

IN THE SENATE

SENATE BILL NO. 1441

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO UNIFORMITY OF FIREARMS REGULATION; REPEALING SECTIONS 31-872 AND 50-343, IDAHO CODE, RELATING TO REGULATION OF FIREARMS BY COUNTIES AND CITIES; AMENDING CHAPTER 33, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-3302J, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS, TO PROVIDE FOR PREEMPTION OF ALL REGULATION OF FIREARMS BY A COUNTY, CITY, AGENCY, BOARD OR ANY OTHER POLITICAL SUBDIVISION OF THIS STATE WITH EXCEPTIONS, TO PROVIDE FOR APPLICATION AND PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Sections 31-872 and 50-343, Idaho Code, be, and the same are hereby repealed.

SECTION 2. That Chapter 33, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-3302J, Idaho Code, and to read as follows:

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

(2) Except as expressly authorized by state statute, no county, city, agency, board or any other political subdivision of this state may adopt or enforce any law, rule, regulation, or ordinance which regulates in any manner the sale, acquisition, transfer, ownership, possession, transportation, carrying or storage of firearms or any element relating to firearms and components thereof, including ammunition.

(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 discharge of firearms within its boundaries. Ordinances adopted under this subsection may not apply to or affect:

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

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

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

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

9 (b) The authority of counties and cities to regulate the location and
10 construction of sport shooting ranges, subject to the limitations con-
11 tained in chapter 26, title 55, Idaho Code; and

12 (c) The authority of the board of regents of the university of Idaho,
13 the boards of trustees of the state colleges and universities, the board
14 of professional-technical education and the boards of trustees of each of
15 the community colleges established under chapter 21, title 33, Idaho Code,
16 to regulate in matters relating to firearms.

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

20 SECTION 3. An emergency existing therefor, which emergency is hereby
21 declared to exist, this act shall be in full force and effect on and after its
22 passage and approval.