

TITLE 13. PUBLIC SAFETY

CHAPTER 9. DEPARTMENT OF PUBLIC SAFETY - CONCEALED WEAPONS PERMITS

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ARTICLE 1. GENERAL PROVISIONS

R13-9-101. Definitions

In this Chapter, unless otherwise specified:

1. "Adequate documentation" has the same meaning as prescribed in A.R.S. § 13-3112(E)(6).
2. "Administrative completeness review time-frame" has the same meaning as prescribed in A.R.S. § 41-1072.
3. "Applicant" means an individual or organization that submits an application form and the required fee to the Department for:
 - a. A Concealed Weapons Permit,
 - b. Renewal of a Concealed Weapons Permit,
 - c. Firearms-safety instructor authorization,
 - d. Renewal of firearms-safety instructor authorization,
 - e. Firearms-safety training organization authorization,
 - f. A certificate of firearms proficiency, or
 - g. Recognition as a firearms-proficiency instructor.
4. "Certificate of firearms proficiency" means a document issued by the Department to an individual who meets the requirements of LEOSA.
5. "Classifiable fingerprints" means fingerprint impressions that meet the criteria of the Federal Bureau of Investigation, as contained in Form FD-258 (Rev. 5-11-99), published by the U.S. Government Printing Office. This form is incorporated by reference and available from the Department and the FBI (Attn: Logistical Support Unit, CJIS Division, 1000 Custer Hollow Road, Clarksburg, WV 26306) or online at www.bookstore.gpo.gov. The material incorporated by reference contains no future editions or amendments.
6. "Completion certificate" means adequate documentation that an individual completed an eight-hour, Department-authorized, firearms-safety training program.
7. "Department" means the Department of Public Safety.
8. "Director" means the Director of the Arizona Department of Public Safety.
9. "Firearm" has the same meaning as prescribed in A.R.S. § 13-3101.
10. "Firearms-safety instructor" means an individual who is authorized under this Chapter to conduct firearms-safety training.

11. “Firearms-safety training program” means a course of instruction in the safe and lawful use of a firearm that is authorized by the Department and meets the requirements of A.R.S. § 13-3112(O).
12. “Honorably retired peace officer” means an individual who separates from a law enforcement agency after at least 10 years of service, receives a medical, disability, or regular retirement pension or annuity as a result of qualifying years of service as a peace officer, and has a letter from the law enforcement agency confirming these facts.
13. “LEOSA” means the federal Law Enforcement Officers Safety Act of 2004.
14. “LEOSA instructor” means an individual who is certified by POST as a firearms instructor and authorized by the Department to provide training to individuals seeking a certificate of firearms proficiency.
15. “Live ammunition” means a cartridge consisting of a case, primer, propellant powder, and a single metallic projectile, no less than 30 grain, and with a velocity more than 500 feet per second when fired. Live ammunition does not include simulated, marking, or rubber projectile ammunition.
16. “NRA” means the National Rifle Association.
17. “Organization” means a person or entity legally established under all applicable federal, state, city, and county law and authorized to conduct business in Arizona that is authorized by the Department to teach a Department-authorized firearms-safety training program to applicants.
18. “Original application” means a form referenced in this Chapter that is not a copy and contains the original signature of an applicant.
19. “Party” has the same meaning as prescribed in A.R.S. § 41-1001.
20. “Peace officer” has the same meaning as prescribed in A.R.S. § 13-105.
21. “Permit” means an identification card issued by the Department that authorizes the named holder to carry concealed weapons subject to the requirements of A.R.S. § 13-3112 and this Chapter.
22. “Permit holder” means an individual who has a Department-issued permit to carry concealed weapons.
23. “POST” means the Arizona Peace Officer Standards and Training Board.
24. “Prohibited possessor” has the same meaning as prescribed in A.R.S. § 13-3101(6) and means any individual to whom it is unlawful to sell or otherwise dispose of a firearm under 18 U.S.C. 922(d) or (g).
25. “Qualified retired officer” means a qualified retired law enforcement officer as defined by 18 U.S.C. 926C(c).
26. “Resident” has the same meaning as prescribed in A.R.S. § 28-2001.
27. “Responsible party” means an individual who is responsible for administration of an authorized firearms-safety training organization and who serves as the contact between the organization and the Department.
28. “Substantive review time-frame” has the same meaning as prescribed in A.R.S. § 41-1072.
29. “Weapon” has the same meaning as deadly weapon as defined in A.R.S. § 13-3101.

