

IN THE SENATE

SENATE BILL NO. 1099

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO THE PUBLIC HEALTH, SAFETY AND WELFARE AND TO FIREARM SUPPRES-  
2 SORS; PROVIDING LEGISLATIVE INTENT; AMENDING CHAPTER 33, TITLE 18,  
3 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-3315B, IDAHO CODE, TO  
4 DEFINE TERMS, TO PROVIDE PROHIBITION OF FEDERAL REGULATION OF CERTAIN  
5 SUPPRESSORS ON FIREARMS AND TO PROVIDE DUTIES OF THE ATTORNEY GENERAL;  
6 PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.  
7

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

9 SECTION 1. LEGISLATIVE INTENT. The Legislature hereby proclaims and  
10 confirms that the purpose of this act is to protect the health, safety and  
11 welfare of the citizens of Idaho. The Legislature determines that hearing  
12 loss and the costs associated with it can be reduced by allowing Idaho cit-  
13 izens to use suppressors while shooting. Therefore, the Legislature finds  
14 that this law will protect the health, safety and welfare of Idaho citizens  
15 by curbing noise from firearms and protecting the users and spectators from  
16 the noise of firearms being discharged.

17 SECTION 2. That Chapter 33, Title 18, 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 18-3315B, Idaho Code, and to read as follows:

20 18-3315B. PROHIBITION OF FEDERAL REGULATION OF SUPPRESSORS ON OR DE-  
21 SIGNED FOR FIREARMS. (1) As used in this section:

22 (a) "Borders of Idaho" means the boundaries of Idaho described in chap-  
23 ter 1, title 31, Idaho Code.

24 (b) "Firearm suppressor" means any device for quieting, muffling or di-  
25 minishing the report of a portable firearm, including any combination  
26 of parts, designed or redesigned, and intended for use in assembling or  
27 fabricating a firearm suppressor, firearm silencer or firearm muffler  
28 and any part intended only for use in such assembly or fabrication.

29 (c) "Generic and insignificant parts" includes, but is not limited to,  
30 springs, screws, nuts and pins.

31 (d) "Manufactured" means that a firearm suppressor has been created  
32 from basic materials for functional usefulness including, but not lim-  
33 ited to, forging, casting, machining or other processes for working  
34 materials.

35 (2) A firearm suppressor that is manufactured commercially or pri-  
36 vately in Idaho and that remains within the borders of Idaho is not subject  
37 to federal law or federal regulation, including registration or stamp or tax  
38 fee, under the authority of congress to regulate interstate commerce. It is  
39 declared by the legislature that those items have not traveled in interstate  
40 commerce. This section applies to a firearm suppressor that is manufactured

1 in Idaho from basic materials and that is manufactured without the inclusion  
2 of any significant parts imported from another state.

3 (3) It is declared by the legislature that generic and insignificant  
4 parts that have other manufacturing or consumer product applications are  
5 not firearm suppressors, and their importation into Idaho and incorporation  
6 into a firearm suppressor manufactured in Idaho does not subject the firearm  
7 suppressor to federal regulation. It is declared by the legislature that  
8 basic materials such as unmachined metals are not firearm suppressors and  
9 are not subject to congressional authority to regulate firearm suppressors  
10 under interstate commerce as if they were actually firearm suppressors. The  
11 authority of congress to regulate interstate commerce in basic materials  
12 does not include authority to regulate firearm suppressors made in Idaho  
13 from those materials.

14 (4) Subsections (2) and (3) of this section do not apply to:

15 (a) A firearm suppressor that cannot be carried and used by one (1) per-  
16 son;

17 (b) A firearm suppressor on a firearm that has a bore diameter greater  
18 than one and one-half (1 1/2) inches.

19 (5) A firearm suppressor manufactured or sold in Idaho under this sec-  
20 tion shall have the words "Made in Idaho" clearly stamped on a central metal-  
21 lic part.

22 (6) This section applies to firearm suppressors that are manufactured  
23 as defined in subsection (1) of this section and retained in Idaho.

24 (7) The attorney general shall defend a citizen of Idaho or a manufac-  
25 turer from Idaho who is prosecuted by the United States government for vio-  
26 lation of a federal law relating to the manufacture, sale, transfer or pos-  
27 session of a suppressor by Idaho citizens, manufactured and retained exclu-  
28 sively within the borders of Idaho.

29 SECTION 3. SEVERABILITY. The provisions of this act are hereby declared  
30 to be severable and if any provision of this act or the application of such  
31 provision to any person or circumstance is declared invalid for any reason,  
32 such declaration shall not affect the validity of the remaining portions of  
33 this act.

34 SECTION 4. An emergency existing therefor, which emergency is hereby  
35 declared to exist, this act shall be in full force and effect on and after its  
36 passage and approval.