

\$19.95



# WHEN CAN I LEGALLY SHOOT?

## THE LAW OF DEADLY PHYSICAL FORCE IN ARIZONA





# I'M CHARGED WITH WHAT?

IF YOU ARE IN THE UNFORTUNATE POSITION TO BE CHARGED WITH A CRIME INVOLVING A FIREARM IN ARIZONA, HOW SERIOUS IS IT?

## MISDEMEANORS

**CLASS 3 MISDEMEANOR** **ASSAULT**  
Knowingly touching another person with the intent to injure, insult, or provoke such person.

**CLASS 2 MISDEMEANOR** **ASSAULT**  
Recklessly causing any physical injury to another person; OR intentionally placing another person in reasonable apprehension of imminent physical injury.

**CLASS 1 MISDEMEANOR** **ASSAULT**  
Intentionally or knowingly causing any physical injury to another person.

## PUNISHMENT

**PETTY OFFENSE:** UP TO A \$300 FINE.

**CLASS 3 MISDEMEANOR:** UP TO 30 DAYS IN JAIL; UP TO A \$500 FINE.

**CLASS 2 MISDEMEANOR:** UP TO 4 MONTHS IN JAIL; UP TO A \$750 FINE.

**CLASS 1 MISDEMEANOR:** UP TO 6 MONTHS IN JAIL; UP TO A \$2,500 FINE.

## PUNISHMENT

### NON-DANGEROUS FELONY

**CLASS 6 FELONY:** 0.33 - 2 YEARS IN PRISON.

**CLASS 5 FELONY:** 0.5 - 2.5 YEARS IN PRISON.

**CLASS 4 FELONY:** 1 - 3.75 YEARS IN PRISON.

**CLASS 3 FELONY:** 2 - 8.75 YEARS IN PRISON.

**CLASS 2 FELONY:** 3 - 12.5 YEARS IN PRISON.

### DANGEROUS FELONY\*

**CLASS 6 FELONY:** 1.5 - 3 YEARS IN PRISON.

**CLASS 5 FELONY:** 2 - 4 YEARS IN PRISON.

**CLASS 4 FELONY:** 4 - 8 YEARS IN PRISON.

**CLASS 3 FELONY:** 5 - 15 YEARS IN PRISON.

**CLASS 2 FELONY:** 7 - 21 YEARS IN PRISON.

### CLASS 1 FELONY—FIRST AND SECOND DEGREE MURDER

**SECOND DEGREE MURDER:** 10 - 25 YEARS IN PRISON.

**FIRST DEGREE MURDER:** DEATH OR LIFE IN PRISON.

ALL FELONIES ARE SUBJECT TO A \$150,000 FINE.

PENALTIES SUBJECT TO INCREASE FOR REPEAT OFFENDERS.

\* MOST FIREARM OFFENSES ARE CLASSIFIED AS DANGEROUS FELONIES.

WHERE THE LAW IS LOCATED Arizona Revised Statutes	
§ 13-1203 Assault	§ 13-1105 First Degree Murder
§ 13-2904 Disorderly Conduct	§ 13-707 Misdemeanors; Sentencing
§ 13-3107 Unlawful Discharge of Firearms	§ 13-802 Fines for Misdemeanors
§ 13-3102 Misconduct Involving Weapons — Defacing or Possessing a Defaced Deadly Weapon	§ 13-702 First Time Felony Offenders; Sentencing
§ 13-1204 Aggravated Assault	§ 13-704 Dangerous Offenders; Sentencing
§ 13-1211 Discharging a Firearm at a Structure	§ 13-710 Sentence for Second Degree Murder
§ 13-1209 Drive By Shooting	§ 13-801 Fines for Felonies
§ 13-1104 Second Degree Murder	

## FELONIES

**CLASS 6 FELONY** **DISORDERLY CONDUCT**  
With intent to disturb the peace or quiet of a neighborhood, family or person, or with knowledge of doing so, recklessly handling, displaying, or discharging a deadly weapon or dangerous instrument.

### UNLAWFUL DISCHARGE OF FIREARMS

With criminal negligence, discharging a firearm within or into the limits of any municipality.

\* See statute for exceptions.

### MISCONDUCT INVOLVING WEAPONS — DEFACING OR POSSESSING A DEFACED DEADLY WEAPON

Knowingly defacing a deadly weapon; OR knowingly possessing a defaced deadly weapon.

**CLASS 4 FELONY** **AGGRAVATED ASSAULT**  
Committing an assault by any means of force that causes temporary but substantial disfigurement, temporary but substantial loss, or impairment of any body organ or part or a fracture of any body part.\*

\* See statute for full list of offenses.

### MISCONDUCT INVOLVING WEAPONS — POSSESSION OF A FIREARM DURING DRUG OFFENSES

Knowingly using or possessing a deadly weapon during the commission of any felony drug offense.

