

IN THE SENATE

SENATE BILL NO. 1090

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO CONCEALED WEAPONS; AMENDING SECTION 18-3302, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT, TO DEFINE TERMS AND TO REVISE PROVISIONS RELATING TO POLICIES AND PROCEDURES IN THE ISSUANCE OF A LICENSE TO CARRY CONCEALED WEAPONS; AMENDING SECTION 18-3302I, IDAHO CODE, TO REMOVE A DEFINITION; AMENDING SECTION 18-3302K, IDAHO CODE, TO REVISE PROVISIONS RELATING TO POLICIES AND PROCEDURES IN THE ISSUANCE OF AN ENHANCED LICENSE TO CARRY CONCEALED WEAPONS; AMENDING SECTION 18-3316, IDAHO CODE, TO REMOVE A DEFINITION; AMENDING SECTION 31-870, IDAHO CODE, TO PROVIDE THAT A BOARD OF COUNTY COMMISSIONERS SHALL NOT IMPOSE OR COLLECT A FEE FOR LICENSES TO CARRY CONCEALED WEAPONS; AND AMENDING SECTION 9-340B, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

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

SECTION 1. That Section 18-3302, Idaho Code, be, and the same is hereby amended to read as follows:

18-3302. ~~ISSUANCE OF LICENSES TO CARRY~~ CONCEALED WEAPONS. (1) The legislature hereby finds that the people of Idaho have reserved for themselves the right to keep and bear arms while granting the legislature the authority to regulate the carrying of weapons concealed. The provisions of this chapter regulating the carrying of weapons shall be strictly construed so as to give maximum scope to the rights retained by the people.

(2) As used in this chapter:

(a) "Concealed weapon" means any deadly weapon carried on or about the person in a manner not discernible by ordinary observation;

(b) "Deadly weapon" means:

(i) Any dirk, dirk knife, bowie knife, dagger or firearm;

(ii) Any other weapon, device, instrument, material or substance that is designed and manufactured to be readily capable of causing death or serious bodily injury; or

(iii) Any other weapon, device, instrument, material or substance that is intended by the person to be readily capable of causing death or serious bodily injury.

(c) The term "deadly weapon" does not include:

(i) Any knife, cleaver or other instrument that is intended by the person to be used in the processing, preparation or eating of food;

(ii) Any knife with a blade four (4) inches or less; or

(iii) Any taser, stun-gun, pepper spray or mace;

(d) "Firearm" means any weapon that will, is designed to or may readily be converted to expel a projectile by the action of an explosive;

(e) "Loaded" means:

(i) In the case of a firearm capable of using fixed ammunition, that live ammunition is present in:

1. The chamber or chambers of the firearm;
2. Any internal magazine of the firearm; or
3. A detachable magazine inserted in the firearm;

(ii) In the case of a firearm that is not capable of using fixed ammunition that the firearm contains:

1. A propellant charge; and
2. A priming cap or primer cap.

(3) No person shall carry concealed weapons on or about his person without a license to carry concealed weapons, except:

- (a) In the person's place of abode or fixed place of business;
- (b) On property in which the person has any ownership or leasehold interest;
- (c) On private property where the person has permission to carry concealed weapons from any person with an ownership or leasehold interest;
- or
- (d) Outside the limits of or confines of any city.

(4) Subsection (3) of this section shall not apply to restrict or prohibit the carrying or possession of:

- (a) Any deadly weapon located in plain view;
- (b) Any lawfully possessed shotgun or rifle;
- (c) A firearm that is not loaded and is concealed in a motor vehicle;
- (d) A firearm that is not loaded and is secured in a case; and
- (e) A firearm that is disassembled or permanently altered such that it is not readily operable.

(5) The requirement to secure a license to carry concealed weapons under this section shall not apply to the following persons:

- (a) Officers of the United States authorized to carry weapons under federal law while in the performance of official duties;
- (b) Members of the armed forces of the United States or of the national guard when in performance of official duties;
- (c) Criminal investigators of the attorney general's office, criminal investigators of a prosecuting attorney's office, prosecutors and their deputies;
- (d) Any peace officer as defined in section 19-5101(d), Idaho Code, in good standing;
- (e) Any person who has physical possession of his valid license or permit authorizing him to carry concealed weapons from another state; and
- (f) Any person who has physical possession of a valid license or permit from a local law enforcement agency or court of the United States authorizing him to carry concealed weapons.

(6) The sheriff of a county, on behalf of the state of Idaho, shall, within ninety (90) days after the filing of an license application by any person who is not disqualified as provided herein from possessing or receiving a firearm under state or federal law, issue a license to the person to carry ~~a weapon~~ concealed weapons on his person within this state. ~~For licenses issued before July 1, 2006, a license shall be valid for four (4) years from the date of issue. For licenses issued on or after July 1, 2006, a~~ Such license shall be valid for five (5) years from the date of issue issuance. ~~The citizen's constitutional right to bear arms shall not be denied to him, unless one (1) of the following applies. He:~~

