

LEGISLATURE OF THE STATE OF IDAHO

Sixty-sixth Legislature

Second Regular Session - 2022

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 490

BY GIDDINGS

AN ACT

RELATING TO FIREARMS; AMENDING SECTION 18-3302J, IDAHO CODE, TO PROVIDE A PENALTY FOR A VIOLATION; AMENDING SECTION 18-3315A, IDAHO CODE, TO PROVIDE A PENALTY FOR CERTAIN VIOLATIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

7 SECTION 1. That Section 18-3302J, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 18-3302J. PREEMPTION OF FIREARMS REGULATION. (1) The legislature
10 finds that uniform laws regulating firearms are necessary to protect the
11 individual citizen's right to bear arms guaranteed by amendment 2 of the
12 United States Constitution and section 11, article I of the constitution of
13 the state of Idaho. It is the legislature's intent to wholly occupy the field
14 of firearms regulation within this state.

15 (2) Except as expressly authorized by state statute, no county, city,
16 agency, board or any other political subdivision of this state may adopt
17 or enforce any law, rule, regulation, or ordinance which regulates in any
18 manner the sale, acquisition, transfer, ownership, possession, transporta-
19 tion, carrying or storage of firearms or any element relating to firearms
20 and components thereof, including ammunition. Any person violating the
21 provisions of this subsection or any person enforcing a federal law that con-
22 tradicts the provisions of this subsection shall be guilty of a misdemeanor.

(3) A county may adopt ordinances to regulate, restrict or prohibit the discharge of firearms within its boundaries. Ordinances adopted under this subsection may not apply to or affect:

- (a) A person discharging a firearm in the lawful defense of person or persons or property;
 - (b) A person discharging a firearm in the course of lawful hunting;
 - (c) A landowner and guests of the landowner discharging a firearm, when the discharge will not endanger persons or property;
 - (d) A person lawfully discharging a firearm on a sport shooting range as defined in section 55-2604, Idaho Code; or
 - (e) A person discharging a firearm in the course of target shooting on public land if the discharge will not endanger persons or property.

(4) A city may adopt ordinances to regulate, restrict or prohibit the use of firearms within its boundaries. Ordinances adopted under this section may not apply to or affect:

 - (a) A person discharging a firearm in the lawful defense of person or persons or property; or
 - (b) A person lawfully discharging a firearm on a sport shooting range as defined in section 55-2604, Idaho Code.

(5) This section shall not be construed to affect:

1 (a) The authority of the department of fish and game to make rules or
2 regulations concerning the management of any wildlife of this state, as
3 set forth in section 36-104, Idaho Code; and

4 (b) The authority of counties and cities to regulate the location and
5 construction of sport shooting ranges, subject to the limitations con-
6 tained in chapter 26, title 55, Idaho Code.

7 (6) The provisions of this section are hereby declared to be severable.
8 And if any provision is declared invalid for any reason, such declaration
9 shall not affect the validity of the remaining portions of this section.

10 SECTION 2. That Section 18-3315A, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 18-3315A. PROHIBITION OF FEDERAL REGULATION OF CERTAIN FIREARMS. (1)
13 As used in this section:

14 (a) "Borders of Idaho" means the boundaries of Idaho described in chap-
15 ter 1, title 31, Idaho Code.

16 (b) "Firearms accessories" means items that are used in conjunction
17 with or mounted upon a firearm but are not essential to the basic func-
18 tion of a firearm including, but not limited to, telescopic or laser
19 sights, magazines, flash or sound suppressors, folding or aftermarket
20 stocks and grips, speedloaders, ammunition, ammunition carriers and
21 lights for target illumination.

22 (c) "Generic and insignificant parts" includes, but is not limited to,
23 springs, screws, nuts and pins.

24 (d) "Manufactured" means that a firearm, a firearm accessory, or ammu-
25 nition has been created from basic materials for functional usefulness
26 including, but not limited to, forging, casting, machining or other
27 processes for working materials.

28 (2) A personal firearm, a firearm accessory, or ammunition that is
29 manufactured commercially or privately in Idaho and that remains within the
30 borders of Idaho is not subject to federal law or federal regulation, includ-
31 ing registration, under the authority of congress to regulate interstate
32 commerce. It is declared by the legislature that those items have not trav-
33 eled in interstate commerce. This section applies to a firearm, a firearm
34 accessory or ammunition that is manufactured in Idaho from basic materials
35 and that can be manufactured without the inclusion of any significant parts
36 imported from another state. Any person enforcing a federal law that vio-
37 lates the provisions of this subsection shall be guilty of a misdemeanor.

38 (3) It is declared by the legislature that generic and insignificant
39 parts that have other manufacturing or consumer product applications are not
40 firearms, firearms accessories or ammunition, and their importation into
41 Idaho and incorporation into a firearm, a firearm accessory or ammunition
42 manufactured in Idaho does not subject the firearm, firearm accessory or am-
43 munition to federal regulation. It is declared by the legislature that basic
44 materials, such as unmachined steel and unshaped wood, are not firearms,
45 firearms accessories or ammunition and are not subject to congressional
46 authority to regulate firearms, firearms accessories and ammunition under
47 interstate commerce as if they were actually firearms, firearms accessories
48 or ammunition. The authority of congress to regulate interstate commerce in
49 basic materials does not include authority to regulate firearms, firearms

1 accessories and ammunition made in Idaho from those materials. Firearms
2 accessories that are imported into Idaho from another state and that are
3 subject to federal regulation as being in interstate commerce do not subject
4 a firearm to federal regulation under interstate commerce because they are
5 attached to or used in conjunction with a firearm in Idaho. Any person en-
6 forcing a federal law that violates the provisions of this subsection shall
7 be guilty of a misdemeanor.

8 (4) Subsections (2) and (3) of this section do not apply to:

- 9 (a) A firearm that cannot be carried and used by one (1) person;
- 10 (b) A firearm that has a bore diameter greater than one and one-half
11 (1 1/2) inches and that uses smokeless powder, not black powder, as a
12 propellant;
- 13 (c) Ammunition with a projectile that explodes using an explosion of
14 chemical energy after the projectile leaves the firearm; or
- 15 (d) A firearm that discharges two (2) or more rounds of ammunition with
16 one (1) activation of the trigger or other firing device.

17 (5) A firearm manufactured or sold in Idaho under this section shall
18 have the words "Made in Idaho" clearly stamped on a central metallic part,
19 such as the receiver or frame.

20 (6) This section applies to firearms, firearms accessories and ammuni-
21 tion that are manufactured as defined in subsection (1) and retained in Idaho
22 after October 1, 2010.

23 SECTION 3. An emergency existing therefor, which emergency is hereby
24 declared to exist, this act shall be in full force and effect on and after
25 July 1, 2022.