

ORDINANCE NO. 109

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SAN LUIS, ARIZONA SUPPLEMENTING CHAPTER 9, OFFENSES, OF THE CODE OF THE CITY OF SAN LUIS, ARIZONA BY ADDING THERETO SECTION 9-1-6, MINORS PROHIBITED FROM CARRYING OR POSSESSING FIREARMS; EXCEPTIONS; SEIZURE AND FORFEITURE; PENALTIES

Be it ordained by the Mayor and Common Council of the City of San Luis, Arizona as follows:

Section 1: That Chapter 9 of the Code of the City of San Luis, Arizona is supplemented by adding Section 9-1-6, Possession of Firearms by Minors, as follows:

Section 9-1-6. Minors prohibited from carrying or possessing firearms; exceptions; seizure and forfeiture; penalties.

A. Except as provided in subsection B of this section, an unemancipated person who is under eighteen years of age and who is unaccompanied by a parent, grandparent or guardian, or a certified hunter, safety instructor or certified firearms safety instructor acting with the consent of the unemancipated person's parent or guardian shall not knowingly carry or possess on his person, within his immediate control, or in or on a means of transportation a firearm in any place that is open to the public or on any street or highway or on any private property except private property owned or leased by the minor or the minor's parent, grandparent or guardian.

B. This section does not apply to a person who is fourteen, fifteen, sixteen or seventeen years of age and is any of the following:

1. Engaged in lawful hunting or shooting events or marksmanship practice at established ranges or other areas where the discharge of a firearm is not prohibited.

2. Engaged in lawful transportation of an unloaded firearm for the purpose of lawful hunting.

3. Engaged in lawful transportation of an unloaded firearm between the hours of 5:00 a.M. And 10:00 p.M. For the purpose of shooting events or marksmanship practice at established ranges or other areas where the discharge of a firearm is not prohibited.

C. If the minor is not exempt under subsection B of this section and is in possession of a firearm, a peace officer may seize the firearm and hold it until the agency

returns the firearm to the parent or guardian or initiates forfeiture proceedings pursuant to Chapter 39 of this title.

D. A person who violates subsection A of this section is an incorrigible child and shall be subject to the following penalties:

1. For an offense involving an unloaded firearm, a fine of not more than two hundred fifty dollars and the court may order the suspension or revocation of the person's driver's license.

2. For an offense involving a loaded firearm, a fine of not more than five hundred dollars and the court may order the suspension or revocation of the person's driver's license.

E. If the firearm is not returned to the parent or guardian pursuant to subsection C of this section it shall be held by the law enforcement agency responsible for the seizure until the charges have been adjudicated or otherwise disposed of and until the conclusion of any forfeiture proceedings. Upon adjudication of a person for a violation of this section, the court in accordance with Chapter 39 of this title shall order the firearm forfeited and sold, destroyed or disposed of otherwise.

F. If the court finds that the parent or guardian of a minor found responsible for violating this section knew of the minor's unlawful conduct and made no effort to prohibit it, the parent or guardian is jointly and severally responsible for any fine imposed pursuant to this section.

G. This section is supplemental to any other law imposing a criminal penalty for the use or exhibition of a deadly weapon. A minor who violates this section may be prosecuted and convicted for any other criminal conduct involving the use or exhibition of the deadly weapon.

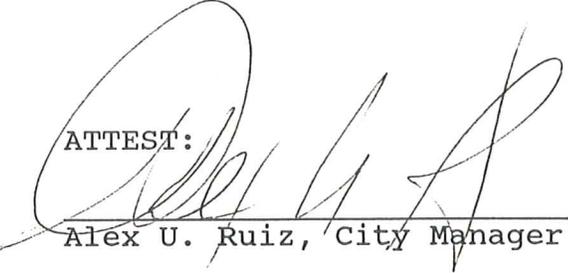
H. This section applies only in counties with populations of more than five hundred thousand persons according to the most recent decennial census. Counties with populations of less than five hundred thousand persons according to the most recent decennial census, or cities or towns within those counties, may adopt an ordinance identical to this section.

Section 2: The intent of this Ordinance is to comply with the State's requirement that a City with less than five hundred thousand persons adopt an ordinance identical to that of the State

and to the extent any section, subsection, sentence, clause, phrase or a portion of this ordinance is for any reason not identical to the State statute, the same is to be altered to comply with the requirement that the same is identical with the State legislation, being Arizona Revised Statute §13-311, et seq.

PASSED AND ADOPTED by the Mayor and Council of the City of San Luis this 26th day of May, 1993.

ATTEST:

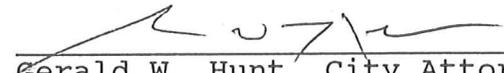


Alex U. Ruiz, City Manager



Marco Antonio Reyes, Mayor

APPROVED AS TO FORM:



Gerald W. Hunt, City Attorney