~~(a) Is ineligible to own, possess or receive a firearm under the provisions of state or federal law;~~
~~(b) Is formally charged with a crime punishable by imprisonment for a term exceeding one (1) year;~~
~~(c) Has been adjudicated guilty in any court of a crime punishable by imprisonment for a term exceeding one (1) year;~~
~~(d) Is a fugitive from justice;~~
~~(e) Is an unlawful user of, or addicted to, marijuana or any depressant, stimulant or narcotic drug, or any other controlled substance as defined in 21 U.S.C. 802;~~
~~(f) Is currently suffering or has been adjudicated as follows, based on substantial evidence:~~
 ~~(i) Lacking mental capacity as defined in section 18-210, Idaho Code;~~
 ~~(ii) Mentally ill as defined in section 66-317, Idaho Code;~~
 ~~(iii) Gravely disabled as defined in section 66-317, Idaho Code;~~
 ~~or~~
 ~~(iv) An incapacitated person as defined in section 15-5-101(a), Idaho Code.~~
~~(g) Is or has been discharged from the armed forces under dishonorable conditions;~~
~~(h) Is or has been adjudicated guilty of or received a withheld judgment or suspended sentence for one (1) or more crimes of violence constituting a misdemeanor, unless three (3) years have elapsed since disposition or pardon has occurred prior to the date on which the application is submitted;~~
~~(i) Has had entry of a withheld judgment for a criminal offense which would disqualify him from obtaining a concealed weapon license;~~
~~(j) Is an alien illegally in the United States;~~
~~(k) Is a person who having been a citizen of the United States has renounced his or her citizenship;~~
~~(l) Is under twenty-one (21) years of age;~~
~~(m) Is free on bond or personal recognizance pending trial, appeal or sentencing for a crime which would disqualify him from obtaining a concealed weapon license; or~~
~~(n) Is subject to a protection order issued under chapter 63, title 39, Idaho Code, that restrains the person from harassing, stalking or threatening an intimate partner of the person or child of the intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child.~~
(7) The sheriff shall make license applications readily available at the office of the sheriff or at other public offices in his or her jurisdiction. The license application shall be in a form to be prescribed by the director of the Idaho state police, and shall meet the following requirements:
 (a) The license application shall ask require the applicant's name, address, description and, signature of the licensee, date of birth, place of birth, social security number, military status, citizenship and the driver's license number or state identification card number of the licensee if used for identification in applying for the license.

1 Provided however, that if the applicant is not a United States citizen
 2 and is legally in the United States, the application shall also require
 3 any alien or admission number issued to the applicant by United States
 4 immigration and customs enforcement or any successor agency;

5 (b) The license application may ask the applicant to disclose his so-
 6 cial security number but shall indicate that ~~provision~~ disclosure of
 7 the applicant's social security number is optional-; and

8 (c) The license application shall contain a warning that substantially
 9 reads as follows:

10 CAUTION: Federal law and state law on the possession of weapons and
 11 firearms differ. If you are prohibited by federal law from possess-
 12 ing a weapon or a firearm, you may be prosecuted in federal court. A
 13 state permit is not a defense to a federal prosecution.

14 (8) The sheriff may require the applicant to demonstrate familiarity
 15 with a firearm and shall accept any one (1) of the following as evidence of
 16 the applicant's familiarity with a firearm:

17 (a) Completion of any hunter education or hunter safety course approved
 18 by the department of fish and game or a similar agency of another state;

19 (b) Completion of any national rifle association firearms safety or
 20 training course or any national rifle association hunter education
 21 course;

22 (c) Completion of any firearms safety or training course or class
 23 available to the general public offered by a law enforcement agency,
 24 community college, college, university or private or public institu-
 25 tion or organization or firearms training school, utilizing instruc-
 26 tors certified by the national rifle association or the Idaho state
 27 police;

28 (d) Completion of any law enforcement firearms safety or training
 29 course or class offered for security guards, investigators, special
 30 deputies, or offered for any division or subdivision of a law enforce-
 31 ment agency or security enforcement agency;

32 (e) Evidence of equivalent experience with a firearm through partici-
 33 pation in organized shooting competition or military service;

34 (f) Is currently licensed to carry concealed weapons pursuant to this
 35 section, unless the license has been revoked for cause;

36 (g) Completion of any firearms training or safety course or class con-
 37 ducted by a state certified or national rifle association certified
 38 firearms instructor; or

39 (h) Other training that the sheriff deems appropriate.

40 (9) The sheriff shall require a~~Any person who is~~ applying for original
 41 issuance of a license to carry concealed weapons shall be required to sub-
 42 mit his fingerprints in addition to the other information required in this
 43 subsection with the completed license application. Within five (5) days af-
 44 ter the filing of an application, the sheriff shall forward the applicant's
 45 completed license application and fingerprints to the Idaho state police for
 46 a records check of state and national files. The Idaho state police shall
 47 conduct a national fingerprint-based records check, an inquiry through the
 48 national instant criminal background check system and a check of any appli-

1 cable state database, including a check for any mental health records for
 2 conditions or commitments that would disqualify a person from possessing a
 3 firearm under state or federal law, and return the results to the sheriff
 4 within ~~seventy-five~~ sixty (7560) days. If the applicant is not a United
 5 States citizen, an immigration alien query shall also be conducted through
 6 United States immigration and customs enforcement or any successor agency.
 7 The sheriff shall not issue a license before receiving the results of the
 8 records check and must deny a license if the applicant is disqualified under
 9 any of the criteria listed in paragraphs (a) through (n) subsection (10) of
 10 this subsection. In the event the sheriff has collected a fee to cover the
 11 cost of processing fingerprints for the records check, the sheriff shall
 12 provide the applicant with a copy of the results of the records check upon
 13 request of the applicant. The sheriff may deny a license to carry concealed
 14 weapons to an alien if background information is not attainable or verifi-
 15 able.