**CLASS 3 FELONY** **AGGRAVATED ASSAULT**  
Committing an assault that causes serious physical injury to another; or with a deadly weapon or dangerous instrument; or with a simulated deadly weapon.

### DISCHARGING A FIREARM AT A NONRESIDENTIAL STRUCTURE

Knowingly discharging a firearm at a nonresidential structure.

**CLASS 2 FELONY** **AGGRAVATED ASSAULT**  
Committing an assault that causes serious physical injury to another; or with a deadly weapon or dangerous instrument; or with a simulated deadly weapon in certain circumstances.\*

\* See statute for full list of offenses.

### DISCHARGING A FIREARM AT A RESIDENTIAL STRUCTURE

Knowingly discharging a firearm at a residential structure.

### DRIVE BY SHOOTING

Intentionally discharging a weapon from a motor vehicle at a person, another occupied motor vehicle, or an occupied structure.

**CLASS 1 FELONY** **SECOND DEGREE MURDER**  
Without premeditation, intentionally causing the death of another person; OR knowing that the person's conduct will cause death or serious physical injury, causing the death of another person; OR under circumstances manifesting extreme indifference to human life, recklessly engaging in conduct that creates a grave risk of death and thereby causing the death of another person.

### FIRST DEGREE MURDER

Intentionally or knowingly causing the death of another person with premeditation; OR in the course of and in furtherance of committing or attempting to commit certain enumerated felonies, causing the death of any person.\*

\* See statute for full list of offenses.





# BY WHAT STANDARD WILL THE LAW JUDGE MY ACTIONS...

## IF I USE DEADLY PHYSICAL FORCE?

If you use deadly physical force, your conduct will be measured by what the law terms a "reasonable person" standard.

**ACTIONS ARE  
LEGALLY JUSTIFIED**

**IF**

**A REASONABLE PERSON WOULD BELIEVE YOUR ACTIONS  
ARE IMMEDIATELY NECESSARY TO PROTECT AGAINST...**



**UNLAWFUL DEADLY PHYSICAL FORCE**



**WHAT IS REASONABLE? WHO DECIDES?**

The law will judge your actions (i.e., use of deadly physical force) by using the reasonable person standard. That is—would a reasonable person under the same circumstances believe the use of deadly physical force is immediately necessary to protect against another's use or attempted use of unlawful deadly physical force? The reasonable person standard is the law's attempt to make the concept of reasonableness an objective test. The law does not focus on whether you believed deadly physical force was immediately necessary, but whether a reasonable person would consider it immediately necessary. If the legal system (ultimately this could be a jury) determines that a reasonable person would believe that deadly physical force was immediately necessary, then you were legally justified in using deadly physical force. However, juries, judges, and prosecutors are human beings, and people can have vastly different ideas of how a reasonable person should act under any given circumstances. This is particularly true if asked to decide whether deadly physical force was necessary or not. Ariz. Rev. Stat. §§ 13-404; 13-405; *State v. King*, 235 P.3d 240 (Ariz. 2010).



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# WHEN IS IT NOT A CRIME?

## LEGAL JUSTIFICATION OF DEADLY PHYSICAL FORCE

### IN ARIZONA

Legal justification is a set of circumstances that the law says is a valid reason for a person doing something that would otherwise be a crime.



#### LEGAL JUSTIFICATION OF DEADLY PHYSICAL FORCE

YOU



LEGALLY JUSTIFIED

Not Guilty of a Crime



NOT LEGALLY JUSTIFIED

Guilty of a Crime; Subject to Penalties of the Offense

As a general rule, it is illegal to shoot someone. However, in certain situations (e.g., self-defense, defense of others, etc., under specific circumstances) the law states a person is justified to use deadly physical force against another. Ariz. Rev. Stat. § 13-411.



#### WHAT IS PHYSICAL INJURY?

**Physical injury:** Physical injury means the impairment of a physical condition. Ariz. Rev. Stat. § 13-105(33).



#### WHAT IS SERIOUS PHYSICAL INJURY?

**Serious physical injury:** Serious physical injury means physical injury that creates a reasonable risk of death, or that causes serious and permanent disfigurement, serious impairment of health or loss or protracted impairment of the function of any bodily organ or limb. Ariz. Rev. Stat. § 13-105(39).



#### WHAT IS PHYSICAL FORCE?

**Physical force:** Physical force means force used upon or directed toward the body of another person and includes confinement, but does not include deadly physical force. Ariz. Rev. Stat. § 13-105(32).



#### WHAT IS DEADLY PHYSICAL FORCE?

**Deadly physical force:** Deadly physical force means force that is used with the purpose of causing death or serious physical injury or in the manner of its use or intended use is capable of creating a substantial risk of causing death or serious physical injury. Ariz. Rev. Stat. § 13-105(14).



