

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 473

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE RESTORING CONSTITUTIONAL GOVERNANCE ACT OF IDAHO; AMENDING TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 21, TITLE 18, IDAHO CODE, TO PROVIDE LEGISLATIVE DETERMINATION AND TO PROVIDE FOR THE PROHIBITION ON THE DETENTION AND DISPOSITION OF IDAHO CITIZENS.

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

SECTION 1. That Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 21, Title 18, Idaho Code, and to read as follows:

CHAPTER 21

RESTORING CONSTITUTIONAL GOVERNANCE ACT OF IDAHO

18-2101. LEGISLATIVE DETERMINATION -- PROHIBITION ON THE DETENTION AND DISPOSITION OF IDAHO CITIZENS. (1) It is the determination of the Idaho legislature that Idaho is not a battlefield subject to the laws of war and that neither congress nor the president of the United States can constitutionally apply the laws of war to any person in Idaho or citizen of Idaho who is not serving in the land or naval forces or in the militia, when in actual service in time of war or public danger.

(2) Notwithstanding any treaty or federal, state or local law or authority including, but not limited to, an authorization for use of military force, national defense authorization act or any similar law enacted or claimed by congress or the office of the president of the United States, it is unlawful for any person to do any one (1) of the following:

(a) Arrest or capture any person in Idaho or any citizen of Idaho under the law of war;

(b) Actually subject a person in Idaho to disposition under the law of war; or

(c) Use deadly force under the laws of war against any person in Idaho, or intentionally subject any citizen of Idaho for targeted killing or murder.

(3) The provisions of subsection (2) of this section do not prohibit the application of the uniform code of military justice, including military detention and trial in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger, to discipline service members who have violated the uniform code of military justice and laws of war.

(4) For the purposes of this chapter, "arrest," "capture," "detention under the law of war," "disposition under the law of war" and "law of war" are used in the same sense and shall have the same meanings as such terms have in section 1021(c) of the national defense authorization act for fiscal year 2012.

1           (5) Any person who commits a violation of this section shall be prose-  
2           cuted under the Idaho criminal code relating to the substantive law for which  
3           the violation pertains including, but not limited to, assault, battery, kid-  
4           napping or murder.