16 (10) A license to carry concealed weapons shall not be issued to any per-
 17 son who:

18 (a) Is under twenty-one (21) years of age, except as otherwise provided
 19 in this section;

20 (b) Is formally charged with a crime punishable by imprisonment for a
 21 term exceeding one (1) year;

22 (c) Has been adjudicated guilty in any court of a crime punishable by
 23 imprisonment for a term exceeding one (1) year;

24 (d) Is a fugitive from justice;

25 (e) Is an unlawful user of marijuana or any depressant, stimulant or
 26 narcotic drug, or any controlled substance as defined in 21 U.S.C. sec-
 27 tion 802;

28 (f) Is currently suffering from or has been adjudicated as having suf-
 29 fered from any of the following conditions, based on substantial evi-
 30 dence:

31 (i) Lacking mental capacity as defined in section 18-210, Idaho
 32 Code;

33 (ii) Mentally ill as defined in section 66-317, Idaho Code;

34 (iii) Gravely disabled as defined in section 66-317, Idaho Code;
 35 or

36 (iv) An incapacitated person as defined in section 15-5-101,
 37 Idaho Code.

38 (g) Is or has been discharged from the armed forces under dishonorable
 39 conditions;

40 (h) Is or has been adjudicated guilty of or received a withheld judgment
 41 or suspended sentence for a crime of violence constituting a misde-
 42 meanor or a crime that would disqualify him from obtaining a concealed
 43 weapons license, unless three (3) years have elapsed since entry of
 44 judgment or successful completion of probation prior to the date on
 45 which the application is submitted;

46 (i) Is an alien illegally in the United States;

47 (j) Is free on bond or personal recognizance pending trial, appeal or
 48 sentencing for a crime which would disqualify him from obtaining a con-
 49 cealed weapons license;

(k) Is subject to a protection order issued under chapter 63, title 39, Idaho Code, that restrains the person from harassing, stalking or threatening an intimate partner of the person or child of the intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to partner or child;
or

(l) Is for any other reason ineligible to own, possess or receive a firearm under the provisions of Idaho or federal law. In making a determination in relation to an applicant's eligibility under this subsection, the sheriff shall not consider:

(i) A conviction, guilty plea or adjudication that has been nullified by expungement, pardon, setting aside or other comparable procedure by the jurisdiction where the conviction, guilty plea or adjudication occurred or in respect of which conviction, guilty plea or adjudication the applicant's civil right to bear arms either specifically or in combination with other civil rights has been restored under operation of law or legal process; or

(ii) An adjudication of mental defect, incapacity of illness or an involuntary commitment to a mental institution if the applicant's civil right to bear arms has been restored under operation of law or legal process.

(11) The A license will to carry concealed weapons shall be in a form substantially similar to that of the Idaho driver's license. It will and shall meet the following specifications:

(a) The license shall bear provide the signature, licensee's name, address, date of birth, picture of the licensee, expiration date and the driver's license number or state identification card number of the licensee if used for identification in applying for the license;

(b) The license shall bear the licensee's signature and picture; and

(c) The license shall provide the date of issuance and the date on which the license expires.

(12) Upon issuing a license under the provisions of this section, the sheriff will shall notify the Idaho state police within three (3) business days on a form or in a manner prescribed by the Idaho state police. Information relating to an applicant or licensee received or maintained pursuant to this section by the sheriff or Idaho state police is confidential and exempt from disclosure under section 9-33840B, Idaho Code.

(213) The fee for original issuance of a license shall be twenty dollars (\$20.00) paid to the sheriff for the purpose of enforcing the provisions of this chapter, which the sheriff shall retain for the purpose of performing the duties required in this section. The sheriff may collect the actual cost of any additional fees necessary to cover the cost of processing fingerprints lawfully required by any state or federal agency or department, and the actual cost of materials for the license lawfully required by any state agency or department, which costs shall be paid to the state. The sheriff shall provide the applicant with a copy of the results of the fingerprints based records check upon request of the applicant.

(314) The fee for renewal of the license shall be fifteen dollars (\$15.00), which the sheriff shall retain for the purpose of performing the duties required in this section. The sheriff may collect the actual cost

1 of any additional fees necessary to cover the processing costs lawfully re-
 2 quired by any state or federal agency or department, and the actual cost of
 3 materials for the license lawfully required by any state agency or depart-
 4 ment, which costs shall be paid to the state. ~~If a licensee applying for~~
 5 ~~renewal has not previously been required to submit fingerprints, the sheriff~~
 6 ~~shall require the licensee to do so and may collect any additional fees nec-~~
 7 ~~essary to cover the cost of processing fingerprints lawfully required by any~~
 8 ~~state or federal agency or department.~~

9 (415) Every license that is not, as provided by law, suspended, re-
 10 voked or disqualified in this state shall be renewable at any time during the
 11 ninety (90) day period before its expiration or within ninety (90) days after
 12 the expiration date. The sheriff shall mail rRenewal notices shall be mailed
 13 ~~out~~ ninety (90) days prior to the expiration date of the license. The sheriff
 14 shall require the licensee applying for renewal to complete an applica-
 15 tion. The sheriff shall submit the application to the Idaho state police
 16 for a records check of state and national databases. The Idaho state police
 17 shall conduct the records check and return the results to the sheriff within
 18 thirty (30) days. The sheriff shall not issue a renewal before receiving
 19 the results of the records check and must deny a license if the applicant is
 20 disqualified under any of the criteria listed provided in subsection (1),
 21 ~~paragraphs (a) through (n) of this section.~~ A renewal license shall be valid
 22 for a period of five (5) years. A license so renewed shall take effect on the
 23 expiration date of the prior license. A licensee renewing ninety-one (91)
 24 days to one hundred eighty (180) days after the expiration date of the li-
 25 cense shall pay a late renewal penalty of ten dollars (\$10.00) in addition to
 26 the renewal fee unless waived by the sheriff, except that any licensee serv-
 27 ing on active duty in the armed forces of the United States during the renewal
 28 period shall not be required to pay a late renewal penalty upon renewing
 29 ninety-one (91) days to one hundred eighty (180) days after the expiration
 30 date of the license. After one hundred eighty-one (181) days, the licensee
 31 shall be required to submit an initial application for a license and to pay
 32 the fees prescribed in subsection (213) of this section. The renewal fee
 33 and any penalty shall be paid to the sheriff for the purpose of enforcing the
 34 provisions of this chapter. Upon renewing a license under the provisions of
 35 this section, the sheriff shall notify the Idaho state police within five (5)
 36 days on a form or in a manner prescribed by the Idaho state police.

