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IN THE SENATE

SENATE BILL NO. 1332

BY STATE AFFAIRS COMMITTEE

AN ACT 1 RELATING TO FIREARMS; PROVIDING A SHORT TITLE; PROVIDING LEGISLATIVE IN-2 TENT; AMENDING CHAPTER 33, TITLE 18, IDAHO CODE, BY THE ADDITION OF A 3 NEW SECTION 18-3315B, IDAHO CODE, TO PROVIDE CERTAIN PROHIBITED ACTS 4 5 REGARDING FIREARMS BY PUBLIC EMPLOYEES AND OFFICERS OF GOVERNMENTAL ENTITIES, TO PROVIDE PENALTIES, TO ESTABLISH THAT CERTAIN LAWS ARE UN-6 ENFORCEABLE IN IDAHO BY STATE AND LOCAL GOVERNMENT OFFICIALS, AGENTS OR 7 EMPLOYEES AND TO DEFINE A TERM; PROVIDING SEVERABILITY; AND DECLARING 8 AN EMERGENCY. 9

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

SECTION 1. SHORT TITLE. This act shall be known and may be cited as the "Idaho Federal Firearm, Magazine and Register Ban Enforcement Act."

SECTION 2. LEGISLATIVE INTENT. It is the intent of the Legislature in enacting this act to protect Idaho law enforcement officers from being directed, through federal executive orders, agency orders, statutes, laws, rules, or regulations enacted or promulgated on or after the effective date of this act, to violate their oath of office and Idaho citizens' rights under Section 11, Article I, of the Constitution of the State of Idaho. This Idaho constitutional provision disallows confiscation of firearms except those actually used in the commission of a felony, and disallows other restrictions on a citizen's lawful right to own firearms and ammunition. This act provides that no Idaho law enforcement official shall knowingly and willingly order an action that is contrary to the provisions of Section 11, Article I, of the Constitution of the State of Idaho. The Legislature does not intend to affect an Idaho law enforcement officer who assists federal agents on drug or gang enforcement activities. The Legislature intends to create a penalty for an official, agent or employee of the State of Idaho or a political subdivision thereof that orders an unlawful confiscation without penalizing officers that follow orders. Idaho law enforcement officers are partners with Idaho citizens in protecting the rights as outlined in both the United States Constitution and the Constitution of the State of Idaho.

SECTION 3. That Chapter 33, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a $\underline{\text{NEW SECTION}}$, to be known and designated as Section 18-3315B, Idaho Code, and to read as follows:

18-3315B. PROHIBITION OF REGULATION OF CERTAIN FIREARMS. (1) Other than compliance with an order of the court, any official, agent or employee of the state of Idaho or a political subdivision thereof who knowingly and willfully orders an official, agent or employee of the state of Idaho or a political subdivision of the state to enforce any executive order, agency order, law, rule or regulation of the United States government as provided in

subsection (2) of this section upon a personal firearm, a firearm accessory or ammunition shall, on a first violation, be liable for a civil penalty not to exceed one thousand dollars (\$1,000) which shall be paid into the general fund of the state, and on a second or subsequent violation shall be guilty of a misdemeanor. If a public officer or person commits a violation of section 18-315 or section 18-703, Idaho Code, the public officer or person shall be punished as provided in those sections. Nothing in this section shall be construed to affect the law of search and seizure as set forth in section 17, article I of the constitution of the state of Idaho or as set forth in the fourth, fifth and fourteenth amendments to the United States constitution. Notwithstanding anything to the contrary contained elsewhere in this act, no private cause of action exists under this section.

- (2) No federal executive order, agency order, law, statute, rule or regulation issued, enacted or promulgated on or after the effective date of this act, shall be knowingly and willfully ordered to be enforced by any official, agent or employee of the state or a political subdivision of the state if contrary to the provisions of section 11, article I, of the constitution of the state of Idaho.
- (3) "Enforcement" shall not be construed to include the performance of any act solely for the purpose of facilitating the transfer of firearms under federal law. Any order of enforcement not excluded by the provisions of this subsection that occurs on and after the effective date of this act shall be and is a breach of the oath of office of the official, agent or employee of the state or a political subdivision of the state.

SECTION 4. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.