

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 222

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO FIREARMS; AMENDING SECTION 18-3302J, IDAHO CODE, TO REVISE
2 PROVISIONS RELATING TO THE AUTHORITY OF THE BOARD OF REGENTS OF THE
3 UNIVERSITY OF IDAHO, THE BOARDS OF TRUSTEES OF THE STATE COLLEGES AND
4 UNIVERSITIES, THE BOARD FOR PROFESSIONAL-TECHNICAL EDUCATION AND THE
5 BOARDS OF TRUSTEES OF CERTAIN COMMUNITY COLLEGES TO REGULATE IN MATTERS
6 RELATING TO FIREARMS, TO PROVIDE A PROVISION RELATING TO A DORMITORY
7 HOUSING COMMISSION AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER
8 21, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-2122A,
9 IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO THE AUTHORITY OF A CERTAIN
10 DORMITORY HOUSING COMMISSION TO REGULATE FIREARMS; AMENDING CHAPTER
11 21, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-2145,
12 IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO THE AUTHORITY OF THE BOARD
13 OF TRUSTEES OF EACH COMMUNITY COLLEGE DISTRICT TO REGULATE FIREARMS;
14 AMENDING CHAPTER 22, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SEC-
15 TION 33-2213, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO THE AUTHOR-
16 ITY OF THE STATE BOARD FOR PROFESSIONAL-TECHNICAL EDUCATION TO REGULATE
17 FIREARMS; AMENDING CHAPTER 28, TITLE 33, IDAHO CODE, BY THE ADDITION OF
18 A NEW SECTION 33-2817, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO THE
19 AUTHORITY OF THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO TO REGULATE
20 FIREARMS; AMENDING CHAPTER 30, TITLE 33, IDAHO CODE, BY THE ADDITION OF
21 A NEW SECTION 33-3013, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO THE
22 AUTHORITY OF THE BOARD OF TRUSTEES OF IDAHO STATE UNIVERSITY TO REGULATE
23 FIREARMS; AMENDING CHAPTER 31, TITLE 33, IDAHO CODE, BY THE ADDITION OF
24 A NEW SECTION 33-3117, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO
25 THE AUTHORITY OF THE BOARD OF TRUSTEES OF LEWIS-CLARK STATE COLLEGE TO
26 REGULATE FIREARMS; AMENDING CHAPTER 40, TITLE 33, IDAHO CODE, BY THE
27 ADDITION OF A NEW SECTION 33-4008, IDAHO CODE, TO PROVIDE PROVISIONS
28 RELATING TO THE AUTHORITY OF THE BOARD OF TRUSTEES OF BOISE STATE UNI-
29 VERSITY TO REGULATE FIREARMS; AND PROVIDING SEVERABILITY.
30

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

32 SECTION 1. That Section 18-3302J, Idaho Code, be, and the same is hereby
33 amended to read as follows:

34 18-3302J. PREEMPTION OF FIREARMS REGULATION. (1) The legislature
35 finds that uniform laws regulating firearms are necessary to protect the
36 individual citizen's right to bear arms guaranteed by amendment 2 of the
37 United States Constitution and section 11, article I of the constitution of
38 the state of Idaho. It is the legislature's intent to wholly occupy the field
39 of firearms regulation within this state.

40 (2) Except as expressly authorized by state statute, no county, city,
41 agency, board or any other political subdivision of this state may adopt
42 or enforce any law, rule, regulation, or ordinance which regulates in any

1 manner the sale, acquisition, transfer, ownership, possession, transporta-
 2 tion, carrying or storage of firearms or any element relating to firearms and
 3 components thereof, including ammunition.

4 (3) A county may adopt ordinances to regulate, restrict or prohibit the
 5 discharge of firearms within its boundaries. Ordinances adopted under this
 6 subsection may not apply to or affect:

7 (a) A person discharging a firearm in the lawful defense of person or
 8 persons or property;

9 (b) A person discharging a firearm in the course of lawful hunting;

10 (c) A landowner and guests of the landowner discharging a firearm, when
 11 the discharge will not endanger persons or property;

12 (d) A person lawfully discharging a firearm on a sport shooting range as
 13 defined in section 55-2604, Idaho Code; or

14 (e) A person discharging a firearm in the course of target shooting on
 15 public land if the discharge will not endanger persons or property.

16 (4) A city may adopt ordinances to regulate, restrict or prohibit the
 17 discharge of firearms within its boundaries. Ordinances adopted under this
 18 subsection may not apply to or affect:

19 (a) A person discharging a firearm in the lawful defense of person or
 20 persons or property; or

21 (b) A person lawfully discharging a firearm on a sport shooting range as
 22 defined in section 55-2604, Idaho Code.