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# INVOKE YOUR LEGAL RIGHTS!

WHAT TO DO AFTER BANG!



COUNTLESS MEN AND WOMEN HAVE SACRIFICED THEIR LIVES AND FORTUNES SO THAT WE AMERICANS MAY HAVE LEGAL RIGHTS — DON'T WAIVE THEM. IF YOU'RE INVOLVED IN A SHOOTING, YOU MAY NEED EVERY LEGAL RIGHT AVAILABLE.

- Make sure the threat has been controlled.
- Call 911.
- Return the firearm to safe keeping if possible.
- Do not disturb the scene.

## ■ CALL YOUR LAWYER!

■ When police arrive, comply with all commands in a non-threatening manner, keeping your hands clearly visible. The police do not know who the good guys and bad guys are when they first arrive.

■ Inform police that you have been a victim of a crime. State to the police: **"I WISH TO INVOKE MY RIGHT TO REMAIN SILENT, AND I WANT TO CONSULT MY ATTORNEY BEFORE MAKING ANY STATEMENTS."**

■ Make no statement to anyone about the incident; wait to talk to your attorney.

■ If asked to accompany law enforcement, comply, but make no statements.

■ Do not make jokes or cute remarks. Remain silent, even if you believe you have done nothing wrong.



## THE 911 CALL

If you use your gun, dial 911 and get medical and police assistance. However, the only information that the 911 dispatcher needs to know from YOU is your name, the location of the emergency, what assistance is needed, and that you have been a victim of a crime. **DO NOT DISCUSS WHAT HAPPENED WITH THE OPERATOR!** All calls are recorded.



## DON'T GIVE A STATEMENT

Talk to your lawyer before you make any statements about a shooting. If what you say does not match the physical or material evidence at the scene, you may have a huge problem regardless of how innocent your mistake may be. Your freedom, liberty, and fortune are at risk, so invoke your right to remain silent and your right to a lawyer.



## THE ROLE OF THE POLICE

Law enforcement's main job after a shooting is to investigate. Remember, what you say to the police can and **WILL** be used against you. *Note:* the U.S. Supreme Court, in 2010, held that a police interrogation may go on indefinitely until you invoke your legal rights—so **INVOKE YOUR RIGHTS!**



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# LAW OF SELF-DEFENSE

WHEN CAN YOU LEGALLY USE DEADLY PHYSICAL FORCE?

## IN ARIZONA

DEADLY PHYSICAL FORCE IS LEGALLY JUSTIFIED IF YOU REASONABLY BELIEVE IT IS IMMEDIATELY NECESSARY TO PREVENT:



**YOU**

**1**  
UNLAWFUL  
DEADLY PHYSICAL  
FORCE

**2**  
MURDER

**3**  
KIDNAPPING

**4**  
SEXUAL  
ASSAULT

**5**  
ARMED  
ROBBERY

**6**  
OTHER  
ENUMERATED  
FELONIES



You are justified in using deadly physical force in self-defense: (1) to the degree a reasonable person would believe that deadly physical force is immediately necessary to protect himself against the other's use or attempted use of unlawful deadly physical force; or (2) if you reasonably believe that deadly physical force is immediately necessary to prevent the commission of arson of an occupied structure, burglary in the second or first degree, kidnapping, manslaughter, second or first degree murder, sexual conduct with a minor, sexual assault, child molestation, armed robbery, or aggravated assault. The law states that your use of deadly physical force will be presumed reasonable when you are acting to prevent the imminent or actual commission of any of these crimes. Ariz. Rev. Stat. §§ 13-405; 13-411.



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# LAW OF DEFENSE OF OTHERS

WHEN CAN YOU LEGALLY USE DEADLY PHYSICAL FORCE?

## IN ARIZONA

DEADLY PHYSICAL FORCE IS LEGALLY JUSTIFIED TO PROTECT ANOTHER  
IF YOU REASONABLY BELIEVE IT IS IMMEDIATELY NECESSARY TO PREVENT...

**YOU**



**VICTIM**



**1**  
UNLAWFUL  
DEADLY PHYSICAL  
FORCE

**2**  
MURDER

**3**  
KIDNAPPING

**4**  
SEXUAL  
ASSAULT

**5**  
ARMED  
ROBBERY

**OTHER  
ENUMERATED  
FELONIES**



You are justified in using deadly physical force to protect another person if: (1) under the circumstances as a reasonable person would believe them to be, such person would be justified in using deadly physical force in self-defense under Ariz. Rev. Stat. § 13-405 and the use of deadly physical force is immediately necessary to protect such person against unlawful deadly physical force; or (2) you reasonably believe that deadly physical force is immediately necessary to prevent the imminent or actual commission of arson of an occupied structure, burglary in the second or first degree, kidnapping, manslaughter, second or first degree murder, sexual conduct with a minor, sexual assault, child molestation, armed robbery, or aggravated assault. Ariz. Rev. Stat. §§ 13-406; 13-411.