37 ~~(5) Notwithstanding the requirements of this section, the sheriff of~~
 38 ~~the county of the applicant's residence may issue a temporary emergency li-~~
 39 ~~cence for good cause pending review under subsection (1) of this section.~~

40 (16) A No city, county or other political subdivision of this state
 41 shall ~~not~~ modify or add to the requirements of this section, nor may shall
 42 a city, county or political subdivision ask the applicant to voluntarily
 43 submit any information not required in this section. A civil action may be
 44 brought to enjoin a wrongful refusal to issue a license or a wrongful modifi-
 45 cation of the requirements of this section. The civil action may be brought
 46 in the county in which the application was made or in Ada county at the dis-
 47 cretion of the petitioner. Any person who prevails against a public agency
 48 in any action in the courts for a violation of ~~subsections (1) through (5) of~~
 49 ~~this section,~~ shall be awarded costs, including reasonable attorney's fees
 50 incurred in connection with the legal action.

~~(7) Except in the person's place of abode or fixed place of business, or on property in which the person has any ownership or leasehold interest, a person shall not carry a concealed weapon without a license to carry a concealed weapon. For the purposes of this section, a concealed weapon means any dirk, dirk knife, bowie knife, dagger, pistol, revolver or any other deadly or dangerous weapon. The provisions of this section shall not apply to any lawfully possessed shotgun or rifle, any knife, cleaver or other instrument primarily used in the processing, preparation or eating of food, any knife with a blade four (4) inches or less or any lawfully possessed taser, stun gun or pepper spray.~~

~~(8) A county sheriff, deputy sheriff or county employee who issues a license to carry a concealed weapon under this section shall not incur any civil or criminal liability as the result of the performance of his duties under in compliance with this section.~~

~~(9) While in any motor vehicle, inside the limits or confines of any city, a person shall not carry a concealed weapon on or about his person without a license to carry a concealed weapon. This shall not apply to any firearm located in plain view whether it is loaded or unloaded. A firearm may be concealed legally in a motor vehicle so long as the weapon is disassembled or unloaded.~~

~~(10) In implementing the provisions of this section on behalf of the state of Idaho, the sheriff shall make applications readily available at the office of the sheriff or at other public offices in his jurisdiction.~~

~~(11) The sheriff of a county may issue a license to carry a concealed weapon to those individuals between the ages of eighteen (18) and twenty-one (21) years who in the judgment of the sheriff warrant the issuance of the license to carry a concealed weapon. Such issuance shall be subject to limitations which the issuing authority deems appropriate. Licenses issued to individuals between the ages of eighteen (18) and twenty-one (21) years shall be easily distinguishable from regular licenses issued pursuant to subsection (6) of this section.~~

~~(12) The requirement to secure a license to carry a concealed weapon under this section shall not apply to the following persons:~~

~~(a) Officials of a county, city, state of Idaho, the United States, peace officers, guards of any jail, court appointed attendants or any officer of any express company on duty;~~

~~(b) Employees of the adjutant general and military division of the state where military membership is a condition of employment when on duty;~~

~~(c) Criminal investigators of the attorney general's office, criminal investigators of a prosecuting attorney's office, prosecutors and their deputies;~~

~~(d) Any person outside the limits of or confines of any city while engaged in lawful hunting, fishing, trapping or other lawful outdoor activity;~~

~~(e) Any publicly elected Idaho official;~~

~~(f) Retired peace officers or detention deputies with at least ten (10) years of service with the state or a political subdivision as a peace officer or detention deputy and who have been certified by the peace officer standards and training council;~~

~~(g) Any person who has a valid permit from a state or local law enforcement agency or court authorizing him to carry a concealed weapon. A permit issued in another state will only be considered valid if the permit is in the licensee's physical possession.~~

~~(13) When issuing a license pursuant to this section, the sheriff may require the applicant to demonstrate familiarity with a firearm and shall accept any of the following, provided the applicant may select whichever of the following applies:~~

~~(a) Completion of any hunter education or hunter safety course approved by the department of fish and game or a similar agency of another state;~~

~~(b) Completion of any national rifle association firearms safety or training course or any national rifle association hunter education course;~~

~~(c) Completion of any firearms safety or training course or class available to the general public offered by a law enforcement agency, community college, college, university, or private or public institution or organization or firearms training school, utilizing instructors certified by the national rifle association or the Idaho state police;~~

~~(d) Completion of any law enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of a law enforcement agency or security enforcement agency;~~

~~(e) Presents evidence or equivalent experience with a firearm through participation in organized shooting competition or military service;~~

~~(f) Is licensed or has been licensed to carry a firearm in this state or a county or municipality, unless the license has been revoked for cause; or~~

~~(g) Completion of any firearms training or training or safety course or class conducted by a state certified or national rifle association certified firearms instructor.~~

