

Short Ballot Title

An initiative declaring firearms manufactured and sold in Idaho are not subject to federal regulation.

Long Ballot Title

An initiative relating to firearms; amending Chapter 33, Title 18, Idaho Code, by addition of a new section 18, to provide that any personal firearm, firearm accessory or ammunition that is manufactured in Idaho and remains within the borders of Idaho is not subject to federal law or regulation under the authority of Congress to regulate interstate commerce. Requiring made in Idaho to be stamped; and nullifying federal law.

Text of Initiative

SECTION 1. 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 18-3326, Idaho Code, and to read as follows:

18-3326. IDAHO FIREARMS FREEDOM ACT. (1) This act may be known and cited as the "Idaho Firearms Freedom Act."

(2) The people declare that the authority for this act is the following:

(a) The 10th amendment to the United States constitution guarantees to the states and their people all powers not granted to the federal government elsewhere in the constitution and reserves to the state and people of Idaho certain powers as they were understood at the time that Idaho was admitted to statehood in 1890. The guaranty of those powers is a matter of contract between the state and people of Idaho and the United States as of the time that the compact with the United States was agreed upon and adopted by Idaho and the United States in 1890.

(b) The ninth amendment to the United States constitution guarantees to the people rights not granted in the constitution and reserves to the people of Idaho certain rights as they were understood at the time that Idaho was admitted to statehood in 1890. The guaranty of those rights is a matter of contract between the state and people of Idaho and the United States as of the time that the compact with the United States was agreed upon and adopted by Idaho and the United States in 1890.

(c) The regulation of intrastate commerce is vested in the states under the 9th and 10th amendments to the United States constitution.

(d) The second amendment to the United States constitution reserves to the people the right to keep and bear arms as that right was understood at the time that Idaho was admitted to statehood in 1890, and the guaranty of the right is a matter of contract between the state and people of Idaho and the United States as of the time that the compact with the United States was agreed upon and adopted by Idaho and the United States in 1890.

(e) Article I, section 11, of the Idaho constitution clearly secures to Idaho citizens, and prohibits government interference with, the right of individual Idaho citizens to keep and bear arms. This constitutional protection was approved by congress and the people of Idaho, and the right exists as it was understood at the time that the compact with the United States was agreed

upon and adopted by Idaho and the United States in 1890.

(3) When used in this section:

(a) "Borders of Idaho" means the boundaries of Idaho described in Article XVII, section 1, of the Idaho constitution;

(b) "Firearms accessories" means items that are used in conjunction with or mounted upon a firearm but are not essential to the basic function of a firearm, including but not limited to telescopic or laser sights, magazines, flash or sound suppressors, folding or aftermarket stocks and grips, speedloaders, ammunition carriers, and lights for target illumination;

(c) "Generic and insignificant parts" includes but is not limited to springs, screws, nuts, and pins; and

(d) "Manufactured" means that a firearm, a firearm accessory, or ammunition has been created from basic materials for functional usefulness, including but not limited to forging, casting, machining, or other processes for working materials.

(4) A personal firearm, a firearm accessory, or ammunition that is manufactured commercially or privately in Idaho and that remains within the borders of Idaho is not subject to federal law or federal regulation, including registration, under the authority of congress to regulate interstate commerce. It is declared by the legislature that those items have not traveled in interstate commerce. This section applies to a firearm, a firearm accessory, or ammunition that is manufactured in Idaho from basic materials and that can be manufactured without the inclusion of any significant parts imported from another state. Generic and insignificant parts that have other manufacturing or consumer product applications are not firearms, firearms accessories, or ammunition, and their importation into Idaho and incorporation into a firearm, a firearm accessory, or ammunition manufactured in Idaho does not subject the firearm, firearm accessory, or ammunition to federal regulation. It is declared by the legislature that basic materials, such as unmachined steel and unshaped wood, are not firearms, firearms accessories, or ammunition and are not subject to congressional authority to regulate firearms, firearms accessories, and ammunition under interstate commerce as if they were actually firearms, firearms accessories, or ammunition. The authority of congress to regulate interstate commerce in basic materials does not include authority to regulate firearms, firearms accessories, and ammunition made in Idaho from those materials. Firearms accessories that are imported into Idaho from another state and that are subject to federal regulation as being in interstate commerce do not subject a firearm to federal regulation under interstate commerce because they are attached to or used in conjunction with a firearm in Idaho.

(5) Subsection (4) of this section does not apply to:

(a) A firearm that cannot be carried and used by one person;

(b) A firearm that has a bore diameter greater than 1 1/2 inches and that uses smokeless powder, not black powder, as a propellant;

(c) Ammunition with a projectile that explodes using an explosion of chemical energy after the projectile leaves the firearm; or

(d) Other than shotguns, a firearm that discharges two or more projectiles with one activation of the trigger or other firing device.

(6) A firearm manufactured or sold in Idaho under this section must have the words "Made in Idaho" clearly stamped on a central metallic part, such as the receiver or frame.

(7) Any federal law, rule, order or other act by the federal government violating the provisions of this act is hereby declared to be invalid in this state, is not recognized by and specifically rejected by this state, and is considered as null and void and of no effect in this state.

(8) This Act applies to firearms, firearms accessories, and ammunition that are

manufactured, as defined in subsection (3), and retained in Idaho after October 1, 2010.

(9) If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.