First Regular Session - 2017

IN THE SENATE

SENATE BILL NO. 1183

BY STATE AFFAIRS COMMITTEE

AN ACT

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2	RELATING TO FIREARMS; AMENDING SECTION 5-341, IDAHO CODE, TO PROVIDE THAT
3	PROPERTY OWNERS SHALL HAVE IMMUNITY FOR THE CARRYING, POSSESSION OR
4	STORAGE OF FIREARMS IN CERTAIN INSTANCES AND TO DEFINE A TERM; AND
5	AMENDING SECTION 6-904, IDAHO CODE, TO PROVIDE THAT A GOVERNMENTAL EN-
5	TITY AND ITS EMPLOYEES SHALL NOT BE LIABLE FOR CERTAIN CLAIMS REGARDING
7	FTRFARMS

- Be It Enacted by the Legislature of the State of Idaho:
- 9 SECTION 1. That Section 5-341, Idaho Code, be, and the same is hereby 10 amended to read as follows:
 - 5-341. IMMUNITY OF EMPLOYERS PROPERTY OWNERS ALLOWING EMPLOYEE FIREARM CARRYING, POSSESSION OR STORAGE OF FIREARMS. (1) No action shall lie or be maintained for civil damages in any court of this state against an employer a property owner where the claim arises out of the policy of an employer a property owner to either specifically allow or not prohibit the lawful carrying, possession or storage of firearms by employees in their personal motor vehicles on the employer's business property owner's premises.
 - (2) For purposes of this section, "property owner" means any individual, sole proprietor, partnership, limited partnership, corporation, limited liability company, association and any other lawful entity recognized in this state that owns, leases or otherwise occupies or controls any real property within this state.
 - SECTION 2. That Section 6-904, Idaho Code, be, and the same is hereby amended to read as follows:
 - 6-904. EXCEPTIONS TO GOVERNMENTAL LIABILITY. A governmental entity and its employees while acting within the course and scope of their employment and without malice or criminal intent shall not be liable for any claim which:
 - 1. Arises out of any act or omission of an employee of the governmental entity exercising ordinary care, in reliance upon or the execution or performance of a statutory or regulatory function, whether or not the statute or regulation be valid, or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a governmental entity or employee thereof, whether or not the discretion be abused.
 - 2. Arises out of the imposition or establishment of a quarantine by a governmental entity, whether such quarantine relates to persons or property.

3. Arises out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights.

- 4. Arises out of the activities of the Idaho national guard when engaged in training or duty under sections 316, 502, 503, 504, 505 or 709, title 32, United States Code.
- 5. Arises out of the activities of the Idaho national guard when engaged in combatant activities during a time of war.
- 6. Arises out of or results from riots, unlawful assemblies, public demonstrations, mob violence or civil disturbances.
- 7. Arises out of a plan or design for construction or improvement to the highways, roads, streets, bridges, or other public property where such plan or design is prepared in substantial conformance with engineering or design standards in effect at the time of preparation of the plan or design or approved in advance of the construction by the legislative body of the governmental entity or by some other body or administrative agency, exercising discretion by authority to give such approval.
- 8. Arises out of the policy of the governmental entity to allow or to not prohibit lawful carrying, possession or storage of firearms on property owned or controlled by the governmental entity.