

IN THE SENATE

SENATE BILL NO. 1276

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO THE CIVIL RIGHTS OF PERSONS CONVICTED OF CRIME; AMENDING SECTION  
2 18-310, IDAHO CODE, TO PROVIDE THAT THE RIGHT TO SHIP, TRANSPORT, POS-  
3 SESS OR RECEIVE A FIREARM SHALL NOT BE RESTORED FOLLOWING FELONY CONVIC-  
4 TIONS FOR CERTAIN CRIMES.  
5

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

7 SECTION 1. That Section 18-310, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 18-310. IMPRISONMENT -- EFFECT ON CIVIL RIGHTS AND OFFICES. (1) A  
10 sentence of custody to the Idaho state board of correction suspends all the  
11 civil rights of the person so sentenced including the right to refuse treat-  
12 ment authorized by the sentencing court, and forfeits all public offices and  
13 all private trusts, authority or power during such imprisonment: provided  
14 that any such person may bring an action for damages or other relief in the  
15 courts of this state or have an action brought against such person; and pro-  
16 vided further that any such person may lawfully exercise all civil rights  
17 that are not political during any period of parole or probation, except the  
18 right to ship, transport, possess or receive a firearm, and the right to  
19 refuse treatment authorized by the sentencing court.

20 (2) Upon final discharge, a person convicted of any Idaho felony shall  
21 be restored the full rights of citizenship, except that for persons con-  
22 victed of treason or those offenses enumerated in paragraphs (a) through  
23 (~~jjrr~~) of this subsection the right to ship, transport, possess or receive a  
24 firearm shall not be restored. As used in this subsection, "final discharge"  
25 means satisfactory completion of imprisonment, probation and parole as the  
26 case may be.

- 27 (a) aggravated assault (18-905, 18-915, Idaho Code);  
28 (b) aggravated battery (18-907, 18-915, Idaho Code);  
29 (c) assault with intent to commit a serious felony (18-909, 18-915,  
30 Idaho Code);  
31 (d) battery with intent to commit a serious felony (18-911, 18-915,  
32 Idaho Code);  
33 (e) burglary (18-1401, Idaho Code);  
34 (f) crime against nature (18-6605, Idaho Code);  
35 (g) domestic battery, felony (18-918, Idaho Code);  
36 (h) enticing of children, felony (18-1509, Idaho Code);  
37 (i) forcible sexual penetration by use of a foreign object (18-6608,  
38 Idaho Code);  
39 (j) indecent exposure, felony (18-4116, Idaho Code);  
40 (k) injury to child, felony (18-1501, Idaho Code);  
41 (l) intimidating a witness, felony (18-2604, Idaho Code);

1 (m) lewd conduct with a minor or child under sixteen (18-1508, Idaho  
2 Code);

3 (n) sexual abuse of a child under sixteen (18-1506, Idaho Code);

4 (o) sexual exploitation of a child (18-1507, Idaho Code);

5 (p) felonious rescuing prisoners (18-2501, Idaho Code);

6 (q) escape by one charged with, convicted of or on probation for a  
7 felony (18-2505, Idaho Code);

8 (r) unlawful possession of a firearm (18-3316, Idaho Code);

9 (s) degrees of murder (18-4003, Idaho Code);

10 (t) voluntary manslaughter (18-4006(1), Idaho Code);

11 (u) assault with intent to murder (18-4015, Idaho Code);

12 (v) administering poison with intent to kill (18-4014, Idaho Code);

13 (w) kidnapping (18-4501, Idaho Code);

14 (x) mayhem (18-5001, Idaho Code);

15 (y) rape (18-6101, Idaho Code);

16 (z) male rape (18-6108, Idaho Code);

17 (aa) robbery (18-6501, Idaho Code);

18 (bb) ritualized abuse of a child (18-1506A, Idaho Code);

19 (cc) cannibalism (18-5003, Idaho Code);

20 (dd) felonious manufacture, delivery or possession with the intent to  
21 manufacture or deliver, or possession of a controlled or counterfeit  
22 substance (37-2732, Idaho Code);

23 (ee) trafficking (37-2732B, Idaho Code);

24 (ff) threats against state officials of the executive, legislative or  
25 judicial branch, felony (18-1353A, Idaho Code);

26 (gg) unlawful discharge of a firearm at a dwelling house, occupied  
27 building, vehicle or mobile home (18-3317, Idaho Code);

28 (hh) unlawful possession of destructive devices (18-3319, Idaho Code);

29 (ii) unlawful use of destructive device or bomb (18-3320, Idaho Code);

30 (jj) terrorism (18-8103, 18-8106, Idaho Code);

31 (kk) arson in the first or second degree (18-802, 18-803, Idaho Code);

32 (ll) theft by extortion (18-2403(2)(e), Idaho Code);

33 (mm) human trafficking (18-8602, Idaho Code);

34 (nn) felony riot (18-6402, Idaho Code);

35 (oo) hijacking (18-7501, Idaho Code);

36 (pp) racketeering (18-7804, Idaho Code);

37 (qq) supplying firearms to a criminal gang (18-8505, Idaho Code);

38 (rr) attempt (18-306, Idaho Code), conspiracy (18-1701, Idaho Code),  
39 or solicitation (18-2001, Idaho Code), to commit any of the crimes de-  
40 scribed in paragraphs (a) through (±±qq) of this subsection.

41 (~~kkss~~) The provisions of this subsection shall apply only to those per-  
42 sons convicted of the enumerated felonies in paragraphs (a) through  
43 (~~jjrr~~) of this subsection on or after July 1, 1991, except that per-  
44 sons convicted of the felonies enumerated in paragraphs (s) and (t) of  
45 this subsection, for any degree of murder or voluntary manslaughter,  
46 shall not be restored the right to ship, transport, possess or receive a  
47 firearm regardless of the date of their conviction if the conviction was  
48 the result of an offense committed by use of a firearm.

49 (3) A person not restored to the civil right to ship, transport, pos-  
50 sess or receive a firearm may make application to the commission of pardons

1 and parole to restore the civil right to ship, transport, possess or receive  
2 a firearm. The commission shall not accept any such application until five  
3 (5) years after the date of final discharge. The commission shall conduct  
4 the proceeding upon such application pursuant to rules adopted in accordance  
5 with the law. The commission shall not restore the right to ship, transport,  
6 possess or receive a firearm to any person convicted of murder in the first  
7 degree (18-4003, Idaho Code), murder in the second degree (18-4003, Idaho  
8 Code), or any felony enumerated in paragraphs (a) through (jjrr) of subsec-  
9 tion (2) of this section, upon which the sentence was enhanced for the use of  
10 a firearm during the commission of said felony.

11 (4) Persons convicted of felonies in other states or jurisdictions  
12 shall be allowed to register and vote in Idaho upon final discharge which  
13 means satisfactory completion of imprisonment, probation and parole as the  
14 case may be. These individuals shall not have the right restored to ship,  
15 transport, possess or receive a firearm, in the same manner as an Idaho felon  
16 as provided in subsection (2) of this section.