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# PROTECTION OF YOUR PROPERTY

WHEN CAN YOU LEGALLY USE DEADLY PHYSICAL FORCE?

## IN ARIZONA

PERPETRATOR

DON'T SHOOT! Deadly Physical Force is **NOT** Legally Justified!

YOU



CRIMINAL  
TRESPASS

THEFT OR  
CRIMINAL DAMAGE  
TO PROPERTY



You may use physical force but NOT deadly physical force: (1) to prevent or terminate the commission or attempted commission of a criminal trespass upon a premises, which includes any real property or structure, movable or immovable, permanent or temporary, adapted for both human residence and lodging, whether occupied or not; or (2) to prevent the commission or attempted commission of theft or criminal damage to tangible movable property under your possession or control. Ariz. Rev. Stat. §§ 13-407; 13-408.

PERPETRATOR

Deadly Physical Force **IS** Legally Justified!

YOU



UNLAWFUL OR  
FORCEFUL ENTRY

REMOVING AN  
INDIVIDUAL AGAINST  
THEIR WILL



You may use deadly physical force against another if: (1) you reasonably believe you or another person are in imminent peril of death or serious physical injury and; (2) the perpetrator is unlawfully or forcefully entering or has unlawfully or forcefully entered a residential structure or occupied vehicle, or has removed or is attempting to remove another person against their will from the residential structure or occupied vehicle. Ariz. Rev. Stat. §§ 13-418; 13-419.



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# WHEN CAN YOU PROTECT SOMEONE ELSE'S PROPERTY...

WITH DEADLY PHYSICAL FORCE?



## PROTECTION OF A THIRD PARTY'S PROPERTY

Arizona law does not expressly authorize the use of deadly physical force in defense of a third party's property.

### However...

Deadly physical force may be used in defense of a residential structure or occupied vehicle if: (1) you reasonably believe another is in imminent peril of death or serious physical injury; and (2) the perpetrator is unlawfully or forcefully entering, or has unlawfully or forcefully entered, a residential structure or occupied vehicle, or is removing or attempting to remove another person against their will from the residential structure or occupied vehicle.



Ariz. Rev. Stat. § 13-418

# PROTECTION AGAINST ANIMALS

Arizona law does not provide a general statutory justification for using deadly physical force against animals, outside the defense of necessity.

### However...

With the exception of a wild rodent or rabbit, you may use deadly physical force against any wild animal (NOT a domestic animal) that bites a person or directly exposes a person to its saliva.



Ariz. Rev. Stat. §§ 13-417; 11-1014



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# THEFT AND ROBBERY

## EXPLANATION OF SELECT CRIMES

### IN ARIZONA



#### THEFT

#### THE CRIME OF THEFT



Ariz. Rev. Stat. § 13-1802

Theft occurs when a perpetrator without lawful authority, knowingly...

Controls another's property with the intent to deprive the other person of such property;

OR

Controls another's property knowing or having reason to know that the property was stolen;

OR

Converts for an unauthorized term or uses another's property that was entrusted to or placed in the perpetrator's possession for a limited, authorized term;

OR

Obtains another's property by means of a material misrepresentation with intent to deprive the other person of such property.\*

\* See statute for full list of offenses.

#### ROBBERY

#### THE CRIME OF ROBBERY



Ariz. Rev. Stat. § 13-1902

Robbery occurs when, in the course of taking another's property, a perpetrator...

Takes that property from the person or immediate presence of another;

AND

Against the person's will;

AND

Threatens or uses force against any person with intent either to coerce surrender of property or to prevent resistance.

#### ARMED ROBBERY

#### THE CRIME OF ARMED ROBBERY



Ariz. Rev. Stat. § 13-1904

Armed robbery occurs when a perpetrator...

#### IN THE COURSE OF COMMITTING ROBBERY...

Is armed with a deadly weapon or a simulated deadly weapon;

OR

Uses or threatens to use a deadly weapon, a dangerous instrument, or a simulated deadly weapon.

Note: Robbery becomes aggravated if the perpetrator is aided by one or more accomplices who are actually present in the course of committing robbery. Ariz. Rev. Stat. § 13-1903.



