



ARIZONA DEPARTMENT OF PUBLIC SAFETY

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"Courteous Vigilance"

DOUGLAS A. DUCEY HESTON SILBERT
Governor Director

November 30, 2020

Ms. Nicole Sornsin
The Governor's Regulatory Review Council
100 N 15th Ave, Ste 402
Phoenix, Arizona 85007

Dear Ms. Sornsin:

In accordance with A.R.S. § 41-1027(B), the Department delivers to the Governor's Regulatory Review Council a *Notice of Proposed Expedited Rulemaking* for 13 A.A.C. 9, *Concealed Weapons Permits* Sections 101, 103, 104, 201, 202, 204, 601, 603 and Table 1.

The rulemaking does not increase the cost of regulatory compliance, increase a fee or reduce procedural rights of persons regulated. The rulemaking amends the rules made obsolete by repeal or supersession of the Department's statutory authority under A.R.S. § 31-3112, updates a website address, updates an incorporated by reference fingerprint card effective date for the required background check, removes unnecessary or redundant language and renumbers the rules. Exact text of the rule changes is included in the enclosed *Notice of Proposed Expedited Rulemaking*.

Pursuant to Executive Order 2020-02, the Department received a rulemaking waiver from Ms. Megan Fitzgerald, Public Safety Policy Advisor to the Governor on November 18, 2020.

The Department's contact person is:

Paul Swietek, Police Planner
POB 6638, Mail Drop 1205
Phoenix, AZ 85005-6638
(602) 223-2049
pswietek@azdps.gov

My staff and I are available to answer any questions or provide additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Heston Silbert".

Heston Silbert, Colonel
Director

Enclosure

NOTICE OF PROPOSED EXPEDITED RULEMAKING
TITLE 13. PUBLIC SAFETY
CHAPTER 9. CONCEALED WEAPONS PERMITS

PREAMBLE

- | <u>1. Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
|---|---------------------------------|
| R13-9-101 | Amend |
| R13-9-103 | Amend |
| R13-9-104 | Amend |
| Table 1 | Amend |
| R13-9-201 | Amend |
| R13-9-202 | Amend |
| R13-9-204 | Amend |
| R13-9-601 | Amend |
| R13-9-603 | Amend |
- 2. Citations to the agency’s statutory authority to include the authorizing statute (general) and the implementing statute (specific):**
Authorizing statute: A.R.S. § 41-1713(A)(4)
Implementing statute: A.R.S. §§ 13-3112 and 41-1722
- 3. Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the proposed rule:**
Notice of Rulemaking Docket Opening: In this Issue.
- 4. The agency’s contact person who can answer questions about the rulemaking:**
Name: Paul Swietek, Police Planner
Address: Arizona Department of Public Safety
POB 6638, Mail Drop 1205
Phoenix, AZ 85005-6638
Telephone:(602) 223-2049
E-mail: pswietek@azdps.gov
Website: www.azdps.gov

5. An agency's justification and reason why the rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:

In accordance with Executive Order 2020-02, *Moratorium on Rulemaking to Promote Job Creation and Economic Development; Implementation of Licensing Reform Policies*, the Department of Public Safety received rulemaking approval from Ms. Megan Fitzgerald, Public Safety Policy Advisor to the Governor on November 18, 2020 to conduct an expedited rulemaking for the purpose of revising 13 A.A.C. 9, *Concealed Weapons Permits*, Sections R13-9-101, 103, 104, 201, 202, 204, 601, 603 and Table 1. The justification is to: (1)(f) comply with a state statutory requirement and (1)(j) eliminate rules which are antiquated, redundant or otherwise no longer necessary for the operation of state government.

The Department intends to conduct an expedited rulemaking under A.R.S. § 41-1027(A)(1), (3), (4) and (6) to amend or repeal rules made obsolete by repeal or supersession of an agency's statutory authority, update a website address, clarifies language of a rule without changing its effect, updates an incorporated by reference federal document and amends rules that are outdated and no longer necessary for the operation of state government. This rulemaking does not increase the cost of regulatory compliance, increase a fee or reduce procedural rights of persons regulated.

Since the rules were last amended in 2008, the Legislature has amended A.R.S. § 13-3112 five times (See Laws 2010, Chapter 59; Laws 2011, Chapter 85; Laws 2014, Chapter 12; Laws 2015, Chapter 52; and Laws 2018, Chapter 206). All of 13 A.A.C. 9, Article 3 was repealed in 2015. Key legislative changes include no longer requiring a permit applicant to complete a firearms-safety training program authorized by the Department, eliminating the Department's authority to authorize organizations to provide firearms-safety training and eliminating the Department's authority to conduct background checks of firearms-safety instructors.