~~(149) A person carrying a concealed weapon in violation of the provisions of this section shall be guilty of a misdemeanor.~~

~~(1520) The sheriff of the county where the license was issued or the sheriff of the county where the person resides shall have the power to revoke a license subsequent to a hearing in accordance with the provisions of chapter 52, title 67, Idaho Code, for any of the following reasons:~~

~~(a) Fraud or intentional misrepresentation in the obtaining of a license;~~

~~(b) Misuse of a license, including lending or giving a license to another person, duplicating a license or using a license with the intent to unlawfully cause harm to a person or property;~~

~~(c) The doing of an act or existence of a condition which would have been grounds for the denial of the license by the sheriff;~~

~~(d) The violation of any of the terms of this section; or~~

~~(e) The applicant is adjudicated guilty of or receives a withheld judgment for a crime which would have disqualified him from initially receiving a license.~~

~~(1621) A person twenty-one (21) years of age or older issued who presents a valid license to carry a concealed weapons is exempt from any re-~~

quirement to undergo a records check at the time of purchase or transfer of a firearm from a federally licensed firearms dealer. ~~However, a temporary emergency license issued under subsection (5) of this section shall not exempt the holder of the license from any records check requirement. Temporary emergency licenses shall be easily distinguishable from regular licenses.~~

(1722) ~~The attorney general is authorized to negotiate reciprocal agreements with other states related to the recognition shall contact the appropriate officials in other states for the purpose of establishing, to the extent possible, recognition and reciprocity of the licenses to carry concealed weapons by other states, whether by formal agreement or otherwise.~~ The Idaho state police shall keep a copy and maintain a record of all such agreements and reciprocity recognitions, which shall be made available to the public.

(1823) The provisions of this section are hereby declared to be severable and if any provision of this section or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this section.

SECTION 2. That Section 18-3302I, Idaho Code, be, and the same is hereby amended to read as follows:

18-3302I. THREATENING VIOLENCE ON SCHOOL GROUNDS.

(1) (a) Any person, including a student, who willfully threatens on school grounds by word or act to use a firearm or other deadly or dangerous weapon to do violence to any other person on school grounds is guilty of a misdemeanor.

(b) The threats prohibited by this section encompass only those statements or acts where the speaker or actor intends to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals. The prosecution is not required to prove that the defendant actually intended to carry out the threat.

(2) Definitions. As used in this section:

(a) "Deadly or dangerous weapon" means a weapon, device, instrument, material or substance that is used for, or is readily capable of, causing death or serious bodily injury;

(b) ~~"Firearm" means any weapon, whether loaded or unloaded, from which a shot, projectile or other object may be discharged by force of combustion, explosive, gas and/or mechanical means, regardless of whether such weapon is operable;~~

~~(c)~~ "On school grounds" means in, or on the property of, a public or private elementary or secondary school.

SECTION 3. That Section 18-3302K, Idaho Code, be, and the same is hereby amended to read as follows:

18-3302K. ISSUANCE OF ENHANCED LICENSES TO CARRY CONCEALED WEAPONS. (1) The sheriff of a county, on behalf of the state of Idaho, shall, within ninety (90) days after the filing of an application by any person who is not disqualified from possessing or receiving a firearm under state or

1 federal law and has otherwise complied with the requirements of this section
 2 ~~for an enhanced license~~, issue an enhanced license to the person to carry a
 3 ~~weapon~~ concealed weapons on his person. Licenses issued under this section
 4 shall be valid for five (5) years from the date of issue.

5 (2) ~~A person may file an application with the sheriff of the county in~~
 6 ~~which he resides or, if not an Idaho resident, with the sheriff of any county~~
 7 ~~in Idaho.~~ The sheriff shall make license applications readily available at
 8 the office of the sheriff or at other public offices in his jurisdiction. The
 9 license application shall be in a form to be prescribed by the director of the
 10 Idaho state police, and shall meet the following requirements:

11 (a) The license application shall ask require the applicant's name, ad-
 12 dress, description and, signature of the licensee, date of birth, place
 13 of birth, social security number, military status, citizenship and the
 14 driver's license number or state identification card number of the li-
 15 icensee if used for identification in applying for the license. If the
 16 applicant is not a U.S. citizen, the application shall also require any
 17 alien or admission number issued to the applicant by U.S. immigration
 18 and customs enforcement, or any successor agency-;

19 (b) The license application may ask the applicant to disclose his so-
 20 cial security number but shall indicate that the provision disclosure
 21 of the applicant's social security number is optional-; and

22 (c) ~~The sheriff shall make such applications readily available at the~~
 23 ~~office of the sheriff or at other public offices in his jurisdiction.~~
 24 The license application shall contain a warning that substantially
 25 reads as follows:

26 CAUTION: Federal law and state law on the possession of weapons and
 27 firearms differ. If you are prohibited by federal law from possess-
 28 ing a weapon or a firearm, you may be prosecuted in federal court. A
 29 state permit is not a defense to a federal prosecution.

30 (3) ~~The sheriff shall require a~~Any person who is applying for original
 31 issuance of a license to carry concealed weapons shall be required to sub-
 32 mit his fingerprints in addition to the other information required in this
 33 section with the completed application. Within five (5) days after the fil-
 34 ing of an application, the sheriff shall forward the applicant's completed
 35 license application and fingerprints to the Idaho state police. The Idaho
 36 state police shall conduct a national fingerprint-based records check, an
 37 inquiry through the national instant criminal background check system, and
 38 a check of any applicable state database, including a check for any mental
 39 health records for conditions or commitments that would disqualify a per-
 40 son from possessing a firearm under state or federal law, and shall return
 41 the results to the sheriff within ~~seventy-five~~ sixty (7560) days. If the
 42 applicant is not a U.S. citizen, an immigration alien query shall also be
 43 conducted through U.S. immigration and customs enforcement or any successor
 44 agency. The sheriff shall not issue a license before receiving and reviewing
 45 the results of the records check.

