9-1-1 call) “not admissible in a criminal prosecution or a civil action,” except for the purposes of impeachment.

Hunting

Hunting laws are getting a lot of attention in this session. Here are the highlights.

HB 2457 would allow a person to carry an otherwise “prohibited” weapon (i.e., for self-defense) while hunting, as long as that weapon isn’t used to take game.

HB 2536 would ban computer assisted remote hunting. The language is overly broad and the term “any other equipment” isn’t defined. Would a range finder be considered “other equipment?”

HB 2537 would make the taking of an

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2012 Legislation



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endangered species a Class 6 Felony. This issue is already covered by federal law and the bill appears to be aimed at discouraging efforts to have certain species (e.g., gray wolves) delisted as an endangered species.

HB 2538 and **HB 2540** seem to have the combined goal of turning the Game and Fish Commission into a state version of the federal Environmental Protection Agency (EPA).

HB 2538 would eliminate the Arizona Game and Fish Appointment Recommendation Board, which allows sportsmen and hunting groups to have a major voice in the selection of game and fish commissioners.

HB 2540 would change the name of the Arizona Game and Fish Commission to the Arizona Wildlife Conservation Service.

If these two bills were enacted into law, the new organization would most likely evolve into an agency unfriendly to hunters and sportsmen.

HB 2539 would eliminate the discretion of the Game and Fish Commission to authorize hunting in non-daylight hours.

"Daylight" is not defined in statute. When are Sunrise and Sunset, which are optimal times for taking game, considered "daylight?"

HB 2536, 2537, 2538, 2539 and **2540** were introduced by Representative Daniel Patterson (D 29).

HB 2639 and **SB 1305** are twin Game and Fish Omnibus Acts introduced by Representative Jerry Weiers (R 12) and Senator Frank Antenori (R 30).

HB 2640 would prohibit the Game and Fish Commission from limiting or restricting firearm magazine capacity.

HB 2728 would prohibit the Game and Fish Commission from banning the lawful possession or use of sound suppressors when hunting.

Gun Sales

Senator Gallardo (D13) who introduced **SB 1130** (further criminalizes campus carry) and **SB 1175** (no guns at the Capitol) has also introduced **SB 1174**.

SB 1174 would require NICS background checks to be conducted on private sales at gun shows (broadly defined to encompass almost any gathering of gun owners). This bill would criminalize private firearms sales.

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Arizona State Guard

Though not directly firearms related, there is a lot of interest in this issue.

SB 1083 would establish the Arizona State Guard, a volunteer military force under the control of the Governor, for the purpose of "securing the safety and protection of the lives and property of the citizens of this state."

Taking Action

Edmund Burke is credited with the quote that *"all that is necessary for the triumph of evil is that good men do nothing."*

Lobbying for good bills (and against bad bills) is not a spectator sport. AzCDL has two full-time lobbyists working daily at the Capitol, meeting with legislators and testifying at hearings. But, progress is only made when we can back up our words at the Capitol with action from our members.

The passage of legislation largely depends on how willing you are to get involved. You can make a difference!



Join us at Front Sight



You are invited to join AzCDL on our third annual trek to Front Sight, Nevada, for a 4 day Defensive Handgun class March 30 through April 2, 2012.

More information on the class can be found at Front Sight's website:

<http://www.frontsight.com>

Don't let the cost of the class scare you. Steeply discounted course certificates are available from AzCDL members who are also Front Sight life members.

Because Front Sight trains thousands of students every year, hotels fill up fast, especially during the months with the

best climate, like April. So you won't be left out, AzCDL has booked a block of rooms at a special rate, at the Saddle West hotel in Pahrump.



To learn more about the class, hotel reservations, or obtaining course certificates, please contact Duke Schechter at

americanicon@cox.net

Or you can call and leave a message at AzCDL's main number, (623) 594-5821.

The heaviest thing about carrying a firearm is the responsibility that comes with it. Even though Arizona's CCW permit is optional, that doesn't relieve us from our duty to know the law, become competent in our "skill at arms," and understand our responsibilities. The same goes for those who have a CCW permit. Your training never ends.

