

ATTACHMENT A
SENATE STATE AFFAIRS
February 7, 2022
All Written Testimony



IDAHO STATE LODGE
FRATERNAL ORDER OF POLICE

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FEBRUARY 7, 2022

Honorable Senator Patti Ann Lodge, Chairwoman
Senate State Affairs Committee
Idaho State Legislature
State Capitol Building
P.O. Box 93720
Boise, Idaho 83720

Dear Chairwoman Lodge:

Re: Support for Senate Bill 1262

The Idaho Fraternal Order of Police (FOP) is the largest law enforcement organization in Idaho and we support Senate bill 1262. Once again, the FOP affirms our support of law-abiding citizens' constitutional right to possess firearms. We see the good citizens of this State as our partners in keeping Idaho safe, and we believe this is especially important in times of emergency.

We are grateful for the work of Senator Lakey, Representative Boyle and you the Chair of this committee, who have worked in partnership with the National Rifle Association in crafting this important piece of legislation.

Sincerely,

Idaho Fraternal Order of Police

Building On A Proud Tradition
The Largest Voice of Law Enforcement

NATIONAL RIFLE ASSOCIATION OF AMERICA

Institute for Legislative Action

11250 WAPLES MILL ROAD

FAIRFAX, VIRGINIA 22030



NRA

February 4, 2022

Senate State Affairs Committee
Idaho State Capitol
700 W Jefferson Street, Room WW55
Boise, ID 83702

Dear Chair Lodge, Vice Chair Guthrie and Honorable Members of the Committee:

On behalf of the National Rifle Association (NRA), I am writing to express strong support for Senate Bill (SB) 1262, an NRA priority piece of legislation. SB 1262 seeks to place limitations on firearms restrictions by state and municipal agencies during disaster emergency declarations. Simply stated, during such declarations, this bill prohibits state and municipal agencies from:

- Seizing privately owned firearms, ammunition or their components that are lawfully possessed;
- suspending or revoking a license to carry concealed weapons, or refuse to accept and process an application, except as permitted by law;
- shutting down firearms-related businesses and ranges, by classifying these as “essential businesses.”

These limitations are drawn from real-life examples of restrictions imposed by governmental entities during disaster emergency declarations.

In the aftermath of Hurricane Katrina in 2005, and the emergency conditions that followed, the New Orleans police superintendent ordered the confiscation of privately-owned firearms, saying “only law enforcement will be able to have guns.” This deprivation of Second Amendment rights led the U.S. Congress to pass Public Law 109-295 (42 U.S.C.A. § 5207), which protects citizens from federal officials confiscating lawfully-owned firearms during a declaration of emergency.

In 2020, declarations of emergency due to the COVID-19 pandemic were similarly used to curtail Americans’ Second Amendment and other civil rights. At the outset of the pandemic, varying levels of government across the nation discussed, and in some cases decided, which businesses could stay open and which would have to close. These decisions impact firearms-related businesses and negatively impact Idahoans’ right to keep and bear arms as protected by the Second Amendment and Article 1, Section 11 of the Idaho Constitution.

Recognizing the differing ways in which government entities were treating gun stores, the Cybersecurity & Infrastructure Agency (CISA), a part of the Department of Homeland Security, issued revisions to its advisory memorandum listing “essential” infrastructure and workers during the COVID-19 pandemic. The agency declared firearms stores, ammunition manufacturers and shooting ranges to be essential businesses. Similarly under Governor Little’s 2020 Order to Self-Isolate, firearms businesses were designated “essential.” SB 1262 codifies this protection and following Governor Little’s leadership, ensures no future administration can

use a pandemic, or other emergency disaster, as an excuse to strip Idahoans' of their fundamental right to self-defense.

In defense of the Second Amendment, in January 2022, a three-judge panel of the U.S. Court of Appeals for the Ninth Circuit sided with the National Rifle Association Institute for Legislative Action (NRA-ILA) when it recognized that Los Angeles County violated the Second Amendment when it forced gun stores and shooting ranges to close in 2020 during the COVID-19 pandemic. SB 1262 ensures no such litigation to safeguard rights will be necessary to uphold the Second Amendment in Idaho.

SB 1262 recognizes Idahoans' Constitutional rights to keep and bear arms, rights that "shall not be abridged" thereof (Idaho Constitution Article I, Section 11). When a firearms store is forced to close, when ammunition is not allowed to be sold, when gun ranges are shut down, and concealed carry permits are not issued or renewed as required by law, an individual's ability to keep and bear arms becomes hindered, or rendered impossible.

At the core of the Second Amendment is the right to self-defense. The importance of this right is elevated in times of chaos, uncertainty, and emergency. Idahoans must be able to access firearms, ammunition, shooting ranges and other essential firearms-related businesses during times of emergency.

On behalf of the tens of thousands of members of the National Rifle Association across Idaho, I respectfully urge your support of SB 1262.

Sincerely,

Aoibheann Cline

Aoibheann Cline, Esq.
State Director
NRA-ILA