Historical Note

Adopted effective January 12, 1996 (Supp. 96-1). Amended by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Amended by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 4658, effective January 31, 2009 (Supp. 08-4).

R13-9-102. Application and Processing Fees

- A. Under the authority provided by A.R.S. § 13-3112, the Department establishes and shall collect the following fees:
 1. New Concealed Weapons Permit – \$43;
 2. Renewal of a Concealed Weapons Permit – \$43;
 3. Certificate of firearms proficiency – \$20;
 4. Replacing a lost, stolen, or damaged permit or certificate – \$10;
 5. Name change on a permit or certificate – \$10.
- B. The Department shall collect a fee in an amount necessary to cover the cost of federal and state fingerprint processing for criminal history record checks from all applicants required under this Chapter to submit fingerprints for a criminal history record check.
- C. An applicant shall submit the required fees by a cashier’s or certified check or money order made payable to the Arizona Department of Public Safety. The Department does not accept credit cards or personal checks. All fees are non-refundable unless A.R.S. § 41-1077 applies.

Historical Note

Adopted effective January 12, 1996 (Supp. 96-1). Section repealed; new Section made by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Amended by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 4658, effective January 31, 2009 (Supp. 08-4).

R13-9-103. Application Forms

- A. The Department shall provide and an applicant shall use an application form for:
 1. An initial Concealed Weapons Permit or renewal of the permit,
 2. A firearms-safety instructor authorization or renewal of the authorization,
 3. Authorization of a firearms-safety training organization,
 4. A certificate of firearms proficiency, or
 5. Authorization as a LEOSA instructor.
- B. Application forms may be obtained from the Concealed Weapons Permit Unit of the Department or online at www.azdps.gov/ccw. Upon request, the Concealed Weapons Permit Unit shall advise an individual or organization of other locations where application forms may be obtained.

Historical Note

Adopted effective January 12, 1996 (Supp. 96-1). Section repealed; new Section made by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Amended by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 4658, effective January 31, 2009 (Supp. 08-4).

R13-9-104. Time-frames for Department Action on Applications

- A. For the purpose of compliance with A.R.S. § 41-1072 et seq., the Department establishes the time-frames listed in Table 1. Under A.R.S. § 41-1073(E)(2), the Department is not establishing a time-frame for issuance of the following licenses because the Department shall grant or deny each license within seven days after receipt of an application:
 1. Authorization of a firearms-safety training organization under R13-9-302,
 2. A certificate of firearms proficiency under R13-9-402, and
 3. Recognition as a LEOSA instructor under R13-9-501.

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- B. An administratively complete application consists of all the information and documents listed in:
 1. R13-9-202 for a Concealed Weapons Permit,
 2. R13-9-204 for renewal of a Concealed Weapons Permit,
 3. R13-9-308 for a firearms-safety instructor authorization, or
 4. R13-9-309 for renewal of a firearms-safety instructor authorization.
- C. The administrative completeness review time-frame listed in Table 1 begins on the date the Department receives an application.
 1. If the application is not administratively complete when received, the Department shall send a notice of deficiency to the applicant. The Department shall include in the deficiency notice a list of the documents and information needed to complete the application.
 2. From the date of the deficiency notice, the applicant shall submit to the Department, within the time for response to a deficiency notice provided in Table 1, the missing documents and information. The time-frame for the Department to finish the administrative completeness review is suspended from the date of the deficiency notice until the date the Department receives the missing documents and information.
 3. The Department and applicant may agree in writing to extend the time in subsection (C)(2) upon written request by the applicant before the end of the time.
 4. If the applicant fails to provide the missing documents and information within the time allowed, the Department shall close the applicant's file. If an individual whose file is closed wants to be considered further for a permit or approval, the individual shall submit a new application under R13-9-202, R13-9-204, R13-9-308, or R13-9-309.
- D. The substantive review time-frame listed in Table 1 begins on the date that the Department determines an application is administratively complete.
 1. During the substantive review time-frame, the Department may make one comprehensive written request for additional information. The Department and applicant may agree in writing to allow the Department to make a supplemental request for additional information.
 2. From the date of the comprehensive request for additional information, the applicant shall submit to the Department, within the time for response to a comprehensive request provided in Table 1, the additional information. The time-frame for the Department to finish the substantive review of the application is suspended from the date of the comprehensive request for additional information until the Department receives the additional information.
- E. When the substantive review is complete, the Department shall inform the applicant in writing of its decision whether to grant or deny a permit or authorization to the applicant.
- F. The Department shall deny a permit, certificate, authorization, or recognition if it determines that the applicant does not meet all criteria required by statute and rule.
 1. The Department shall include in its notice of denial the information required under A.R.S. § 41-1092.03(A).
 2. Under A.R.S. § 13-3112(H), an individual who is denied a Concealed Weapons Permit may submit additional documentation to the Department within 20 days of receipt of the notice of denial and the Department shall reconsider its denial.
 3. An applicant who is denied a permit, certificate, authorization, or recognition may appeal the Department's decision under A.R.S. Title 41, Chapter 6, Article 10.
- G. The Department shall grant a permit, certificate, authorization, or recognition if it determines that the applicant meets all criteria required by statute and rule.

