

IN THE SENATE

SENATE BILL NO. 1183

BY STATE AFFAIRS COMMITTEE

AN ACT

1
2 RELATING TO FIREARMS; AMENDING SECTION 5-341, IDAHO CODE, TO PROVIDE THAT
3 PROPERTY OWNERS SHALL HAVE IMMUNITY FOR THE CARRYING, POSSESSION OR
4 STORAGE OF FIREARMS IN CERTAIN INSTANCES AND TO DEFINE A TERM; AND
5 AMENDING SECTION 6-904, IDAHO CODE, TO PROVIDE THAT A GOVERNMENTAL EN-
6 TITY AND ITS EMPLOYEES SHALL NOT BE LIABLE FOR CERTAIN CLAIMS REGARDING
7 FIREARMS.

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Section 5-341, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 5-341. IMMUNITY OF ~~EMPLOYERS~~ PROPERTY OWNERS ALLOWING ~~EMPLOYEE~~
12 FIREARM CARRYING, POSSESSION OR STORAGE OF FIREARMS. (1) No action shall
13 lie or be maintained for civil damages in any court of this state against an
14 ~~employer~~ a property owner where the claim arises out of the policy of an ~~em-~~
15 ~~ployer~~ a property owner to either specifically allow or not prohibit the law-
16 ful carrying, possession or storage of firearms by employees in their per-
17 sonal motor vehicles on the employer's business property owner's premises.

18 (2) For purposes of this section, "property owner" means any individ-
19 ual, sole proprietor, partnership, limited partnership, corporation, lim-
20 ited liability company, association and any other lawful entity recognized
21 in this state that owns, leases or otherwise occupies or controls any real
22 property within this state.

23 SECTION 2. That Section 6-904, Idaho Code, be, and the same is hereby
24 amended to read as follows:

25 6-904. EXCEPTIONS TO GOVERNMENTAL LIABILITY. A governmental entity
26 and its employees while acting within the course and scope of their employ-
27 ment and without malice or criminal intent shall not be liable for any claim
28 which:

29 1. Arises out of any act or omission of an employee of the governmental
30 entity exercising ordinary care, in reliance upon or the execution or per-
31 formance of a statutory or regulatory function, whether or not the statute or
32 regulation be valid, or based upon the exercise or performance or the fail-
33 ure to exercise or perform a discretionary function or duty on the part of
34 a governmental entity or employee thereof, whether or not the discretion be
35 abused.

36 2. Arises out of the imposition or establishment of a quarantine by a
37 governmental entity, whether such quarantine relates to persons or prop-
38 erty.

1 3. Arises out of assault, battery, false imprisonment, false arrest,
2 malicious prosecution, abuse of process, libel, slander, misrepresenta-
3 tion, deceit, or interference with contract rights.

4 4. Arises out of the activities of the Idaho national guard when engaged
5 in training or duty under sections 316, 502, 503, 504, 505 or 709, title 32,
6 United States Code.

7 5. Arises out of the activities of the Idaho national guard when engaged
8 in combatant activities during a time of war.

9 6. Arises out of or results from riots, unlawful assemblies, public
10 demonstrations, mob violence or civil disturbances.

11 7. Arises out of a plan or design for construction or improvement to the
12 highways, roads, streets, bridges, or other public property where such plan
13 or design is prepared in substantial conformance with engineering or design
14 standards in effect at the time of preparation of the plan or design or ap-
15 proved in advance of the construction by the legislative body of the gov-
16 ernmental entity or by some other body or administrative agency, exercising
17 discretion by authority to give such approval.

18 8. Arises out of the policy of the governmental entity to allow or to
19 not prohibit lawful carrying, possession or storage of firearms on property
20 owned or controlled by the governmental entity.