

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 473

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE RESTORING CONSTITUTIONAL GOVERNANCE ACT OF IDAHO; AMENDING  
TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 21, TITLE 18,  
IDAHO CODE, TO PROVIDE LEGISLATIVE DETERMINATION AND TO PROVIDE FOR THE  
PROHIBITION ON THE DETENTION AND DISPOSITION OF IDAHO CITIZENS.

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

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

CHAPTER 21

RESTORING CONSTITUTIONAL GOVERNANCE ACT OF IDAHO

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

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

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

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

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

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

(4) For the purposes of this chapter, "arrest," "capture," "detention  
under the law of war," "disposition under the law of war" and "law of war"  
are used in the same sense and shall have the same meanings as such terms have  
in section 1021(c) 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.