Historical Note

Adopted effective January 12, 1996 (Supp. 96-1). Section repealed; new Section made by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Amended by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 4658, effective January 31, 2009 (Supp. 08-4).

Table 1. Time-frames for Department Action on Applications (in days)

Application Type	Administrative Review Time-frame	Time for Response to Deficiency Notice	Substantive Review Time-frame	Time for Response to Comprehensive Request	Over-all Time-frame
Concealed Weapons Permit R13-9-202	14	40	46	20	60
Renewal of Concealed Weapons Permit R13-9-204	14	40	46	20	60
Authorization of Firearms-safety Instructor R13-9-308	14	40	46	20	60
Renewal of Authorization of Firearms-safety Instructor R13-9-309	14	40	46	20	60

Historical Note

Table 1 made by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 4658, effective January 31, 2009 (Supp. 08-4).

R13-9-105. Repealed**Historical Note**

Adopted effective January 12, 1996 (Supp. 96-1). Section repealed by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4).

R13-9-106. Repealed**Historical Note**

Adopted effective January 12, 1996 (Supp. 96-1). Section repealed by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4).

R13-9-107. Repealed**Historical Note**

Adopted effective January 12, 1996 (Supp. 96-1). Section repealed by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4).

R13-9-108. Repealed**Historical Note**

Adopted effective January 12, 1996 (Supp. 96-1). Section repealed by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4).

R13-9-109. Repealed**Historical Note**

Adopted effective January 12, 1996 (Supp. 96-1). Section repealed by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4).

R13-9-110. Repealed**Historical Note**

Adopted effective January 12, 1996 (Supp. 96-1). Section repealed by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4).

R13-9-111. Repealed**Historical Note**

Adopted effective January 12, 1996 (Supp. 96-1). Section repealed by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4).

R13-9-112. Repealed**Historical Note**

Adopted effective January 12, 1996 (Supp. 96-1). Section repealed by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4).

R13-9-113. Repealed**Historical Note**

Adopted effective January 12, 1996 (Supp. 96-1). Section repealed by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4).

**ARTICLE 2. CONCEALED WEAPONS PERMIT:
APPLICATION; RENEWAL; RESPONSIBILITIES**

R13-9-201. Concealed Weapons Permit Eligibility

- A.** Except as provided in subsection (B), an applicant for a Concealed Weapons Permit shall meet all requirements under A.R.S. § 13-3112(E), and not currently be a prohibited possessor under state or federal law.
- B.** An applicant is exempt from the training requirement in A.R.S. § 13-3112(E)(6) if the applicant:

1. Is an active federally credentialed law enforcement officer;
2. Is an active POST-certified peace officer;
3. Is an active county detention officer and weapons certified by the officer's employing agency; or
4. Is an honorably retired federal, state, or local peace officer with at least 10 years of active service.

Historical Note

New Section made by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Amended by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 4658, effective January 31, 2009 (Supp. 08-4).