R13-9-101, Definitions

Definition 3: remove the references to organizations under (c), (d) and (e) as they are no longer statutorily regulated.

Definition 5: update the revision date of the incorporated by reference Federal Bureau of Investigation fingerprint card.

Definitions 10 and 11: remove the reference to the firearms safety instructor as they are no longer statutorily regulated.

Definition 15: remove the reference to live ammunition as the training course is no longer statutorily regulated.

Definition 16: remove the reference to the National Rifle Association as it is not used in the rules.

Definition 17: remove the reference to organizations as they are no longer statutorily

regulated.

Definition 24: update the incorrect statutory citations.

Definition 27: remove the reference to responsible party in relation to organizations as they are no longer statutorily regulated.

Renumber the definitions accordingly.

R13-9-103

The rule requires amendment to remove references to instructors and organizations as they are no longer regulated. The Department's website address requires updating.

R13-9-104

The rule requires amendment to remove reference to organizations as they are no longer statutorily regulated.

Table 1

The rule requires amendment to remove references to organizations and firearm safety instructors as they are no longer statutorily regulated.

R13-9-201

The rule requires amendment to update the statutory citation.

R13-9-202

The rule requires amendment to remove all references under (1)(g)(x) to peace officers and detention officers as they are no longer statutorily regulated. A.R.S. 31-3112(N)(4) now covers this issue.

The rule requires amendment under (2)(a) to remove the 60 month requirement and replace it with the updated statutory reference of A.R.S. § 13-3112(E)(6)(a-d) or (N)(1-8). The statute changed from 60 months to "Has ever demonstrated..."

The rule requires amendment to remove (2)(b) regarding honorably retired peace officers as it is now covered under the new statutory reference A.R.S. § 31-3112(N)(4).

R13-9-204

The rule requires amendment to reference A.R.S. § 13-3112(E) which states the conditions under which the Department may issue a permit.

R13-9-601

The rule requires amendments to remove Paragraph (B) and under Paragraphs (D), (E), (F) and (G)(2-3) to remove the reference to the occupation/organization as they are no longer statutorily regulated.

R13-9-603

The rule requires amendment to remove the reference to the organization as they are no longer statutorily regulated.

- 6. A reference to any study relevant to the rule that the agency reviewed and proposes to either rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

The Department did not review any studies.

- 7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**

The rulemaking does not diminish a previous grant of authority of a political subdivision of this state.

- 8. The preliminary summary of the economic, small business, and consumer impact:**

Under A.R.S. § 41-1027, the expedited rulemaking is exempt from this requirement.

- 9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:**

See Item #8.

- 10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

A public meeting will be scheduled pursuant to the sequence of actions steps required in A.R.S. § 41-1027. Section B first requires delivery to the Governor, Senate, House of Representatives, Arizona Rules Oversight Committee and Governor's Regulatory Review Council. Upon satisfying Section B, the Department will schedule a public meeting in accordance with Section C. The meeting is expected to be virtual/online.

- 11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:**

- a. Whether the rule requires a permit, whether a general permit is used, and if not, the reason why a general permit is not used:**

Pursuant to A.R.S. § 13-3112, permits are issued to individuals to validate firearms

competency and proficiency and to conduct criminal history background checks. Pursuant to A.R.S. § 13-3112(T), a permit is issued individually according to Arizona Peace Officer Standards and Training Board qualifications for the purposes of implementing the Law Enforcement Officers Safety Act of 2004 (P.L.108-277; 118 Stat. 865; 18 United States Code Section 926B and 926(C)).

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law, and if so, citation to the statutory authority to exceed the requirements of federal law:

The rules are not more stringent than federal law. Law Enforcement Officers Safety Act of 2004 (P.L.108-277; 118 Stat. 865; 18 United States Code Section 926B and 926(C)).

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No person submitted an analysis to the Department comparing the rule's business competitiveness impact.

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

R13-9-101(5) amending the date of Federal Bureau of Investigation fingerprint card Form FD-258.