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# BURGLARY

THE CRIME OF BURGLARY

## IN ARIZONA



### BURGLARY IN THE THIRD DEGREE OCCURS WHEN A PERPETRATOR...

**Enters or remains unlawfully** in or on a nonresidential structure or in a fenced commercial or residential yard;

OR

**Enters** a motor vehicle by means of a manipulation key or master key;



WITH THE INTENT  
TO COMMIT ANY

**FELONY  
OR THEFT  
THEREIN.**



Ariz. Rev. Stat. § 13-1506



### BURGLARY IN THE SECOND DEGREE OCCURS WHEN A PERPETRATOR...

ENTERS OR  
REMAINS  
UNLAWFULLY



IN OR ON A  
RESIDENTIAL  
STRUCTURE



WITH THE INTENT  
TO COMMIT ANY

**FELONY  
OR THEFT  
THEREIN.**



Ariz. Rev. Stat. § 13-1507



### BURGLARY IN THE FIRST DEGREE OCCURS WHEN A PERPETRATOR...



COMMITTS A  
BURGLARY



KNOWINGLY

**POSSESSES  
EXPLOSIVES,  
A DEADLY  
WEAPON, OR  
A DANGEROUS  
INSTRUMENT.**



Ariz. Rev. Stat. § 13-1508



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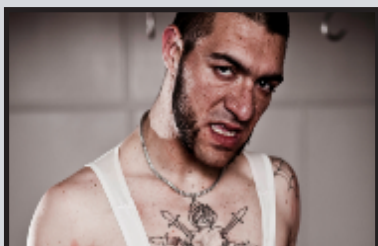
# ASSAULT

THE CRIME OF ASSAULT

# IN ARIZONA



## ASSAULT OCCURS WHEN A PERPETRATOR...



Ariz. Rev. Stat. § 13-1203

Intentionally, knowingly, or recklessly causes any physical injury to another person;



OR

Intentionally places another person in reasonable apprehension of imminent physical injury;



OR

Knowingly touches another person with the intent to injure, insult, or provoke such person.



## AGGRAVATED ASSAULT OCCURS WHEN A PERPETRATOR...

Commits an assault and:



Ariz. Rev. Stat. § 13-1204

Causes serious physical injury to another;

OR

Uses a deadly weapon or dangerous instrument;

OR

Uses force that causes temporary but substantial disfigurement, temporary but substantial loss or impairment of any body organ or part, or a fracture of any body part;

OR

While the victim is bound or otherwise physically restrained or while the victim's capacity to resist is substantially impaired;

OR

After entering the private home of another with the intent to commit the assault.\*

\* See statute for full list of offenses.



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# Do I Have To Retreat?

## IN ARIZONA

### AM I LEGALLY REQUIRED TO RETREAT?

■ The words “Stand Your Ground” are not found in the Arizona Revised Statutes. “Stand Your Ground” is the popular name for a legal doctrine referred to in the law as “No Duty to Retreat.” The Arizona version of “Stand Your Ground” is found in Ariz. Rev. Stat. §§ 13-405, 13-411, and 13-418.

## ARIZONA LAW PROVIDES

## NO RETREAT IS LEGALLY NECESSARY

IF ALL OF THE  
FOLLOWING ARE MET:



You are in a place where you have a legal right to be;



You are not engaged in an unlawful activity; AND



You are justified in using deadly physical force under Ariz. Rev. Stat. §§ 13-405, 13-411, and 13-418.



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# THE CASTLE DOCTRINE

## USE OF DEADLY PHYSICAL FORCE UNDER THE CASTLE DOCTRINE IN ARIZONA



The words "Castle Doctrine" are not found in the Arizona Revised Statutes. The "Castle Doctrine" is the popular name for a legal philosophy that every person, as the "King" or "Queen" of their own home, never has to flee the castle before using deadly physical force against an intruder. The Arizona version of the "Castle Doctrine" can be found in the Arizona Revised Statute § 13-419 and the Revised Arizona Criminal Jury Instructions § 4.19.

### WHEN DO I GET THE PROTECTION OF THE "CASTLE DOCTRINE"?

#### IF

You know or have reason to believe that the assailant is unlawfully or forcefully entering or has unlawfully or forcefully entered your...

#### AND

The assailant is present in your...

#### AND

The assailant does not have the legal right to be in your...

#### AND

You are not engaging in an unlawful activity or furthering an unlawful activity through the use of your...



#### THEN



Your use of deadly physical force is justified under Arizona law.

### WHAT'S A RESIDENTIAL STRUCTURE?

**Residential structure:** Residential structure means any structure, movable or immovable, permanent or temporary, that is adapted for both human residence and lodging, whether occupied or not. Ariz. Rev. Stat. § 13-1501.

### WHAT'S AN OCCUPIED STRUCTURE?

**Occupied structure:** Occupied structure means any building, object, vehicle, watercraft, aircraft, or place with sides and a floor that is separately securable from any other structure attached to it, that is used for lodging, business, transportation, recreation, or storage and in which one or more human beings either are or are likely to be present or so near as to be in equivalent danger at the time the discharge of a firearm occurs. Occupied structure includes any dwelling house, whether occupied, unoccupied, or vacant. Ariz. Rev. Stat. § 13-3101(6).

### WHAT'S A VEHICLE?

**Vehicle:** Vehicle means a conveyance of any kind, whether or not motorized, that is designed to transport persons or property. Ariz. Rev. Stat. § 13-419.



