

AGENDA MATERIAL

DATE 3/5/24 ITEM NO. RA41

COMMITTEES:
JUDICIARY
EDUCATION
GOVERNMENT
HEALTH AND HUMAN SERVICES



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Arizona State Senate

DISTRICT 17

March 13, 2024

Pima County Board of Supervisors
33 N Stone Ave, Tucson, AZ 85701

Dear Supervisors,

I am very concerned with your recent passage of Ordinance 2024-002, Pima County, Ariz., Code § 9.85, (the "Firearm Reporting Ordinance"), which mandates reporting of lost or stolen firearms and imposes a penalty of \$1,000 for individuals who fail to do so. I request that you immediately repeal this blatantly unconstitutional ordinance.

The Firearm Reporting Ordinance is preempted by longstanding state law.

First, the ordinance conflicts with A.R.S. § 13-3108(A). Under this provision, counties are expressly prohibited from enacting any ordinance "relating to the transportation, possession, carrying, sale, transfer, purchase, acquisition, gift, devise, storage, licensing, registration, discharge or use of firearms." By regulating what individuals must do when they lose possession of a firearm, the Firearm Reporting Ordinance obviously relates to the "possession" or "transfer" of firearms.

Second, the ordinance conflicts with A.R.S. § 3108(D). Under this provision, counties cannot "enact any rule or ordinance that relates to firearms and is more prohibitive than or that has a penalty that is greater than any state law penalty." Because the Firearm Reporting Ordinance imposes a penalty for failing to report lost or stolen firearms when state law does not, it is obviously "more prohibitive" than state law.

Third, the Firearm Reporting Ordinance is field preempted. The Legislature's preemptive intent could not be clearer when it stated that A.R.S. § 3108 was passed to "clarify existing law relating to the state's preemption of firearms regulation" and to "limit the ability of political subdivisions of this state to regulate firearms." 2000 Ariz. Sess. Laws, ch. 376, § 4.

Finally, any conceivable doubt concerning the Firearm Reporting Ordinance is removed by Attorney General Opinion No. I13-1010. This opinion already determined that a Tucson ordinance requiring individuals to report lost and stolen firearms was preempted by A.R.S. § 13-3108. The Firearm Reporting Ordinance is materially indistinguishable from the ordinance already determined to be preempted in this attorney general opinion.

Accordingly, on behalf of the countless law-abiding gunowners in Legislative District 17 who are adversely impacted by your action, I demand that you immediately repeal the Firearm Reporting Ordinance. It is clearly unconstitutional, needlessly invites costly litigation, and infringes upon protections guaranteed under state law.

Sincerely,

A handwritten signature in black ink, appearing to read "Justine Wadsack", with a long horizontal flourish extending to the right.

Senator Justine Wadsack
Arizona Legislative District 17

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RM