46 (4) The sheriff shall deny an enhanced license to carry a concealed
 47 weapon if the applicant is disqualified under any of the criteria listed in

1 section 18-3302(10) (a) through (d), Idaho Code, or does not meet all of the
 2 following qualifications:

3 (a) Is over the age of twenty-one (21) years;

4 (b) Has been a legal resident of the state of Idaho for at least six (6)
 5 consecutive months before filing an application under this section or
 6 holds a current license or permit to carry concealed ~~firearms~~ weapons
 7 issued by his state of residence; and

8 (c) Has successfully completed within the twelve (12) months immedi-
 9 ately preceding filing an application, a qualifying handgun course as
 10 specified in this paragraph and taught by a certified instructor who is
 11 not prohibited from possessing firearms under state or federal law. A
 12 copy of the certificate of successful completion of the handgun course,
 13 in a form to be prescribed by the director of the Idaho state police
 14 and signed by the course instructor, shall be submitted to the sheriff
 15 at the time of filing an application under this section. Certified
 16 instructors of handgun courses when filing an application under this
 17 section shall not be required to submit such certificates but shall sub-
 18 mit a copy of their current instructor's credential. The sheriff shall
 19 accept as a qualifying handgun course a personal protection course of-
 20 fered by the national rifle association or an equivalent, provided that
 21 all personal protection or equivalent courses shall meeting the follow-
 22 ing requirements:

23 (i) The course instructor is certified by the national rifle as-
 24 sociation, or by another nationally recognized organization that
 25 customarily certifies firearms instructors, as an instructor in
 26 personal protection with handguns, or the course instructor is
 27 certified by the Idaho peace officers standards and training coun-
 28 cil as a firearms instructor;

29 (ii) The course is at least eight (8) hours in duration;

30 (iii) The course is taught face to face and not by electronic or
 31 other means; and

32 (iv) The course includes instruction in:

33 1. Idaho law relating to firearms and the use of deadly
 34 force, provided that such instruction is delivered by either
 35 of the following whose name and credential shall appear on
 36 the certificate:

37 (A) An active licensed member of the Idaho state bar;
 38 or

39 (B) A law enforcement officer who possesses an inter-
 40 mediate or higher Idaho peace officers standards and
 41 training certificate.

42 2. The basic concepts of the safe and responsible use of
 43 handguns;

44 3. Self-defense principles; and

45 4. Live fire training including the firing of at least
 46 ninety-eight (98) rounds by the student.

47 An instructor shall provide a copy of the syllabus and a written de-
 48 scription of the course of fire used in a qualifying handgun course that
 49 includes the name of the individual instructing the legal portion of the
 50 course to the sheriff upon request.

1 (5) ~~The A license will to carry concealed weapons shall be in a form sub-~~
 2 ~~stantially similar to that of the Idaho driver's license-~~ and shall meet the
 3 following specifications:

4 ~~(a) It will bear~~ The license shall provide the signature, licensee's
 5 name, address, date of birth, picture of the licensee, expiration date
 6 and the driver's license number or state identification card number of
 7 the licensee if used for identification in applying for the license-;

8 ~~(b) The license shall bear the licensee's signature and picture;~~

9 ~~(c) The license shall provide the date of issuance and the date on which~~
 10 the license expires; and

11 ~~(d) The license shall be clearly distinguishable from a license issued~~
 12 pursuant to section 18-3302, Idaho Code, and shall be marked "Idaho en-
 13 hanced concealed weapons license" on its face.

14 ~~(6) Upon issuing a license under the provisions of this section, the~~
 15 sheriff shall notify the Idaho state police within three (3) days on a form or
 16 in a manner prescribed by the Idaho state police. Information relating to an
 17 applicant or licensee received or maintained pursuant to this section by the
 18 sheriff or Idaho state police is confidential and exempt from disclosure un-
 19 der section 9-340B, Idaho Code.

20 ~~(67) The fee for original issuance of an enhanced license shall be~~
 21 twenty dollars (\$20.00), which the sheriff shall retain for the purpose of
 22 performing the duties required in this section. The sheriff may collect
 23 the actual cost of any additional fees necessary to cover the processing
 24 costs lawfully required by any state or federal agency or department, and
 25 the actual cost of materials for the license lawfully required by any state
 26 agency or department, which costs shall be paid to the state. The sheriff
 27 shall provide the applicant with a copy of the results of the fingerprints
 28 based records check upon request of the applicant.

29 ~~(78) The fee for renewal of the enhanced license shall be fifteen dol-~~
 30 lars (\$15.00), which the sheriff shall retain for the purpose of perform-
 31 ing duties required in this section. The sheriff may collect the actual cost
 32 of any additional fees necessary to cover the processing costs lawfully re-
 33 quired by any state or federal agency or department, and the actual cost of
 34 materials for the license lawfully required by any state agency or depart-
 35 ment, which costs shall be paid to the state.