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




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# WHERE AM I LEGALLY ALLOWED TO CARRY?

LOCATION	WITH Permit	WITHOUT Permit
	Handgun	Handgun
 A person's dwelling or business, or real property owned or leased by that person or that person's parent, grandparent or legal guardian.	✓	✓
 Vehicles.*	✓	✓
 Businesses that serve alcohol for consumption on their premises, so long as not otherwise prohibited from carrying by posted signage and the person does not consume alcohol.	✓	✗
 The grounds of any public or nonpublic kindergarten program, common school, or high school, unless authorized in a school approved program.**	✗	✗
 Commercial nuclear and hydroelectric generating stations.	✗	✗
 Military installations.	✗	✗
 Native American Reservations, including gaming facilities, unless otherwise authorized.	✗	✗
 State game preserves.	✗	✗
 Polling places on Election Day.	✗	✗
 State Parks and National Parks, except buildings and facilities, unless a Park Ranger requests the removal of the firearm.	✓	✓
 State or local government establishments (offices, courts, etc.) when notified that carrying is prohibited.	✗	✗
 Correctional facilities including the parking lot of such facilities.	✗	✗
 Public college or university grounds where the governing board has prohibited carrying (excluding a public right-of-way or within a person's means of transportation).	✗	✗
 Private establishments when notified that carrying is prohibited.	✗	✗
 A secured area of an airport.	✗	✗
 U.S. Post Office, V.A. Hospital, or other place not permitted by federal law, including parking lots and sidewalks.	✗	✗
 Public establishments or public events when notified that carrying is prohibited.	✗	✗

\* An individual under 21 years of age may not carry a concealed firearm in a vehicle unless the firearm is carried in a case, holster, scabbard, pack, or luggage or within a storage compartment, map pocket, trunk, or glove compartment within the vehicle. Ariz. Rev. Stat. § 13-3102(B)(3).

\*\* An adult may carry an unloaded firearm in their vehicle on school grounds, provided that the firearm is locked and out of plain view when the vehicle is left unattended. Ariz. Rev. Stat. § 13-3102(I)(1).



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# CIVIL LIABILITY

YOU'RE NOT OUT OF THE WOODS YET

## TWO INDEPENDENT LEGAL SYSTEMS

### CRIMINAL SYSTEM



THE STATE  
vs.  
YOU

Seeking  
to Deprive Freedom



### CIVIL SYSTEM



ANOTHER  
vs.  
YOU

Seeking  
Monetary Compensation



## § THE LAW

Arizona law provides a certain degree of immunity if you have justifiably used deadly physical force in self-defense. The civil liability statute contained in Ariz. Rev. Stat. § 13-413 provides that:

***"No person in this state shall be subject to civil liability for engaging in conduct otherwise justified..."***

## ⊘ WHAT IT'S NOT

It is a common misconception that if you have used justified physical force or deadly physical force, the law will provide complete protection or "immunity" from the civil legal system. It does not. It is NOT an immunity from people suing you.

In addition, if the criminal justice system has not made a determination of your justification for the use of deadly physical force, the issue will have to be decided by a civil trial judge and/or jury. Thus, the necessity for this determination of justification will force you deeper into the civil law system.



