

IN THE SENATE

SENATE BILL NO. 1332

BY STATE AFFAIRS COMMITTEE

AN ACT

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

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. LEGISLATIVE INTENT. It is the intent of the Legislature in
14 enacting this act to protect Idaho law enforcement officers from being di-
15 rected, through federal executive orders, agency orders, statutes, laws,
16 rules, or regulations enacted or promulgated on or after the effective date
17 of this act, to violate their oath of office and Idaho citizens' rights un-
18 der Section 11, Article I, of the Constitution of the State of Idaho. This
19 Idaho constitutional provision disallows confiscation of firearms except
20 those actually used in the commission of a felony, and disallows other re-
21 strictions on a citizen's lawful right to own firearms and ammunition. This
22 act provides that no Idaho law enforcement official shall knowingly and
23 willingly order an action that is contrary to the provisions of Section 11,
24 Article I, of the Constitution of the State of Idaho. The Legislature does
25 not intend to affect an Idaho law enforcement officer who assists federal
26 agents on drug or gang enforcement activities. The Legislature intends to
27 create a penalty for an official, agent or employee of the State of Idaho or a
28 political subdivision thereof that orders an unlawful confiscation without
29 penalizing officers that follow orders. Idaho law enforcement officers are
30 partners with Idaho citizens in protecting the rights as outlined in both the
31 United States Constitution and the Constitution of the State of Idaho.

32 SECTION 3. That Chapter 33, Title 18, Idaho Code, be, and the same is
33 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
34 ignated as Section 18-3315B, Idaho Code, and to read as follows:

35 18-3315B. PROHIBITION OF REGULATION OF CERTAIN FIREARMS. (1) Other
36 than compliance with an order of the court, any official, agent or employee
37 of the state of Idaho or a political subdivision thereof who knowingly and
38 willfully orders an official, agent or employee of the state of Idaho or a po-
39 litical subdivision of the state to enforce any executive order, agency or-
40 der, law, rule or regulation of the United States government as provided in

1 subsection (2) of this section upon a personal firearm, a firearm accessory
2 or ammunition shall, on a first violation, be liable for a civil penalty not
3 to exceed one thousand dollars (\$1,000) which shall be paid into the general
4 fund of the state, and on a second or subsequent violation shall be guilty
5 of a misdemeanor. If a public officer or person commits a violation of sec-
6 tion 18-315 or section 18-703, Idaho Code, the public officer or person shall
7 be punished as provided in those sections. Nothing in this section shall be
8 construed to affect the law of search and seizure as set forth in section 17,
9 article I of the constitution of the state of Idaho or as set forth in the
10 fourth, fifth and fourteenth amendments to the United States constitution.
11 Notwithstanding anything to the contrary contained elsewhere in this act, no
12 private cause of action exists under this section.

13 (2) No federal executive order, agency order, law, statute, rule or
14 regulation issued, enacted or promulgated on or after the effective date
15 of this act, shall be knowingly and willfully ordered to be enforced by any
16 official, agent or employee of the state or a political subdivision of the
17 state if contrary to the provisions of section 11, article I, of the consti-
18 tution of the state of Idaho.

19 (3) "Enforcement" shall not be construed to include the performance of
20 any act solely for the purpose of facilitating the transfer of firearms under
21 federal law. Any order of enforcement not excluded by the provisions of this
22 subsection that occurs on and after the effective date of this act shall be
23 and is a breach of the oath of office of the official, agent or employee of the
24 state or a political subdivision of the state.

25 SECTION 4. SEVERABILITY. The provisions of this act are hereby declared
26 to be severable and if any provision of this act or the application of such
27 provision to any person or circumstance is declared invalid for any reason,
28 such declaration shall not affect the validity of the remaining portions of
29 this act.

30 SECTION 5. An emergency existing therefor, which emergency is hereby
31 declared to exist, this act shall be in full force and effect on and after its
32 passage and approval.