R13-9-202. Application for a Concealed Weapons Permit

To obtain a Concealed Weapons Permit, an applicant who is eligible under R13-9-201 shall:

1. Submit to the Department an original application, using a form available from the Department, that includes the following information:
 - a. Full legal name;
 - b. County of residence and residential address, including zip code, or descriptive location of residence if an address is not assigned;
 - c. Mailing address if different from residential address;
 - d. Social Security number (optional);
 - e. Contact telephone numbers;
 - f. Descriptive information about the applicant including race, gender, height, weight, eye and hair colors, and date and place of birth;
 - g. A statement of whether the applicant:
 - i. Is a citizen of the United States;
 - ii. Was born outside of the United States or one of its territories;
 - iii. Has satisfactorily completed the firearms-safety training program;
 - iv. Is currently under indictment for a felony offense;
 - v. Has ever been convicted of a felony offense, and if so, whether the conviction was expunged, set aside, or vacated, or whether the applicant's civil rights were restored;
 - vi. Is currently under indictment for a misdemeanor domestic violence offense;
 - vii. Has ever been convicted for a misdemeanor domestic violence offense and if so, whether the conviction was expunged, set aside, or vacated;
 - viii. Has been discharged from the United States Armed Forces under dishonorable conditions;
 - ix. Suffers from a mental illness and has ever been adjudicated mentally incompetent or committed to a mental institution by court order; and
 - x. Is an active-duty POST-certified Arizona peace officer, federally credentialed peace officer, weapons-certified county detention officer, or honorably retired federal, state, or local peace officer with at least 10 years of service; and
 - h. The applicant's dated signature attesting that the information provided in the application is true to the best of the applicant's knowledge.
2. In addition to the application form required under subsection (1), an applicant shall:
 - a. Submit adequate documentation obtained within the last 60 months; or

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- b. If exempt from the training requirement under A.R.S. § 13-3112(E)(6), submit a letter on official letterhead of the agency employing or from which the applicant is honorably retired that:
 - i. States that the applicant's duties are or were primarily the investigation and apprehension of individuals suspected of violating criminal laws; and
 - ii. Includes the applicant's name, job title or position, dates of employment, current employment status, and the name and telephone number of an individual who can verify the information provided;
 - c. Submit a copy of one of the following if born outside the United States or one of its territories or if not a citizen of the United States:
 - i. Certificate of naturalization,
 - ii. Both the front and back of a permanent resident alien card, USCIS Form I-94, or other federally issued document authorizing the applicant to be in the United States,
 - iii. Record of birth abroad to an American citizen,
 - iv. Record of birth to Armed Service personnel, or
 - v. Passport issued by the United States;
 - d. Submit two full sets of classifiable fingerprints; and
 - e. Submit the fees required under R13-9-102(A) and (B).
 - 1. Submit to the Department the application required under R13-9-202(1);
 - 2. Submit the fee required under R13-9-102(A);
 - 3. If not a citizen of the United States, submit a copy of the front and back of the federally issued document that authorizes the permit holder to be in the United States; and
- C.** If a former permit holder fails to comply with subsection (B), the former permit holder may obtain a new Concealed Weapons Permit only by complying with all provisions of R13-9-202.
- D.** If a permit holder is a member of the United States armed forces, Arizona national guard, or reserves of any military establishment of the United States and is on federal active duty and deployed overseas at the time the permit holder's Concealed Weapons Permit expires, the permit holder may renew the permit by complying with subsection (B) within 90 days after the end of the overseas deployment. To renew a permit under this subsection, the permit holder shall include evidence of the deployment with the renewal application.

Historical Note

New Section made by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Amended by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 4658, effective January 31, 2009 (Supp. 08-4).

R13-9-205. Permit Holder Responsibilities

- A.** Upon request of any peace officer, a permit holder who is in actual possession of a concealed weapon shall present the permit to the peace officer for inspection. If the permit does not include a photograph of the permit holder, the permit holder shall also present one of the following types of official photographic identification:
- 1. Driver license issued by any state,
 - 2. Military identification card,
 - 3. Identification license issued under A.R.S. § 28-3165, or
 - 4. Passport.
- B.** A permit holder shall not deface, alter, mutilate, reproduce, lend, transfer, or sell a permit.
- C.** To ensure timely communication from the Department, a permit holder shall provide notice to the Department within 10 days after a change of address.
- D.** A permit holder shall inform the Department by telephone within 72 hours if the permit holder is arrested or indicted for an offense that would make the permit holder unqualified under A.R.S. § 13-3112 or if the permit holder becomes a prohibited possessor.

Historical Note

New Section made by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Amended by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1).