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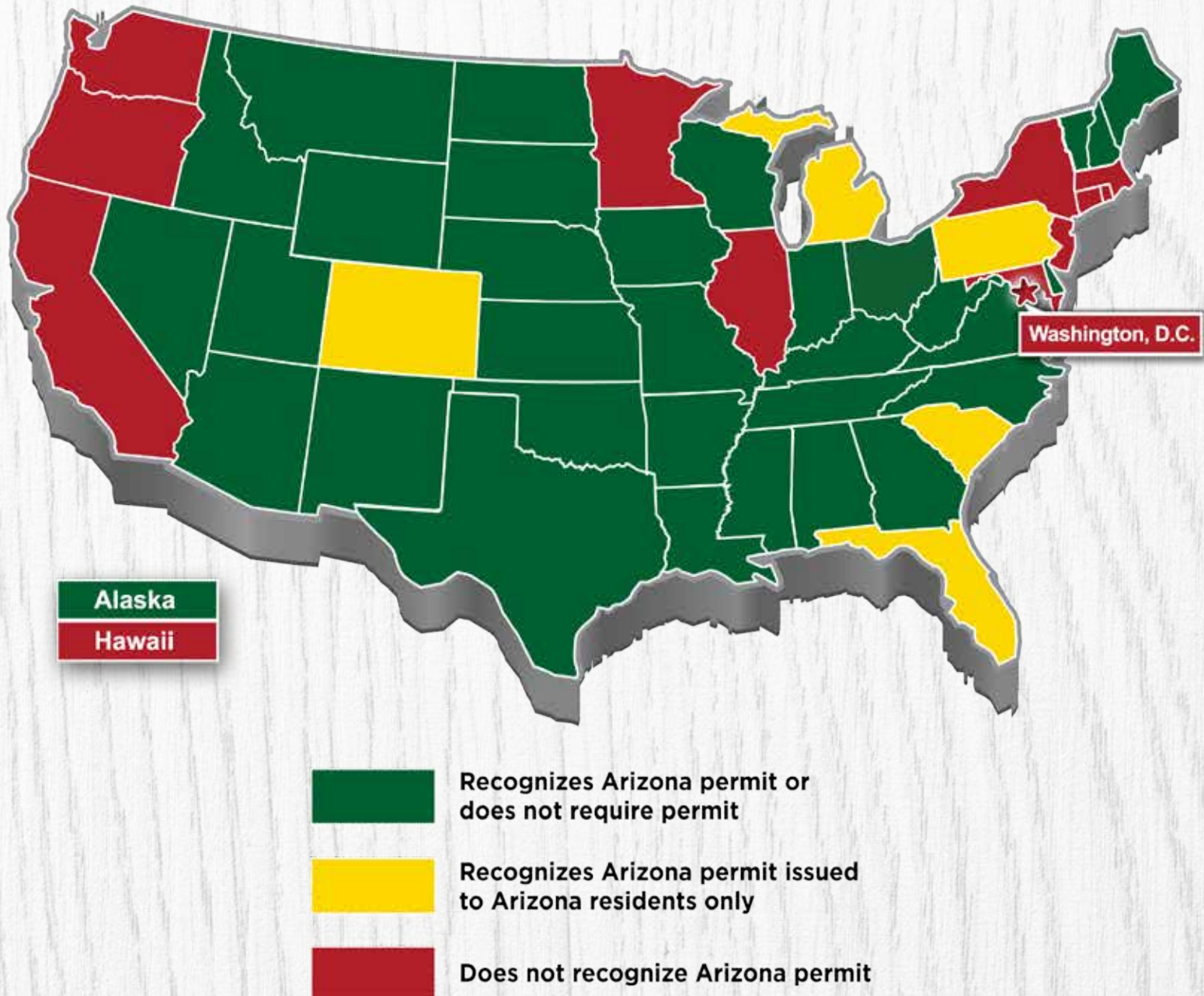
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# ARIZONA RECIPROCITY MAP

## Where Can I Carry a Handgun with my Arizona Concealed Weapons Permit?



Important Note: There may be additional restrictions on carrying a handgun in states that do not require a license or permit (e.g., must be 21 years of age or older, must not otherwise be prohibited from possessing a firearm, etc.). **CHECK THE LAW BEFORE YOU TRAVEL.**



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# TRAVEL AND FIREARMS

IF YOU AREN'T IN ARIZONA



## YOU ARE LEAVING ARIZONA

Arizona and Arizonans are unique in this world. As you might expect, gun laws in Arizona are also unique. Our state's firearms laws, in some manners, are more restrictive than other states by comparison. In other circumstances, Arizona laws may seem less restrictive. If travel plans take you beyond the borders of the Grand Canyon State and you wish to continue exercising your 2nd Amendment rights in one of the other states in the Union, familiarize yourself with that state's laws! When you are in another state, you are subject to that state's laws. There is no standardization of gun laws within the 50 individual states (not to mention Native American Reservations and Lands). Even states that are thought of as "gun friendly" can have peculiar quirks in their firearms laws. For example:

### NEW MEXICO

New Mexico prohibits carrying more than one concealed handgun on your person at a time but allows the open carrying of multiple firearms on your person or in your vehicle.

### NEVADA

Nevada law provides criminal penalties only for violating verbal notice when carrying into private businesses. Posted signs alone are not effective.

### CALIFORNIA

Use extreme caution if traveling to California. California does not recognize any other state's firearms license or permit, has an extensive "assault weapons" ban, and has strict restrictions on "large-capacity" magazines.



## EACH STATE HAS DIFFERENT GUN LAWS

The firearms laws of the various states are usually found on that state's chief law enforcement department, attorney general, or department of justice website. If you are traveling to or through a state that does not honor an Arizona permit, it is imperative that you check the laws of that state concerning legally traveling with a firearm. States that do not recognize an Arizona permit might strictly prohibit possession of firearms, certain magazines, or ammunition. Traveling to these states can be a costly mistake resulting in felony charges and imprisonment. If you are only traveling through one of these states, you may be eligible for protections under 18 U.S.C. § 926A (see below). Take the time to know the law!