36 ~~(89) Every license that is not, as provided by law, suspended, revoked~~
 37 or disqualified in this state shall be renewable at any time during the
 38 ninety (90) day period before its expiration or within ninety (90) days after
 39 the expiration date. The sheriff shall mail rRenewal notices shall be mailed
 40 out ninety (90) days prior to the expiration date of the license. The sheriff
 41 shall require the licensee applying for renewal to complete an application.
 42 The sheriff shall submit the application to the Idaho state police. The
 43 Idaho state police shall conduct the same records checks as required for an
 44 initial license under subsection (3) of this section and shall return the
 45 results to the sheriff within thirty (30) days. The sheriff shall not issue
 46 a renewal before receiving and reviewing the results of the records check
 47 and must deny a license if the applicant is disqualified under any of the
 48 criteria provided in this section. A renewal license shall be valid for a
 49 period of five (5) years. A license so renewed shall take effect on the expi-
 50 ration date of the prior license. A licensee renewing ninety-one (91) days

1 to one hundred eighty (180) days after the expiration date of the license
 2 shall pay a late renewal penalty of ten dollars (\$10.00) in addition to the
 3 renewal fee, except that any licensee serving on active duty in the armed
 4 forces of the United States during the renewal period shall not be required
 5 to pay a late renewal penalty upon renewing ninety-one (91) days to one hun-
 6 dred eighty (180) days after the expiration date of the license. After one
 7 hundred eighty-one (181) days, the licensee shall be required to submit an
 8 initial application for an enhanced license and to pay the fees prescribed
 9 in subsection (67) of this section. The renewal fee and any penalty shall
 10 be paid to the sheriff for the purpose of enforcing the provisions of this
 11 chapter. Upon renewing a license under the provisions of this section, the
 12 sheriff shall notify the Idaho state police within five (5) days on a form or
 13 in a manner prescribed by the Idaho state police.

14 (10) No city, county or other political subdivision of this state shall
 15 modify or add to the requirements of this section, nor shall a city, county
 16 or political subdivision ask the applicant to voluntarily submit any infor-
 17 mation not required in this section. A civil action may be brought to enjoin
 18 a wrongful refusal to issue a license or a wrongful modification of the re-
 19 quirements of this section. The civil action may be brought in the county in
 20 which the application was made or in Ada county at the discretion of the peti-
 21 tioner. Any person who prevails against a public agency in any action in the
 22 courts for a violation of this section shall be awarded costs, including rea-
 23 sonable attorney's fees incurred in connection with the legal action.

24 (11) A county sheriff, deputy sheriff or county employee who issues a
 25 license to carry a concealed weapon under this section shall not incur any
 26 civil or criminal liability as the result of the performance of his or her du-
 27 ties in compliance with this section.

28 (912) The sheriff shall have the power to revoke a license issued pur-
 29 suant to this section subsequent to a hearing in accordance with the provi-
 30 sions of chapter 52, title 67, Idaho Code, for any of the following reasons,
 31 provided that the sheriff shall notify the Idaho state police within three
 32 (3) days on a form or in a manner prescribed by the Idaho state police of any
 33 such revocation:

34 (a) Fraud or intentional misrepresentation in the obtaining of a li-
 35 cense;

36 (b) Misuse of a license, including lending or giving a license to an-
 37 other person, duplicating a license or using a license with the intent
 38 to unlawfully cause harm to a person or property;

39 (c) The doing of an act or existence of a condition that would have been
 40 grounds for the denial of the license by the sheriff;

41 (d) The violation of any of the provisions of this section; or

42 (e) The applicant is adjudicated guilty of or receives a withheld judg-
 43 ment for a crime that would have disqualified him from initially receiv-
 44 ing a license.

45 (103) An applicant who provides information on the application for an
 46 enhanced license to carry a concealed weapon knowing the same to be untrue
 47 shall be guilty of a misdemeanor.

48 (114) The attorney general shall contact the appropriate officials in
 49 other states for the purpose of establishing, to the extent possible, recog-
 50 nition and reciprocity of the enhanced license to carry a concealed weapon by

1 other states, whether by formal agreement or otherwise. The Idaho state po-
 2 lice or the attorney general shall keep a copy and maintain a record of all
 3 such agreements and reciprocity recognitions that shall be made available to
 4 the public.

5 (125) Any license issued pursuant to this section is valid throughout
 6 the state of Idaho and shall be considered an authorized state license.

7 (136) The Idaho state police shall maintain a computerized record sys-
 8 tem that is accessible to law enforcement agencies in any state for the pur-
 9 pose of verifying current enhanced licensee status. Information maintained
 10 in the record system shall be confidential and exempt from disclosure un-
 11 der section 9-340B, Idaho Code, except that any law enforcement officer or
 12 law enforcement agency, whether inside or outside the state of Idaho, may
 13 access the record system for the purpose of verifying current enhanced li-
 14 censee status.

15 SECTION 4. That Section 18-3316, Idaho Code, be, and the same is hereby
 16 amended to read as follows:

17 18-3316. UNLAWFUL POSSESSION OF A FIREARM. (1) A person who previously
 18 has been convicted of a felony who purchases, owns, possesses, or has under
 19 his custody or control any firearm shall be guilty of a felony and shall be
 20 imprisoned in the state prison for a period of time not to exceed five (5)
 21 years and by a fine not to exceed five thousand dollars (\$5,000).

22 (2) For the purpose of subsection (1) of this section, "convicted of a
 23 felony" shall include a person who has entered a plea of guilty, nolo con-
 24 tendere or has been found guilty of any of the crimes enumerated in section
 25 18-310, Idaho Code, or to a comparable felony crime in another state, terri-
 26 tory, commonwealth, or other jurisdiction of the United States.