R13-9-206. Lost, Stolen, or Damaged Concealed Weapons Permit

- A.** A permit holder whose Concealed Weapons Permit is lost, stolen, or damaged shall notify the Department in writing within 10 days of determining that the permit is lost, stolen, or damaged. When advised of a lost, stolen, or damaged permit, the Department shall invalidate the permit. The permit holder shall not carry a concealed weapon until the Department issues a replacement permit.
- B.** The Department shall issue a replacement permit to a permit holder who:
- 1. Submits a written request;

Historical Note

New Section made by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Amended by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 4658, effective January 31, 2009 (Supp. 08-4).

R13-9-203. Issuance of a Concealed Weapons Permit

- A.** If an applicant meets the requirements of A.R.S. § 13-3112 and this Chapter and is not currently a prohibited possessor under state or federal law, the Department shall issue to the applicant a Concealed Weapons Permit containing:
- 1. The permit holder's legal name, as shown on the application;
 - 2. The permit holder's date of birth;
 - 3. The permit holder's physical description, including race, gender, height, weight, and hair and eye colors;
 - 4. A permit number;
 - 5. The dates of issuance and expiration; and
 - 6. The title of the permit, "State of Arizona Concealed Weapons Permit."
- B.** The Department shall mail the permit to the residential or mailing address shown on the application.

Historical Note

New Section made by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Amended by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 4658, effective January 31, 2009 (Supp. 08-4).

R13-9-204. Renewal of Concealed Weapons Permit

- A.** A Concealed Weapons Permit expires five years after it is issued. If a Concealed Weapons Permit expires, the former permit holder shall not unlawfully carry a concealed weapon until the former permit holder applies for and is issued a new Concealed Weapons Permit.
- B.** To renew a Concealed Weapons Permit, the permit holder shall, no more than 90 days before or 60 days after the date of expiration:

2. Submits the fee specified in R13-9-102; and
 3. Returns the permit if it is damaged.
- C. The Department shall ensure that the replacement permit has the same expiration date as the lost, stolen, or damaged permit.

Historical Note

New Section made by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Amended by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 4658, effective January 31, 2009 (Supp. 08-4).

R13-9-207. Repealed**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Section repealed by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1).

R13-9-208. Change in Name of Permit Holder

- A. A permit holder whose name is legally changed shall provide written notice to the Department and request a revised Concealed Weapons Permit within 10 days of the name change. The permit holder shall ensure that the written request for a revised Concealed Weapons Permit:
1. Contains both the previous and new names,
 2. Is accompanied by a copy of the court document or marriage certificate authorizing the name change, and
 3. Includes the fee specified in R13-9-102.
- B. Within 15 working days after receipt of a request for a revised permit, the Department shall mail the revised permit to the permit holder.
- C. The Department shall ensure that a revised permit has the same expiration date as the previous permit.
- D. Upon receipt of a revised permit, the permit holder shall return the previous permit to the Department.

Historical Note

New Section made by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Amended by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 4658, effective January 31, 2009 (Supp. 08-4).

**ARTICLE 3. FIREARMS-SAFETY TRAINING:
ORGANIZATIONS AND INSTRUCTORS****R13-9-301. Repealed****Historical Note**

New Section made by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Section repealed by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1).

R13-9-302. Application for Authorization of a Firearms-safety Training Organization

- A. To obtain authorization as a firearms-safety training organization, the responsible party of the firearms-safety organization shall submit to the Department an original application, using a form available from the Department, that provides the following information:
1. The business name of the organization;
 2. The business and mailing addresses of the organization, including the county in which the organization is located; and
 3. The name and telephone number of the responsible party.
- B. In addition to the original application required under subsection (A), the responsible party shall provide documentation

that the firearms-safety training organization is legally established under all applicable federal, state, city, and county law and authorized to do business in Arizona.

- C. The responsible party shall sign the application and attest that to the best of the responsible party's knowledge, the information provided is true.
- D. The authorization of a firearms-safety training organization expires if the organization's Department-assigned number is not on adequate documentation submitted under R13-9-202(2)(a) for three consecutive years. If the authorization of a firearms-safety training organization expires under this subsection, the organization may apply under this Section to be authorized again.

Historical Note

New Section made by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Amended by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 4658, effective January 31, 2009 (Supp. 08-4).

R13-9-303. Repealed**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Section repealed by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1).

R13-9-304. Repealed**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Section repealed by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1).

R13-9-305. Expired**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Amended by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 4658, effective January 31, 2009 (Supp. 08-4). Section expired under A.R.S. § 41-1056(J) at 21 A.A.R. 795, effective March 27, 2015 (Supp. 15-2).

