

IN THE SENATE

SENATE BILL NO. 1254

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO FIREARMS REGULATION; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION 18-3302B, IDAHO CODE, TO PROVIDE PENALTIES FOR CARRYING CONCEALED WEAPONS UNDER THE INFLUENCE OF ALCOHOL OR DRUGS ON A COLLEGE CAMPUS; AMENDING SECTION 18-3302J, IDAHO CODE, TO REVISE THE PREEMPTION OF FIREARMS REGULATION REGARDING COLLEGE CAMPUSES; AMENDING CHAPTER 33, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-3309, IDAHO CODE, TO PROVIDE AUTHORITY OF GOVERNING BOARDS OF PUBLIC COLLEGES AND UNIVERSITIES REGARDING FIREARMS; AND AMENDING CHAPTER 3, TITLE 5, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 5-343, IDAHO CODE, TO PROVIDE CIVIL IMMUNITY OF COLLEGES AND UNIVERSITIES ALLOWING FIREARMS.

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

SECTION 1. LEGISLATIVE INTENT. The Legislature finds that uniform laws, regulations and policies regarding firearms and weapons on state college and university campuses are necessary for public safety. It is the intent of this Legislature to provide for the safety of students, faculty and staff of state colleges and universities to allow for the possession or carrying of firearms by certain licensed persons on state college and university campuses, with the exception of carrying within student dormitories and residence halls, and within public entertainment facilities, as defined.

SECTION 2. That Section 18-3302B, Idaho Code, be, and the same is hereby amended to read as follows:

18-3302B. CARRYING CONCEALED WEAPONS UNDER THE INFLUENCE OF ALCOHOL OR DRUGS. (1) It shall be unlawful for any person to carry a concealed weapon on or about his person when intoxicated or under the influence of an intoxicating drink or drug. Any violation of the provisions of this section shall be a misdemeanor.

(2) In addition to any other penalty, any person who enters a plea of guilty, who is found guilty or who is convicted of a violation of subsection (1) of this section when such violation occurs on a college or university campus shall have any and all licenses issued pursuant to section 18-3302, 18-3302H or 18-3302K, Idaho Code, revoked for a period of three (3) years and such person shall be ineligible to obtain or renew any such license or use any other license recognized by this state for the same period.

SECTION 3. That Section 18-3302J, Idaho Code, be, and the same is hereby amended to read as follows:

18-3302J. PREEMPTION OF FIREARMS REGULATION. (1) The legislature finds that uniform laws regulating firearms are necessary to protect the individual citizen's right to bear arms guaranteed by amendment 2 of the United States Constitution and section 11, article I of the constitution of

1 the state of Idaho. It is the legislature's intent to wholly occupy the field
2 of firearms regulation within this state.

3 (2) Except as expressly authorized by state statute, no county, city,
4 agency, board or any other political subdivision of this state may adopt
5 or enforce any law, rule, regulation, or ordinance which regulates in any
6 manner the sale, acquisition, transfer, ownership, possession, transporta-
7 tion, carrying or storage of firearms or any element relating to firearms and
8 components thereof, including ammunition.

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

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

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

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

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

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

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

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

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

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

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

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

35 ~~(c) The authority of the board of regents of the university of Idaho,~~
36 ~~the boards of trustees of the state colleges and universities, the board~~
37 ~~of professional-technical education and the boards of trustees of each~~
38 ~~of the community colleges established under chapter 21, title 33, Idaho~~
39 ~~Code, to regulate in matters relating to firearms.~~

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

43 SECTION 4. That Chapter 33, Title 18, Idaho Code, be, and the same is
44 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
45 ignated as Section 18-3309, Idaho Code, and to read as follows:

46 18-3309. AUTHORITY OF GOVERNING BOARDS OF PUBLIC COLLEGES AND UNI-
47 VERSITIES REGARDING FIREARMS. (1) The board of regents of the university
48 of Idaho, the boards of trustees of the state colleges and universities,
49 the board of professional-technical education and the boards of trustees of

1 each of the community colleges established under chapter 21, title 33, Idaho
2 Code, hereby have the authority to prescribe rules and regulations relating
3 to firearms.

4 (2) Notwithstanding any other provision of state law, this authority
5 shall not extend to regulating or prohibiting the otherwise lawful posses-
6 sion, carrying or transporting of firearms or ammunition by persons licensed
7 under section 18-3302H or 18-3302K, Idaho Code.

8 (a) However, a person issued a license under the provisions of section
9 18-3302H or 18-3302K, Idaho Code, shall not carry a concealed weapon:

10 (i) Within a student dormitory or residence hall; or

11 (ii) Within any building of a public entertainment facility, pro-
12 vided that proper signage is conspicuously posted at each point of
13 public ingress to the facility notifying attendees of any restric-
14 tion on the possession of firearms in the facility during the game
15 or event.

16 (b) As used in this section:

17 (i) "Public entertainment facility" means an arena, stadium, am-
18 phitheater, auditorium, theater or similar facility with a seat-
19 ing capacity of at least one thousand (1,000) persons that is owned
20 or operated by the board of regents of the university of Idaho, a
21 board of trustees of a state college or university, the state board
22 of professional-technical education or a board of trustees of a
23 community college established under chapter 21, title 33, Idaho
24 Code, that is primarily designed and used for artistic, theatri-
25 cal, cultural, charitable, musical, sporting or entertainment
26 events, but does not include publicly accessible outdoor grounds
27 or rights-of-way appurtenant to the facility, including parking
28 lots within the facility used for the parking of motor vehicles.

29 (ii) "Student dormitory or residence hall" means a building owned
30 or operated by the board of regents of the university of Idaho, a
31 board of trustees of a state college or university, the state board
32 of professional-technical education or a board of trustees of a
33 community college established under chapter 21, title 33, Idaho
34 Code, located on or within the campus area owned by the univer-
35 sity or college to house persons residing on campus as students,
36 but does not include off-campus housing or publicly accessible
37 outdoor grounds or rights-of-way appurtenant to the building, in-
38 cluding parking lots within the building used for the parking of
39 motor vehicles.

40 (c) The provisions of subsection (2) (a) shall not apply to the follow-
41 ing persons:

42 (i) A person or persons complying with the provisions of section
43 19-202A, Idaho Code.

44 (ii) A person or an employee who is authorized to carry a firearm
45 by the university or college board of trustees, board of regents,
46 governing board or a person or entity with authority over the
47 building or facility.

48 (iii) A person who possesses a firearm for authorized use in an
49 approved program, event, activity or other circumstance approved
50 by a person or entity with authority over the building or facility.

1 (iv) A person who possesses a firearm in a private vehicle while
2 delivering students, employees or other persons to and from a uni-
3 versity, college or public entertainment facility.

4 (v) An on-duty or off-duty certified peace officer.

5 (3) Any rule, regulation or policy that is contrary to this section is
6 null and void.

7 SECTION 5. That Chapter 3, Title 5, Idaho Code, be, and the same is
8 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
9 ignated as Section 5-343, Idaho Code, and to read as follows:

10 5-343. IMMUNITY OF COLLEGES AND UNIVERSITIES ALLOWING FIREARMS. No
11 action shall lie or be maintained for civil damages in any court of this
12 state against the board of regents of the university of Idaho, the boards
13 of trustees of the state colleges and universities, a dormitory housing
14 commission, the board of professional-technical education or the boards of
15 trustees of each of the community colleges established under chapter 21,
16 title 33, Idaho Code, where the claim arises out of the policy of the board or
17 commission to either specifically allow or not prohibit the lawful posses-
18 sion and storage of firearms on its property.