

IN THE SENATE

SENATE BILL NO. 1349

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE RESTORING CONSTITUTIONAL GOVERNANCE ACT OF IDAHO; AMENDING  
2 TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 21, TITLE 18,  
3 IDAHO CODE, TO PROVIDE LEGISLATIVE DETERMINATION AND TO PROVIDE FOR THE  
4 PROHIBITION ON THE DETENTION AND DISPOSITION OF IDAHO CITIZENS.  
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6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Title 18, Idaho Code, be, and the same is hereby amended  
8 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-  
9 ter 21, Title 18, Idaho Code, and to read as follows:

10 CHAPTER 21

11 RESTORING CONSTITUTIONAL GOVERNANCE ACT OF IDAHO

12 18-2101. LEGISLATIVE DETERMINATION -- PROHIBITION ON THE DETENTION  
13 AND DISPOSITION OF IDAHO CITIZENS. (1) It is the determination of the Idaho  
14 legislature that Idaho is not a battlefield subject to the laws of war and  
15 that neither congress nor the president of the United States can constitu-  
16 tionally apply the laws of war to any person in Idaho or citizen of Idaho who  
17 is not serving in the land or naval forces or in the militia, when in actual  
18 service in time of war or public danger.

19 (2) Notwithstanding any treaty or federal, state or local law or au-  
20 thority including, but not limited to, an authorization for use of military  
21 force, national defense authorization act or any similar law enacted or  
22 claimed by congress or the office of the president of the United States, it is  
23 unlawful for any person to do any one (1) of the following:

24 (a) Arrest or capture any person in Idaho or any citizen of Idaho under  
25 the law of war;

26 (b) Actually subject a person in Idaho to disposition under the law of  
27 war; or

28 (c) Use deadly force under the laws of war against any person in Idaho,  
29 or intentionally subject any citizen of Idaho for targeted killing or  
30 murder.

31 (3) The provisions of subsection (2) of this section do not prohibit  
32 the application of the uniform code of military justice including military  
33 detention and trial in cases arising in the land or naval forces, or in the  
34 militia, when in actual service in time of war or public danger to discipline  
35 service members who have violated the uniform code of military justice and  
36 laws of war.

37 (4) For the purposes of this chapter, "arrest," "capture," "detention  
38 under the law of war," "disposition under the law of war" and "law of war" are  
39 used in the same sense and shall have the same meanings as such terms have in  
40 section 1021 of the national defense authorization act for fiscal year 2012.

1           (5) Any person who commits a violation of this section shall be prose-  
2           cuted under the Idaho criminal code relating to the substantive law for which  
3           the violation pertains including, but not limited to, assault, battery, kid-  
4           napping or murder.