23 (5) This section shall not be construed to affect:

24 (a) The authority of the department of fish and game to make rules or
 25 regulations concerning the management of any wildlife of this state, as
 26 set forth in section 36-104, Idaho Code;

27 (b) The authority of counties and cities to regulate the location and
 28 construction of sport shooting ranges, subject to the limitations con-
 29 tained in chapter 26, title 55, Idaho Code; and

30 (c) The authority of the board of regents of the university of Idaho,
 31 the boards of trustees of the state colleges and universities, the board
 32 ~~of~~ for professional-technical education, ~~and~~ the boards of trustees of
 33 each of the community colleges established under chapter 21, title 33,
 34 Idaho Code, or a dormitory housing commission established under chapter
 35 21, title 33, Idaho Code, to regulate in matters relating to firearms in
 36 undergraduate residential facilities owned or operated by such insti-
 37 tutions or commissions, as provided for in title 33, Idaho Code.

38 (6) The provisions of this section are hereby declared to be severable.
 39 And if any provision is declared invalid for any reason, such declaration
 40 shall not affect the validity of the remaining portions of this section.

41 SECTION 2. That Chapter 21, Title 33, Idaho Code, be, and the same is
 42 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 43 ignated as Section 33-2122A, Idaho Code, and to read as follows:

44 33-2122A. AUTHORITY OF COMMISSION TO REGULATE FIREARMS. A dormitory
 45 housing commission shall have no authority to regulate the lawful possession
 46 of firearms except that the commission may regulate or prohibit the posses-
 47 sion of firearms in undergraduate student housing owned or operated by the
 48 district.

1 SECTION 3. That Chapter 21, Title 33, Idaho Code, be, and the same is
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
3 ignated as Section 33-2145, Idaho Code, and to read as follows:

4 33-2145. AUTHORITY OF TRUSTEES TO REGULATE FIREARMS. The board of
5 trustees of each community college district shall have no authority to reg-
6 ulate the lawful possession of firearms except that the board of trustees
7 may regulate or prohibit the possession of firearms in undergraduate student
8 housing owned or operated by the district.

9 SECTION 4. That Chapter 22, Title 33, Idaho Code, be, and the same is
10 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
11 ignated as Section 33-2213, Idaho Code, and to read as follows:

12 33-2213. AUTHORITY OF STATE BOARD TO REGULATE FIREARMS. The state
13 board for professional-technical education shall have no authority to regu-
14 late the lawful possession of firearms except that the board may regulate or
15 prohibit the possession of firearms in undergraduate student housing owned
16 or operated by any college under its supervision.

17 SECTION 5. That Chapter 28, Title 33, Idaho Code, be, and the same is
18 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
19 ignated as Section 33-2817, Idaho Code, and to read as follows:

20 33-2817. AUTHORITY OF REGENTS TO REGULATE FIREARMS. The board of re-
21 gents of the university of Idaho shall have no authority to regulate the law-
22 ful possession of firearms except that the board of regents may regulate or
23 prohibit the possession of firearms in undergraduate student housing owned
24 or operated by the university.

25 SECTION 6. That Chapter 30, Title 33, Idaho Code, be, and the same is
26 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
27 ignated as Section 33-3013, Idaho Code, and to read as follows:

28 33-3013. AUTHORITY OF TRUSTEES TO REGULATE FIREARMS. The board of
29 trustees of Idaho state university shall have no authority to regulate the
30 lawful possession of firearms except that the board of trustees may regulate
31 or prohibit the possession of firearms in undergraduate student housing
32 owned or operated by the university.

33 SECTION 7. That Chapter 31, Title 33, Idaho Code, be, and the same is
34 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
35 ignated as Section 33-3117, Idaho Code, and to read as follows:

36 33-3117. AUTHORITY OF TRUSTEES TO REGULATE FIREARMS. The board of
37 trustees of Lewis-Clark state college shall have no authority to regulate
38 the lawful possession of firearms except that the board of trustees may regu-
39 late or prohibit the possession of firearms in undergraduate student housing
40 owned or operated by the college.

1 SECTION 8. That Chapter 40, Title 33, Idaho Code, be, and the same is
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
3 ignated as Section 33-4008, Idaho Code, and to read as follows:

4 33-4008. AUTHORITY OF TRUSTEES TO REGULATE FIREARMS. The board of
5 trustees of Boise state university shall have no authority to regulate the
6 lawful possession of firearms except that the board of trustees may regulate
7 or prohibit the possession of firearms in undergraduate student housing
8 owned or operated by the university.

9 SECTION 9. SEVERABILITY. The provisions of this act are hereby declared
10 to be severable and if any provision of this act or the application of such
11 provision to any person or circumstance is declared invalid for any reason,
12 such declaration shall not affect the validity of the remaining portions of
13 this act.