

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Monday, April 26, 2021
TIME: 9:00 A.M.
PLACE: Room EW40
MEMBERS: Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias
**ABSENT/
EXCUSED:** Representatives Crane, Barbieri, Gannon
GUESTS: Dianna David -Self, Alice Aramabarri - Self, Bryan Lovell, Idaho Fraternal Order of Police, Fred Birnbaum - Idaho Freedom Foundation, Gregg Pruettt - Idaho 2nd Amendment Alliance

Representative Young called the meeting to order at 9:00 a.m.

S 1205: **Rep. Boyle** presented **S 1205**. The Idaho Firearm and Firearm Accessories and Components Protection Acts builds up, without resetting, the action taken by the Idaho Legislature in 2014 under the Idaho Federal Firearms, Magazine, and Register Ban Enforcement Act, codified in Idaho Code Section 18-3315B, which prohibits local officials from being ordered to enforce federal actions contrary to the Idaho Constitution. This bill seeks to protect the rights of Idaho citizens under Section 11, Article 1 of the Idaho Constitution regarding new federal executive orders and other actions by prohibiting Idaho government entities from enforcing or supporting the enforcement of these new federal actions regarding firearms and firearm accessories and components that violate the Idaho Constitution.

Rep. Boyle stated the original legislation in 2014 was drafted by the Fraternal Order of Police and then Senator Davis. This bill will strengthen Idaho's Second Amendment Rights. Coverage has been extended to all state agencies, counties and cities. The last line of Idaho's constitution states, "Nor shall any law permit the confiscation of fire arms except those actually used in a felony."

The legislative intent remains the same as the 2014 legislation but has been expanded. The following language has been added: firearm components; treaty; Red Flag Law; and, prohibits any use of funds, resources, and personnel from Idaho agencies.

Rep. Boyle drew attention to Idaho Code 18-315, which has been in place since 1972. It states, "Any officer who does not fulfill all the duties and laws of Idaho will be charged with a misdemeanor." If found guilty, the individual can no longer be an Idaho law enforcement officer. Enforcement may be by the Attorney General or the Legislature. Either may bring forward legal action for declaratory or injunction relief and recovery of reasonable attorney fees. Rep. Boyle said this bill will protect Idaho's firearms and ammunition manufacturers, as well. If passed, the effective date of this legislation will be retroactive to January 20, 2021.

In response to questions, **Rep. Boyle** clarified if a federal officer tries to confiscate a firearm from a legal gun owner in Idaho, local law enforcement does not have to assist in the effort and, technically, the county sheriff could arrest the federal agent.

Dianna David and **Alice Arambarri** testified in opposition to **S 1205**. Ms. David shared she is a survivor of what should have been preventable gun violence. This bill prevents the use of Red Flag Laws. Idaho needs Extreme Risk Protection Orders (ERPO), known as Red Flag Laws, to protect people from those demonstrating dangerous behaviors. The ERPO defuses dangerous situations while providing due process. Ms. Arambarri posed many questions to the committee and fears that the federal government will withhold funding to Idaho if this bill is enacted.

Bryan Lovell, President, Idaho Fraternal Order of Police, testified in support of **S 1205**. He stated the Idaho Fraternal Order of Police helped draft the original legislation and is proud to support **S 1205**. He said the police do not want to take away guns from law-abiding citizens and this bill adds increased protections for Idaho citizens.

Fred Birnbaum, Idaho Freedom Foundation, testified in support of **S 1205**. He said the current federal administration wants more gun control. The fact that it has not yet happened, does not mean that it will not happen. This legislation puts Idaho law enforcement on the side of Idaho citizens.

Gregg Pruett, Idaho 2nd Amendment Alliance, testified in support of **S 1205**. He said this bill is a call from the people and is happy the legislature is ensuring Idahoans have gun protections. Mr. Pruett said the Second Amendment is a top priority for the people of Idaho.

In closing, **Rep. Boyle** said no federal funds have been withheld because of the Idaho's existing gun laws since 2012.

MOTION:

Rep. Monks made a motion to send **S 1205** to the floor with a **DO PASS** recommendation. In support of his motion, he requested to be on the record as stating, "A good bill should pass."

VOTE ON MOTION:

Motion carried by voice vote. Rep. Mathias requested to be recorded as voting **NAY**.

There being no further business to come before the committee, the meeting was adjourned at 9:27 a.m.

Representative Young
Chair

Kelly Staskey
Secretary