R13-9-306. Repealed**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Section repealed by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1).

R13-9-307. Expired**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Amended by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 4658, effective January 31, 2009 (Supp. 08-4). Section expired under A.R.S. § 41-1056(J) at 21 A.A.R. 795, effective March 27, 2015 (Supp. 15-2).

R13-9-308. Expired**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Amended

by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 4658, effective January 31, 2009 (Supp. 08-4). Section expired under A.R.S. § 41-1056(J) at 21 A.A.R. 795, effective March 27, 2015 (Supp. 15-2).

R13-9-309. Expired

Historical Note

New Section made by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Amended by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 4658, effective January 31, 2009 (Supp. 08-4). Section expired under A.R.S. § 41-1056(J) at 21 A.A.R. 795, effective March 27, 2015 (Supp. 15-2).

R13-9-310. Expired

Historical Note

New Section made by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 4658, effective January 31, 2009 (Supp. 08-4). Section expired under A.R.S. § 41-1056(J) at 21 A.A.R. 795, effective March 27, 2015 (Supp. 15-2).

ARTICLE 4. CERTIFICATE OF FIREARMS PROFICIENCY

R13-9-401. Certificate of Firearms Proficiency Eligibility

To be eligible to receive a LEOSA-authorized certificate of firearms proficiency from the Department, an individual shall:

1. Be a resident of Arizona; and
2. Be a qualified retired law enforcement officer. An individual is a qualified retired law enforcement officer if the individual:
 - a. Is retired in good standing from service with a public agency as a law enforcement officer for a reason other than mental instability;
 - b. While in service as a law enforcement officer, was authorized by law to engage in or supervise the prevention, detection, investigation, prosecution, or incarceration of a person for any violation of law, and had statutory powers of arrest;
 - c. Was regularly employed as a law enforcement officer for a total of 15 years or more or, if employed as a law enforcement officer for fewer than 15 years, retired after any applicable probationary period of service due to a service-connected disability, as determined by the agency;
 - d. Has a non-forfeitable right to benefits under the retirement plan of the agency;
 - e. Meets the training and qualification standards of an active-duty law enforcement officer in Arizona;
 - f. Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
 - g. Is not prohibited by federal law from possessing a firearm.

Historical Note

New Section made by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Former R13-9-401 renumbered to R13-9-601; new R13-9-401 made by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1).

R13-9-402. Application for a Certificate of Firearms Proficiency

To obtain a certificate of firearms proficiency, an applicant who is eligible under R13-9-401 shall submit:

1. An original application, using a form available from the Department, which provides the following information about the applicant:
 - a. Full legal name;
 - b. Residential address or descriptive location of residence if an address is not assigned;
 - c. Mailing address if different from the residential address;
 - d. Social Security number (optional);
 - e. Telephone number;
 - f. E-mail address;
 - g. Descriptive information including race, gender, height and weight, eye and hair colors, and date and place of birth;
 - h. Name and address of the law enforcement agency from which the applicant is retired; and
 - i. The applicant's dated signature affirming that the information provided is true and accurate;
2. Documentation that the applicant met the requirement under R13-9-401(2)(e) within the last 12 months;
3. A copy of photographic identification from a law enforcement agency indicating that the applicant is retired from the agency;
4. A letter from the law enforcement agency from which the applicant is retired that:
 - a. Is on agency letterhead,
 - b. Includes the applicant's name, rank, employee or badge number, dates of employment, and retired status; and
 - c. Provides the name and telephone number of an individual within the agency who can verify the information provided; and
5. The fee required under R13-9-102.

Historical Note

New Section made by final rulemaking at 10 A.A.R. 4752, effective January 1, 2005 (Supp. 04-4). Former R13-9-402 renumbered to R13-9-603; new R13-9-402 made by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 4658, effective January 31, 2009 (Supp. 08-4).

R13-9-403. Issuance of a Certificate of Firearms Proficiency

The Department shall issue a certificate of firearms proficiency to an individual who is eligible under R13-9-401 and submits the information and documents required under R13-9-402. The Department shall ensure that the certificate of firearms proficiency contains:

1. The following information about the certificate holder:
 - a. Legal name as shown on the application submitted under R13-9-402;
 - b. Birth date;
 - c. Physical description including race, gender, height and weight, and eye and hair colors; and
 - d. Name of the law enforcement agency from which retired;
2. The statement, "Retired Law Enforcement Officer," following the certificate holder's name;
3. A certificate number;
4. The date of qualification;
5. The title "Retired Law Enforcement Officer's Certificate of Firearms Proficiency"; and
6. A brief statement on the reverse side identifying the certificate and its purpose.

