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ARIZONA ATTORNEY GENERAL

Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert E. Corbin

July 25, 1985

The Honorable John T. Mawhinney  
State Capitol - Senate Wing  
1700 West Washington  
Phoenix, Arizona 85007

The Honorable Wayne Stump  
State Capitol - Senate Wing  
1700 West Washington  
Phoenix, Arizona 85007

Re: I85-095 (R85-084)

Dear Senators Mawhinney and Stump:

Each of you has asked similar questions regarding where and how a gun may be carried in a motor vehicle by a private citizen. Our response will therefore be consolidated into one opinion.

The pertinent statute, A.R.S. § 13-3102, provides in part as follows:

- A. A person commits misconduct involving weapons by knowingly:

\* \* \*

2. Carrying a deadly weapon concealed within immediate control of any person in or on a means of transportation;

\* \* \*

- F. . . . Subsection A, paragraph 2 of this section shall not apply to a weapon or weapons carried in case, holster or scabbard in a means of transportation or a storage compartment, trunk, pack, luggage or glove compartment of a means of transportation.

A.R.S. § 13-3102(A)(2) and (F).

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Words used in a statute will be given their plain and natural meaning to determine what the legislature intended, unless the context or other circumstances suggest a different meaning. State v. Feldstein, 134 Ariz. 129, 130, 654 P.2d 63, 64 (App. 1982); State v. Arthur, 125 Ariz. 153, 155, 608 P.2d 90, 92 (App. 1980).

Based on the plain meaning of the language of A.R.S. § 13-3102(F), it is not a crime to carry a weapon that is in a case, holster or scabbard anywhere inside a vehicle. Likewise, it is lawful to carry a weapon inside a storage compartment, trunk, pack, luggage, or glove compartment of a vehicle, whether the weapon is or is not in a case, holster or scabbard.

The remaining question is whether an unholstered handgun may be carried on the seat of a vehicle where it would be at least partially visible from some point outside the vehicle. Again turning to statutory language, the word "conceal" is defined as "to prevent disclosure or recognition of" or "to place out of sight." Webster's Third New International Dictionary, 1976. Thus, applying the plain and natural meaning of the language used by the legislature, if a gun placed on the seat of a vehicle can be recognized as a gun from outside the vehicle, it would not be concealed in violation of the law.<sup>1</sup>

Sincerely,



BOB CORBIN  
Attorney General

RKC:JGF:sc:tb

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1. Note however, that the majority rule in other jurisdictions with more restrictive gun control laws than Arizona have held that absolute invisibility is not a requirement under their concealed weapons statutes, and a weapon may be unlawfully concealed, depending on the particular circumstances of each case, even though partially visible from outside the vehicle. Ensor v. State, 403 So.2d 349 (Fla. 1981); People v. Barksdale, 14 Ill.App.3d 415, 302 N.E.2d 718 (1973); People v. Jones, 12 Mich.App. 293, 294-95, 162 N.W.2d 847, 848-49 (1968).