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LEGISLATURE OF THE STATE OF IDAHO
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1 AN ACT
2 RELATING TO FIREARMS; AMENDING SECTION 18-3302J, IDAHO CODE, TO PROVIDE THAT
3 CERTAIN REGULATIONS SHALL NOT DISCOURAGE OR OTHERWISE LIMIT CERTAIN
4 ACTS RELATED TO FIREARMS, TO PROVIDE FOR SIGNAGE AND TO PROVIDE FOR PRO-
5 HIBITIONS AND PENALTIES.

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 or
17 enforce any law, rule, regulation, signage, or ordinance which regulates,
18 discourages or otherwise limits in any manner the sale, acquisition, trans-
19 fer, ownership, possession, transportation, carrying or storage of firearms
20 or any element relating to firearms and components thereof, including ammu-
21 nition.

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

25 (a) A person discharging a firearm in the lawful defense of person or
26 persons or property;

27 (b) A person discharging a firearm in the course of lawful hunting;

28 (c) A landowner and guests of the landowner discharging a firearm, when
29 the discharge will not endanger persons or property;

30 (d) A person lawfully discharging a firearm on a sport shooting range as
31 defined in section 55-2604, Idaho Code; or

32 (e) A person discharging a firearm in the course of target shooting on
33 public land if the discharge will not endanger persons or property.

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

37 (a) A person discharging a firearm in the lawful defense of person or
38 persons or property; or

39 (b) A person lawfully discharging a firearm on a sport shooting range as
40 defined in section 55-2604, Idaho Code.

41 (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 following prohibitions and penalties shall apply for a viola-
8 tion of this section:

9 (a) Any person or entity that violates the legislature's occupation of
10 the whole field of regulation of firearms and ammunition, as declared in
11 subsections (1) and (2) of this section, by posting signage or enacting
12 or causing to be enforced any local ordinance or administrative rule or
13 regulation impinging upon such exclusive occupation of the field shall
14 be liable as set forth herein.

15 (b) If any person or entity violates the provisions of this section,
16 the court shall declare the improper signage, ordinance, regulation or
17 rule invalid and issue a permanent injunction against the local govern-
18 ment prohibiting it from enforcing such signage, ordinance, regulation
19 or rule. It is no defense that the local government was acting in good
20 faith or upon advice of counsel.

21 (c) Except as required by applicable law, public funds may not be used
22 to defend or reimburse the unlawful conduct of any person found to have
23 knowingly and willfully violated the provisions of this section.

24 (d) A knowing and willful violation of any provision of this section
25 by a person acting in an official capacity for any entity enacting or
26 causing to be enforced a local ordinance or administrative rule or reg-
27 ulation prohibited under paragraph (a) of this subsection or otherwise
28 under color of law shall be cause for termination of employment or con-
29 tract or removal from office by the governor.

30 (e) A person or an organization whose membership may reasonably be ad-
31 versely affected by any signage, ordinance, regulation, measure, di-
32 rective, rule, enactment, order or policy promulgated or caused to be
33 enforced in violation of this section may file suit against any person
34 or entity in any court of this state having jurisdiction over any de-
35 fendant to the suit for declaratory and injunctive relief and for ac-
36 tual damages, as limited herein, caused by the violation, after giv-
37 ing the person or entity written notice of the violation and sixty (60)
38 days has elapsed from the date of such written notice. A court shall
39 award the prevailing plaintiff in any such suit reasonable attorney's
40 fees and costs in accordance with the laws of this state, including a
41 contingency fee and the actual damages incurred. Interest on the sums
42 awarded pursuant to this subsection shall accrue at the legal rate from
43 the date on which suit was filed.

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