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Ariz. bill allows gun anywhere in vehicle

DPS opposes measure, which would ease law for those who lack a permit

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PHOENIX — Rejecting police concerns, state lawmakers are trying to make it even easier for people to carry concealed weapons in their vehicles.

Legislation awaiting action by the House says anyone can carry a firearm anywhere in a vehicle, visible or otherwise, without getting a special permit.

Right now, having a concealed weapon is restricted to those who have a state permit, which requires completing a state-approved training course as well as fingerprinting and a background check.

Since the concealed-weapons law was approved 14 years ago, lawmakers have modified it to allow a person without a permit to have a loaded weapon in a trunk, glove box or map compartment. House Bill 2389, which has been approved by the House Judiciary Committee, would expand that exemption to cover the entire vehicle.

Rep. John Kavanagh, R-Fountain Hills, said the current law regulating where someone can have a gun is confusing, not only to individuals but even to police.

"You shouldn't have to have a table of yes-no locations taped to your dashboard so you can figure out where you lay the weapon whether it's legal or not," he said.

Kavanagh said the current law can make a criminal out of an otherwise innocent citizen. For example, he said, a person without a permit might put a weapon on a car seat, where it is visible, only to have a jacket fall over it inadvertently. Or a driver could hit the brakes, causing a formerly visible gun to slide under the seat.

The state Department of Public Safety objects to the change.

"We're not really worried about the good, honest citizens out there," DPS Lt. Bob Ticer said. He said he has never heard of a case in which someone was arrested because a jacket or newspaper fell over a weapon on a car seat.

"We're worried about the gang members, the criminals, who put guns underneath the seats, hide them" and make traffic stops more dangerous for police officers, Ticer said.

Rep. Eddie Farnsworth, R-Gilbert, said he would not support anything that puts police officers at risk. But he said Ticer's concerns about easing the laws are misplaced, adding that gang members probably are not obeying the existing law now.

"Is it common practice for criminals to put their guns up on the seat when they're pulled over or an officer comes up to the car?" he asked.

"It's hard to determine what they are going to do," Ticer responded. And he said that while gang members may not respect the law in general, they might decide not to risk getting arrested on a weapons charge.

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Arizona didn't allow private citizens to carry concealed weapons until 1994. Before that, anyone could carry a gun, but it had to be kept out where it could be seen.

But Ticer pointed out that the new legislation says that even a gun under a seat would now be legal — a gun he said someone might decide to use if it looks like an arrest on some other charge is imminent.

"They can get to it readily," he said. "The officer doesn't know it. We worry about that."

Farnsworth remained unconvinced.

"I'm having a hard time believing that a criminal that's actually going to shoot a police officer under any circumstance is going to be worried about whether he has the gun in glove compartment or whether he has it on his person or whether he has it on the seat," he said. "If they're willing to kill a police officer, they're willing to hide the gun under the seat."

Gary Christensen who lobbies for the Arizona Rifle and Pistol Association, said he does not believe changing the law would affect law-enforcement safety. He said police would retain the right to ask occupants of a vehicle if they are armed and, if so, to hand over their weapons during a traffic stop.

If the vote by the House Judiciary Committee is any indication, it may be difficult for foes to stop the bill.

That 6-4 vote came along party lines, with Republicans in favor and Democrats opposed. And Republicans have a majority in both the House and Senate.

But the final word would be up to Gov. Janet Napolitano, a Democrat, who has vetoed some changes in gun laws in prior years after objections from police departments.

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