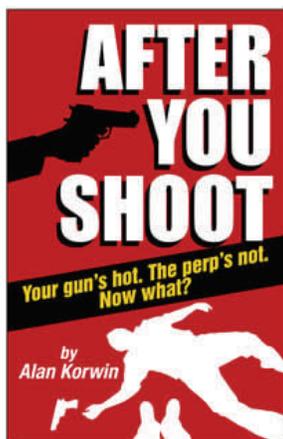
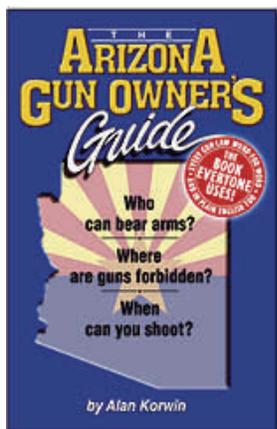
Arizona RKBA Reference Resources

On July 29, 2010, Constitutional Carry became the law in Arizona, restoring the right of law-abiding adults to bear arms openly or discreetly without needing a government issued permit.

However, exercising freedom comes with a cost—responsibility. Each of us is responsible to know the law and to have the proper mindset and “skill at arms.”

Since Arizona gun laws are no longer part of a required curriculum in a CCW course, the onus is on the individual. As we all have repeatedly heard, ignorance of the law is no excuse.

The best commercially available and most comprehensive local resource is Alan Korwin’s “Arizona Gun Owner’s Guide.” Not only are Arizona’s gun laws reprinted in the book, but key laws and regulations are spelled out in plain English.



Alan’s more recent offering “After You Shoot” addresses the legal aftermath of a defensive shooting.

Unlike law enforcement personnel who, after being involved in a shooting are put on paid administrative leave and are provided an attorney by their union, ordinary citizens are left swinging in the wind, and can easily become victims of the legal system.

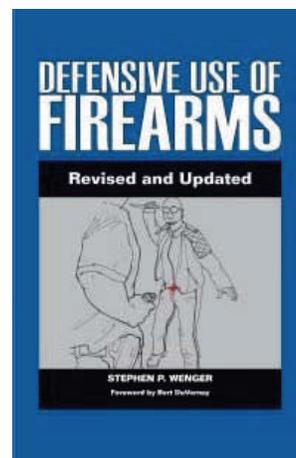
You need to know, before you make that frantic 9-1-1 call, the legal ramifications you face and what your rights are. “After you Shoot” addresses many of these issues.

Alan’s books are available at his website: www.gunlaws.com

Just like owning a guitar does not make you a rock star, owning a firearm does not magically convey the proper mindset and skills to competently defend yourself or your loved ones. These are things that only come with training and practice.

AzCDL Life Member Stephen Wenger, in addition to holding several instructor certifications, has been associated with Massad Ayoub’s “Lethal Force Institute” and was an instructor with the Defensive Combat Academy for a number of years.

Stephen has written “Defensive Use of Firearms” to address the reality and practicality of using a firearm for self-defense, offering a set of common-sense principles, tactics and techniques based on his experiences. Available at: www.spw-duf.info



Raffle Tickets—Win a Pistol—\$10!



Get ‘em before they’re gone!

AzCDL is raffling off **FOUR** identical XDM Competition Series pistols.

Each pistol features a 5.25” match grade barrel, a forged steel slide with a lightening cut, interchangeable fiber optic front sight and a target adjustable rear sight. The pistols are chambered in .45 ACP.

Two sets of 500 raffle tickets have been printed for each “pair” of pistols.

Each raffle ticket you buy represents TWO chances to win a pistol.

Tickets are \$10 each.



Buy your tickets before they’re sold out!

Tickets are available at all gun shows where AzCDL has a presence.

You can also purchase raffle tickets online at AzCDL’s “store” http://www.azcdl.org/html/online_store.html

The winning tickets for these firearms will be drawn on March 4, 2012, in Tucson, at the gun show scheduled for the Pima County Fairgrounds.

The winner does not have to be present, but must comply with all federal, state and local firearms laws and must pick up their firearm via a federally licensed firearms dealer.