

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 219

BY STATE AFFAIRS COMMITTEE

AN ACT

1
2 RELATING TO FIREARMS; PROVIDING A SHORT TITLE; AMENDING CHAPTER 33, TITLE
3 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-3315B, IDAHO CODE,
4 TO PROVIDE CERTAIN PROHIBITED ACTS REGARDING FIREARMS BY PUBLIC EMPLOY-
5 EES AND OFFICERS OF GOVERNMENTAL ENTITIES, TO PROVIDE PENALTIES, TO ES-
6 TABLISH THAT CERTAIN LAWS ARE UNENFORCEABLE IN IDAHO BY STATE AND LOCAL
7 GOVERNMENT OFFICIALS, AGENTS OR EMPLOYEES AND TO DEFINE A TERM; PROVID-
8 ING SEVERABILITY; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE AP-
9 PPLICATION.

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

11 SECTION 1. SHORT TITLE. This act shall be known and may be cited as the
12 "Idaho Federal Firearm, Magazine and Register Ban Enforcement Act."

13 SECTION 2. That Chapter 33, Title 18, Idaho Code, be, and the same is
14 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
15 ignated as Section 18-3315B, Idaho Code, and to read as follows:

16 18-3315B. PROHIBITION OF REGULATION OF CERTAIN FIREARMS. (1) Any of-
17 ficial, agent or employee of the state of Idaho or a political subdivision
18 thereof who knowingly and willfully enforces or orders an official, agent or
19 employee of the state of Idaho or a political subdivision of the state to en-
20 force any order, law, rule or regulation of the United States government as
21 provided in subsection (2) of this section upon a personal firearm, a firearm
22 accessory or ammunition that is owned or manufactured commercially or pri-
23 vately in Idaho shall be guilty of a misdemeanor and shall be subject to a
24 fine of not less than fifty dollars (\$50.00) nor more than one thousand dol-
25 lars (\$1,000), shall be subject to imprisonment for a period not to exceed
26 one (1) year, or shall be subject to both such fine and imprisonment.

27 (2) No federal order, law, rule or regulation issued, enacted or pro-
28 mulgated on or after January 1, 2013, shall be knowingly or willfully en-
29 forced by any agent of the state or a political subdivision of the state if,
30 contrary to the provisions of section 11, article I, of the constitution of
31 the state of Idaho, such order, law, rule or regulation:

- 32 (a) Bans or restricts ownership of a semiautomatic firearm or any maga-
33 zine of a firearm; or
- 34 (b) Requires any firearm, magazine or other firearm accessory to be
35 registered in any manner.
- 36 (3) "Enforcement" shall not be construed to include the performance of
37 any act solely for the purpose of facilitating the transfer of firearms under
38 federal law.

39 SECTION 3. SEVERABILITY. The provisions of this act are hereby declared
40 to be severable and if any provision of this act or the application of such

1 provision to any person or circumstance is declared invalid for any reason,
2 such declaration shall not affect the validity of the remaining portions of
3 this act.

4 SECTION 4. An emergency existing therefor, which emergency is hereby
5 declared to exist, this act shall be in full force and effect on and after its
6 passage and approval, and retroactively to January 1, 2013.