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Lawmakers revive plan for entrant firearms ban

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PHOENIX — State lawmakers are trying to resurrect a law designed to keep those in the country illegally from carrying firearms.

The proposal by House Speaker Jim Weiers, R-Phoenix, says all foreigners in this country are forbidden from having guns. But there would be exceptions allowing permanent legal residents and some visitors, such as hunters and target shooters, to be armed.

Shoppers, tourists and other temporary visitors from foreign countries, however, would be prohibited.

That's what lawmakers thought they were enacting four years ago when they adopted a statute that essentially piggy-backed Arizona law onto federal statutes that deal with the rights of non-immigrant foreigners to carry weapons.

But in a unanimous decision last year, the state Court of Appeals pointed out that federal law specifically refers to weapons involved in interstate commerce. What that means, the appellate court said, is people could be convicted of violating state gun laws only if prosecutors could prove the weapon in question was "shipped or transported in interstate commerce."

The Maricopa County Attorney's Office, which prosecuted that case, did not have proof of that. The ruling also undermined the ability to use that 2004 law to prosecute illegal entrants with guns.

That still leaves the federal law.

But legislators approved the state law in 2004 after being told it is up to federal agencies to decide whether to bring charges. A state law lets local police and prosecutors handle these cases.

The new version of the law from Weiers gets around the problems cited by the Court of Appeals by spelling out which foreigners can and cannot possess a weapon.

Unless someone has "immigrant status," meaning a permanent legal resident, the presumption would be that person cannot have a gun.

Weiers, in a prepared statement, said those who entered this country illegally "already show contempt for our laws" and should not be allowed to carry a weapon.

"Granting an illegal immigrant easy access to a firearm is only asking for trouble," he said.

HB 2486 does have exceptions for foreigners who come here to hunt, as long as they have an Arizona hunting permit, and those participating in target shooting contests or certain trade shows.

Exceptions also are provided for certain diplomats, foreign officials who have been granted permission from the U.S. State Department and law enforcement officers from "friendly foreign governments" who enter this country on official law enforcement business.

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