Historical Note

New Section made by final rulemaking at 13 A.A.R. 550,

effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 4658, effective January 31, 2009 (Supp. 08-4).

R13-9-404. Renewal of a Certificate of Firearms Proficiency

- A. A certificate of firearms proficiency expires one year after the date of qualification.
- B. To renew a certificate of firearms proficiency before it expires, the certificate holder shall comply with the requirements in R13-9-402(1), (2), and (5).
- C. If a certificate of firearms proficiency expires, the former certificate holder may obtain a new certificate only by complying with all of the requirements in R13-9-402.

Historical Note

New Section made by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 4658, effective January 31, 2009 (Supp. 08-4).

R13-9-405. Certificate Holder Responsibilities

- A. A certificate holder who is in actual possession of a concealed weapon shall also be in possession of:
 - 1. Photographic identification issued by a law enforcement agency indicating that the certificate holder is a retired law enforcement officer; and
 - 2. The certificate of firearms proficiency issued under R13-9-403.
- B. On request by any peace officer, a certificate holder who is in actual possession of a concealed weapon shall present the documents listed in subsection (A).

Historical Note

New Section made by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1).

ARTICLE 5. LEOSA-RECOGNIZED INSTRUCTORS

R13-9-501. Application for Recognition as a LEOSA Instructor

- A. To be recognized as a LEOSA instructor, an individual shall:
 - 1. Be certified as a firearms instructor by POST; and
 - 2. Submit an application, available from the Department, which provides the following information about the applicant:
 - a. Name,
 - b. Mailing address,
 - c. Telephone number,
 - d. E-mail address,
 - e. Social Security number (optional), and
 - f. Name of the law enforcement agency with which the applicant is or was employed.
- B. After receiving the application required under subsection (A)(2) and confirming that the applicant is certified by POST as a firearms instructor, the Department shall recognize the applicant as a LEOSA instructor and assign a LEOSA-instructor number.

Historical Note

New Section made by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 4658, effective January 31, 2009 (Supp. 08-4).

R13-9-502. LEOSA Instructor Responsibilities

An individual recognized by the Department as a LEOSA instructor shall:

- 1. Comply with all POST firearms-certification rules and requirements when performing firearms-qualification services for a retired law enforcement officer;
- 2. Complete the documentation required under R13-9-402(2) for a retired law enforcement officer who successfully completes the firearms-qualification requirement;
- 3. Maintain for five years the following information about a retired law enforcement officer to whom firearms-qualification services are provided:
 - a. Name and age of the retired law enforcement officer at the time firearms-qualification services are provided;
 - b. Date and number of hours that the retired law enforcement officer received firearms-qualification services;
 - c. Physical location at which firearms-qualification services were provided;
 - d. Name of LEOSA instructor and LEOSA-instructor number; and
 - e. Whether the retired law enforcement officer passed, failed, or withdrew from the firearms qualification; and
- 4. Provide notice to the Department within 10 days:
 - a. Of a change in mailing address or telephone number;
 - b. Of a change in the information regarding the LEOSA instructor posted on the Department's web site;
 - c. If the individual no longer wants to be recognized as a LEOSA instructor; and
 - d. If the individual's POST certification as a firearms instructor is suspended or revoked.

Historical Note

New Section made by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1).

ARTICLE 6. HEARINGS AND DISCIPLINARY PROCEEDINGS

R13-9-601. Suspension and Revocation

- A. If a permit holder is arrested or indicted for an offense that would disqualify the permit holder under A.R.S. § 13-3112 or if the permit holder is a prohibited possessor, the Department shall immediately suspend and seize the permit. The Department shall restore the permit under the conditions specified in A.R.S. § 13-3112(C).
- B. If an authorized firearms-safety instructor becomes a prohibited possessor under state or federal law, the Department shall immediately suspend the authorization of the firearms-safety instructor.
- C. If a permit holder is convicted of an offense that disqualifies the permit holder under A.R.S. § 13-3112, the Department shall revoke the permit. The Department shall restore the permit under the conditions specified in A.R.S. § 13-3112(C).
- D. After providing notice and an opportunity for hearing, the Department shall suspend or revoke a permit or Department authorization if the Department determines that the permit holder or authorized firearms-safety training organization or firearms-safety instructor:
 - 1. Failed to maintain all conditions specified in A.R.S. § 13-3112 and this Chapter; or
 - 2. Provided false, incomplete, or misleading information to the Department.
- E. If the Department revokes a permit or authorization, the affected individual or firearms-safety training organization shall not apply for another permit or authorization for at least two years from the date of revocation.

