

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 585

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO FIREARMS; AMENDING SECTION 18-3316, IDAHO CODE, TO PROHIBIT CERTAIN ACTIONS INVOLVING A FIREARM, TO PROVIDE A PENALTY, TO REVISE A PROVISION REGARDING CONVICTIONS AND TO DEFINE A TERM.

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

SECTION 1. That Section 18-3316, Idaho Code, be, and the same is hereby amended to read as follows:

18-3316. UNLAWFUL POSSESSION OF A FIREARM.

(1) (a) A person who previously has been convicted of a felony who purchases, owns, possesses, or has under his custody or control any firearm shall be guilty of a felony and shall be imprisoned in the state prison for a period of time not to exceed five (5) years and by a fine not to exceed five thousand dollars (\$5,000).

(b) A person who has been convicted of domestic violence who purchases, owns, possesses or has under his custody or control any firearm, within two (2) years of his conviction, shall be guilty of a misdemeanor and shall be punished by imprisonment in the county jail for a period of time not to exceed six (6) months or by a fine not to exceed one thousand dollars (\$1,000), or both such fine and imprisonment.

(2) For the purpose of subsection (1) (a) of this section, "convicted of a felony" shall include a person who has entered a plea of guilty, nolo contendere or has been found guilty of any of the crimes enumerated in section 18-310, Idaho Code, or to a comparable felony crime in another state, territory, commonwealth, or other jurisdiction of the United States. For the purpose of subsection (1) (b) of this section, "convicted of domestic violence" shall include a person who has entered a plea of guilty or has been found guilty of a violation of section 18-918(3) (a) or (b), Idaho Code, or any substantially conforming foreign criminal violation, notwithstanding the form of the judgment or withheld judgment.

(3) Subsections (1) (a) and (b) of this section shall not apply to a person whose conviction has been nullified by expungement, pardon, setting aside the conviction or other comparable procedure by the jurisdiction where the felony conviction occurred; or whose civil right to bear arms either specifically or in combination with other civil rights has been restored by any other provision of Idaho law.