

CHAPTER 13 – MISCELLANEOUS PROVISIONS AND OFFENSES

Sec. 13-76. Possession of firearms by minors; exceptions.

(a) For the purpose of this section:

(1) "Firearm" means any loaded or unloaded pistol, revolver, rifle, shotgun or other weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive or expanding gases, except that it does not include an air rifle, air pistol, bb gun, or a firearm in permanently inoperable condition.

(2) "Minor" means a person who is under the age of eighteen (18) years.

(3) "Written consent" means written approval or permission to possess a firearm, which is on a form prescribed by the Peoria police department, signed by the minor's parent or legal guardian and notarized, and which specifically describes the firearm as follows:

(a) Type;

(b) Manufacturer;

(c) Caliber; and

(d) Serial number.

(b) A form prescribed by any other political subdivision in this state having an ordinance, regulation or provision requiring the same information to be contained on the form as required by this section or a written document containing the same information as required by this section and sworn to before a notary public shall constitute a written consent. Notwithstanding this section, a minor possessing a firearm in the presence of the minor's parent or legal guardian shall be presumed to have the consent of the parent or legal guardian to possess the firearm.

(c) It shall be unlawful for a minor to knowingly possess any firearm, ammunition or toy pistol by which dangerous and explosive substances may be discharged within the City without the written consent of the minor's parent or legal guardian. The original written consent form shall be carried by the minor any time the minor is in possession of a firearm, ammunition or toy pistol by which dangerous and explosive substances may be discharged outside the minor's residence. Notwithstanding the foregoing, written consent is not required by a minor while the minor is in the immediate presence of and under the direct supervision of the minor's parent or legal guardian.

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(d) Any firearm, ammunition or toy pistol by which dangerous and explosive substances may be discharged possessed by a minor in violation of this section shall be subject to forfeiture in the same manner as authorized by Arizona Revised Statutes, Title 13, Chapter 39.

(e) The police department shall not maintain a file or register of executed written consent forms.

(f) Nothing in this section shall be construed to require registration or licensing of firearms in possession of minors.

(g) It is unlawful for any parent or legal guardian of the minor to knowingly allow or permit such minor to have a firearm, ammunition or toy pistol by which dangerous and explosive substances may be discharged, in violation of the provisions of the section.

(h) Any person under the age of eighteen (18) years who is convicted of a violation of this section shall be guilty of a class two misdemeanor and shall be subject to a mandatory fine of fifty dollars (\$50.00). The fine may not be waived or suspended. Each violation of this section shall constitute a separate offense. The court may additionally require such persons to perform community service as a condition of sentence.

(i) Any person over the age of eighteen (18) years who is convicted of a violation of this section shall be guilty of a class two misdemeanor. The court shall impose a mandatory minimum fine for the first offense of one hundred dollars (\$100.00) Together with the surcharge required by this code, which may not be waived or suspended. The court shall impose a mandatory minimum fine for the second or subsequent violation of this section in the amount of two hundred fifty dollars (\$250.00) Together with the surcharge required by this article, which may not be waived or suspended. The court may additionally require such persons to perform community service as a condition of sentence and order restitution to the city for the costs of prosecution and court costs.

State Law Reference. A.R.S. §13-3911. Minors prohibited from carrying or possessing firearms; exceptions, seizure and forfeiture.

(Code 1977, § 5-1-11)

(Ord. No. 92-04, 2/11/92, Repealed)

(Ord. No. 92-46, 12/8/92, Enacted)