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- F. If the Department determines that emergency action is required to suspend a permit or Department authorization, the Department shall send a notice of summary suspension by certified mail to the last known address of the individual or firearms-safety training organization. The Department shall ensure that the notice includes all requirements under A.R.S. § 41-1092 et seq.
- G. Upon receipt of a notice of a summary suspension or final administrative decision suspending or revoking a permit or authorization:
1. The permit holder shall not unlawfully carry a concealed weapon and shall return the permit to the Department within five working days;
 2. The firearms-safety instructor shall immediately stop conducting firearms-safety training, and a firearms-safety training organization shall ensure that a suspended or revoked firearms-safety instructor teaching for the organization immediately stops conducting firearms-safety training for applicants for Concealed Weapons Permits; and
 3. The firearms-safety training organization shall immediately stop sponsoring firearms-safety training for applicants for Concealed Weapons Permits.
- H. The Department shall require that a permit be surrendered or seize a permit when required to do so under law.
2. Misconduct by the Department, its staff, or an administrative law judge;
 3. Accident or surprise that could not have been prevented by ordinary prudence;
 4. Newly discovered evidence that could not, with reasonable diligence, have been discovered and produced at the hearing;
 5. Excessive penalty;
 6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing or during the progress of the proceedings; or
 7. The findings of fact or decision is not justified by the evidence or is contrary to law.
- E. The Department may affirm or modify a decision or grant a rehearing or review to all or some of the parties on all or some of the issues for any of the reasons in subsection (D). An order modifying a decision or granting a rehearing or review shall specify with particularity the grounds for the order. If a rehearing or review is granted, the rehearing or review shall cover only the matters specified in the order.
- F. Not later than 15 days after the date of a decision, and after giving the parties notice and an opportunity to be heard, the Department may, on its own initiative, order a rehearing or review of its decision for any reason it might have granted a rehearing or review on motion of a party. The Department may grant a motion for rehearing or review, timely served, for a reason not stated in the motion. An order granting a rehearing or review shall specify the grounds on which the rehearing or review is granted.

Historical Note

Section R13-9-601 renumbered from R13-9-401 and amended by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1). Amended by final rulemaking at 14 A.A.R. 4658, effective January 31, 2009 (Supp. 08-4).

R13-9-602. Hearing Procedures

The Department shall conduct all hearings according to the procedures in A.R.S. Title 41, Chapter 6, Article 10 and the rules issued by the Office of Administrative Hearings.

Historical Note

New Section made by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1).

R13-9-603. Rehearing or Review of Decision

- A. The Department shall provided for a rehearing and review of its decisions under A.R.S. Title 41, Chapter 6, Article 10 and the rules issued by the Office of Administrative Hearings.
- B. Within 30 days after the Department enters a final administrative decision, the affected individual or firearms-safety training organization may, but is not required to, file a motion for rehearing or review of the decision.
- C. A party may amend a motion for rehearing or review at any time before the Department rules on the motion.
- D. The Department may grant a rehearing or review for any of the following reasons materially affecting a party's rights:
1. Irregularity in the proceedings of the Department or any order or abuse of discretion that deprived the moving party of a fair hearing;
- E. If, in a particular decision, the Department makes a specific finding that the immediate effectiveness of the decision is necessary for preservation of the public health, safety, or welfare, the decision may be issued as a final decision without an opportunity for rehearing or review. If an application for judicial review of the decision is made, it shall be made under A.R.S. § 12-901 et seq.
1. Further administrative convenience, expedition, or economy; or
 2. Avoid undue prejudice to any party.

Historical Note

Section R13-9-603 renumbered from R13-9-402. Section repealed; new Section made by final rulemaking at 13 A.A.R. 550, effective April 7, 2007 (Supp. 07-1).