"Notwithstanding any other provision of any law or any rule or regulation of a State or any political subdivision thereof, any person who is not otherwise prohibited by this chapter from transporting, shipping, or receiving a firearm shall be entitled to transport a firearm for any lawful purpose from any place where he may lawfully possess and carry such firearm to any other place where he may lawfully possess and carry such firearm if, during such transportation the firearm is unloaded, and neither the firearm nor any ammunition being transported is readily accessible or is directly accessible from the passenger compartment of such transporting vehicle: Provided, That in the case of a vehicle without a compartment separate from the driver's compartment the firearm or ammunition shall be contained in a locked container other than the glove compartment or console." 18 U.S.C. § 926A.



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# PERMITLESS CARRY AND WHY TO OBTAIN A CARRY PERMIT

## WHY SHOULD I STILL GET A PERMIT?

### ARIZONA PERMITLESS CARRY QUALIFICATIONS

“Permitless carry” is a broad term applied to states that do not require a license or permit to carry a handgun. On April 16, 2010, Governor Jan Brewer signed into law Senate Bill 1108\*, making Arizona a permitless carry state. This law allows a qualified Arizona resident to carry all firearms in a public place without any carry permit.

For a person to qualify for permitless carry, the person must:

- ✓ have U.S. citizenship or Arizona residency
- ✓ be 21 years old, or 19 with qualified military service

The following people are specifically disqualified from permitless carry in Arizona:

- ✗ convicted felons, or persons currently under felony indictment
- ✗ unlawful immigrants
- ✗ persons adjudicated mentally incompetent or committed to a mental institution

\*Note: The provisions of Senate Bill 1108 went into effect on July 29, 2010.

### WHY GET A PERMIT?

With the arrival of permitless carry (sometimes referred to as “constitutional carry”) in the State of Arizona, it may seem like handgun carry permits or licenses are no longer needed or worth the investment. However, while permitless carry may appear to be the simplest way to protect yourself and your family, many benefits come along with being a license or permit holder.

#### RECIPROCITY

- For many people, carrying a handgun for self-defense while traveling to other states is vital.
- Many states may honor a valid license or permit to carry, but those same states will not honor another jurisdiction's permitless carry laws.
- There are many states that still require a license or permit to carry a handgun while visiting their state. Even amongst permitless carry states, not every state allows for non-resident permitless carry. This means you may still need a license or permit to carry when in another state.

#### FEDERAL GUN-FREE SCHOOL ZONES PROTECTION

- The Federal Gun-Free School Zones Act generally prohibits carrying a firearm within 1,000 feet of a public, parochial, or private elementary, middle, or high school. There are several exceptions to this law; chief among them is the exception for carrying a firearm within 1,000 feet of a school by a person who holds a handgun permit or license from the state where the school grounds are located.
- This means a person who carries an accessible handgun in their vehicle while picking up or dropping off their child from an Arizona school without an Arizona handgun carry permit violates federal law; whereas someone who holds an Arizona permit does not. See 18 U.S.C. § 922(q).

#### ARIZONA BENEFITS

- Permit holders can bypass the NICS background check when purchasing a new firearm, making the process faster.
- Permit holders are allowed to carry in bars and establishments licensed to sell alcohol (unless signs are posted forbidding guns). Note that you cannot *drink* alcohol in the bar, even with a permit, if you have your weapon.



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# WHAT IS U.S. LAWSHIELD®?

The U.S. LawShield® Legal Defense for Self Defense® Program is dedicated to preserving the Constitutional rights of self-preservation for all persons in Arizona and ensuring legal representation for our members who have to use a firearm or other legal weapon. In addition, a cornerstone of our program is education in self-defense law. An informed citizenry is essential to preserve our country's rich heritage and all of our rights.

## UNDERSTANDING YOUR BOOKLET

This booklet is a guide to when you may or may not use deadly force in the State of Arizona; it demystifies the criminal process, attempts to explain some otherwise murky legal concepts, and most importantly, helps you identify when you may use deadly force to defend yourself, others, or property. Prepared by a team of lawyers and industry experts, this booklet is the result of extensive legal research and real-world experience dealing with the system. It was written by lawyers who work in this area on a daily basis, who have extensive experience with firearms and the law relating to firearms. This wealth of knowledge has been distilled into this booklet, which provides concepts and rules of law in a simple and understandable format.

With that said, this booklet is not a substitute for a lawyer. Many volumes of books have been written on these topics, and one could spend many lifetimes studying these complex issues of law. As such, we have attempted to condense these points into a digestible format that can be read within a reasonable timeframe, but there are complex nuances in the laws that are not all covered. This booklet is not all-encompassing. This booklet is instead an aid; a starting foundation, helping you with the first steps of your journey to understand the legal system and laws pertaining to the use of deadly force.

*Any of the information in this booklet is solely a general legal discussion of the law of Arizona and should not be considered as giving legal advice, nor creating an attorney-client relationship. This booklet is not a substitute for legal advice on any particular situation. Your situation may be different, so contact an attorney regarding your personal circumstances. Only a licensed attorney may give you legal advice.*

*Please call our office for more information at 877-448-6839  
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