13. The full text of the rules follows:

TITLE 13. PUBLIC SAFETY
CHAPTER 9. DEPARTMENT OF PUBLIC SAFETY – CONCEALED WEAPONS
PERMITS
ARTICLE 1. GENERAL PROVISIONS
ARTICLE 2. CONCEALED WEAPONS PERMIT: APPLICATION; RENWAL;
RESPONSIBILITIES
ARTICLE 6. HEARINGS AND DISCIPLINARY PROCEEDINGS

Section

R13-9-101	Definitions
R13-9-103	Application Forms
R13-9-104	Time-frames for Department Action on Applications
Table 1	Time-frames for Department Action on Applications (in days)
R13-9-201	Concealed Weapons Permit Eligibility
R13-9-202	Application for a Concealed Weapons Permit
R13-9-204	Renewal of Concealed Weapons Permit
R13-9-601	Suspension and Revocation
R13-9-603	Rehearing or Review of Decision

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~~) (Rev. 5-15-17), 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).~~
- 12.10. "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.
- 13.11. "LEOSA" means the federal Law Enforcement Officers Safety Act of 2004.
- 14.12. "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.~~13. “Original application” means a form referenced in this Chapter that is not a copy and contains the original signature of an applicant.

~~19.~~14. “Party” has the same meaning as prescribed in A.R.S. § 41-1001.

~~20.~~15. “Peace officer” has the same meaning as prescribed in A.R.S. § 13-105.

~~21.~~16. “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.~~17. “Permit holder” means an individual who has a Department-issued permit to carry concealed weapons.

~~23.~~18. “POST” means the Arizona Peace Officer Standards and Training Board.

~~24.~~19. “Prohibited possessor” has the same meaning as prescribed in ~~A.R.S. § 13-3101(6)~~ A.R.S. § 13-3101(7) 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.~~20. “Qualified retired officer” means a qualified retired law enforcement officer as defined by 18 U.S.C. 926C(c).

~~26.~~21. “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.~~22. “Substantive review time-frame” has the same meaning as prescribed in A.R.S. § 41-1072.

~~29.~~23. “Weapon” has the same meaning as deadly weapon as defined in A.R.S. § 13-3101.

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.~~2. A certificate of firearms proficiency, or
- ~~5.~~3. 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/cew~~ www.azdps.gov/services/public/cwp. Upon request, the Concealed Weapons Permit Unit shall advise an individual or organization of other locations where application forms may be obtained.

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,~~

~~2.1.~~ A certificate of firearms proficiency under R13-9-402, and

~~3.2.~~ Recognition as a LEOSA instructor under R13-9-501.

B. An administratively complete application consists of all the information and documents listed in:

1. R13-9-202 for a Concealed Weapons Permit, or

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 or 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.

3. The Department and applicant may agree in writing to extend the time in subsection (D)(2) upon written request by the applicant before the end of the time.

4. If the applicant fails to provide the additional 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 or R13-9-204, ~~R13-9-308, or R13-9-309.~~

- 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.

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

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

R13-9-201. Concealed Weapons Permit Eligibility

- ~~A. Except as provided in subsection (B), an An applicant for a Concealed Weapons Permit shall meet all requirements under A.R.S. § 13-3112(E) and (N), 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.~~

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~~ under A.R.S. § 31-3112(E)(6)(a-d) or (N)(1-8); or
 - 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;
- ~~e.b.~~ 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;
- ~~e.c.~~ Submit two full sets of classifiable fingerprints; and
- ~~e.d.~~ Submit the fees required under R13-9-102(A) and (B).

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:
 - 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.** The permit holder shall be in compliance with A.R.S. § 31-3112(E).
- ~~C.D.~~** 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.E.~~** 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.

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.~~B. 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.~~C. 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.~~D. 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.
- ~~F.~~E. 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.~~F. Upon receipt of a notice of a summary suspension or final administrative decision suspending or revoking a permit or authorization, the permit holder shall not unlawfully carry a concealed weapon and shall return the permit to the Department within five business days.:
- ~~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.~~G. The Department shall require that a permit be surrendered or seize a permit when required to do so under law.

R13-9-603. Rehearing or Review of Decision

- A. The Department shall ~~provided~~ provide 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;

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.
- G.** When a motion for rehearing or review is based upon affidavits, they shall be served with the motion. An opposing party may serve opposing affidavits within 15 days after service of the motion. This period may be extended by the Department for a maximum of 20 days for good cause as described in subsection (H) or upon written stipulation of the parties. Reply affidavits may be permitted.
- H.** The Department may extend all time limits listed in this Section upon a showing of good cause. A party demonstrates good cause by showing that the grounds for the party's motion or other action could not have been known in time, using reasonable diligence, and a ruling on the motion will:
1. Further administrative convenience, expedition, or economy; or
 2. Avoid undue prejudice to any party.
- I.** 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.