27 ~~(3) For the purpose of subsection (1) of this section, "firearm" shall~~
 28 ~~include any weapon from which a shot, projectile or other object may be~~
 29 ~~discharged by force of combustion, explosive, gas and/or mechanical means,~~
 30 ~~whether operable or inoperable.~~

31 ~~(4)~~ Subsection (1) of this section shall not apply to a person whose
 32 conviction has been nullified by expungement, pardon, setting aside the con-
 33 viction or other comparable procedure by the jurisdiction where the felony
 34 conviction occurred; or whose civil right to bear arms either specifically
 35 or in combination with other civil rights has been restored by any other pro-
 36 vision of Idaho law.

37 SECTION 5. That Section 31-870, Idaho Code, be, and the same is hereby
 38 amended to read as follows:

39 31-870. FEES FOR COUNTY SERVICES. (1) Notwithstanding any other pro-
 40 vision of law, a board of county commissioners may impose and collect fees
 41 for those services provided by the county which would otherwise be funded by
 42 ad valorem tax revenues. The fees collected pursuant to this section shall
 43 be reasonably related to, but shall not exceed, the actual cost of the ser-
 44 vice being rendered. Taxing districts other than counties may impose fees
 45 for services as provided in section 63-1311, Idaho Code.

46 (2) The board of county commissioners may establish and provide for the
 47 collection of a solid waste fee in accordance with a request made pursuant

1 to this section, and such fee shall be certified and collected in the same
2 manner provided by law for the collection of real or personal property taxes.

3 (3) The administrative fee authorized under the provisions of this sec-
4 tion and collected for issuance of motor vehicle registrations pursuant to
5 chapter 4, title 49, Idaho Code, shall be the same for any registration is-
6 sued pursuant to section 49-402B, Idaho Code, and may not be doubled or in any
7 way increased solely because of registration under that section.

8 (4) This section shall not apply to the issuance or renewal of licenses
9 to carry concealed weapons under sections 18-3302, 18-3302H or 18-3302K,
10 Idaho Code.

11 SECTION 6. That Section 9-340B, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 9-340B. RECORDS EXEMPT FROM DISCLOSURE -- LAW ENFORCEMENT RECORDS,
14 INVESTIGATORY RECORDS OF AGENCIES, EVACUATION AND EMERGENCY RESPONSE PLANS,
15 WORKER'S COMPENSATION. The following records are exempt from disclosure:

16 (1) Investigatory records of a law enforcement agency, as defined in
17 section 9-337(7), Idaho Code, under the conditions set forth in section
18 9-335, Idaho Code.

19 (2) Juvenile records of a person maintained pursuant to chapter 5,
20 title 20, Idaho Code, except that facts contained in such records shall be
21 furnished upon request in a manner determined by the court to persons and
22 governmental and private agencies and institutions conducting pertinent
23 research studies or having a legitimate interest in the protection, welfare
24 and treatment of the juvenile who is thirteen (13) years of age or younger.
25 If the juvenile is petitioned or charged with an offense which would be a
26 criminal offense if committed by an adult, the name, offense of which the
27 juvenile was petitioned or charged and disposition of the court shall be sub-
28 ject to disclosure as provided in section 20-525, Idaho Code. Additionally,
29 facts contained in any records of a juvenile maintained under chapter 5,
30 title 20, Idaho Code, shall be furnished upon request to any school district
31 where the juvenile is enrolled or is seeking enrollment.

32 (3) Records of the custody review board of the Idaho department of ju-
33 venile corrections, including records containing the names, addresses and
34 written statements of victims and family members of juveniles, shall be ex-
35 empt from public disclosure pursuant to section 20-533A, Idaho Code.

36 (4) (a) The following records of the department of correction:

37 (i) Records of which the public interest in confidentiality, pub-
38 lic safety, security and habilitation clearly outweighs the pub-
39 lic interest in disclosure as identified pursuant to the authority
40 of the Idaho board of correction under section 20-212, Idaho Code;

41 (ii) Records that contain any identifying information, or any in-
42 formation that would lead to the identification of any victims or
43 witnesses;

44 (iii) Records that reflect future transportation or movement of a
45 prisoner;

46 (iv) Records gathered during the course of the presentence inves-
47 tigation;

1 (v) Records of a prisoner, as defined in section 9-337(10), Idaho
2 Code, or probationer shall not be disclosed to any other prisoner
3 or probationer.

4 (b) Records of buildings, facilities, infrastructures and systems held
5 by or in the custody of any public agency only when the disclosure of
6 such information would jeopardize the safety of persons or the public
7 safety. Such records may include emergency evacuation, escape or other
8 emergency response plans, vulnerability assessments, operation and se-
9 curity manuals, plans, blueprints or security codes. For purposes of
10 this section "system" shall mean electrical, heating, ventilation, air
11 conditioning and telecommunication systems.

12 (c) Records of the commission of pardons and parole shall be exempt from
13 public disclosure pursuant to section 20-213A, Idaho Code, and section
14 20-223, Idaho Code. Records exempt from disclosure shall also include
15 those containing the names, addresses and written statements of vic-
16 tims.

17 (5) Voting records of the sexual offender classification board. The
18 written record of the vote to classify an offender as a violent sexual preda-
19 tor by each board member in each case reviewed by that board member shall be
20 exempt from disclosure to the public and shall be made available upon request
21 only to the governor, the chairman of the senate judiciary and rules commit-
22 tee, and the chairman of the house of representatives judiciary, rules and
23 administration committee, for all lawful purposes.

24 (6) Records of the sheriff or Idaho state police received or maintained
25 pursuant to sections 18-3302, 18-3302H and 18-3302K, Idaho Code, relating
26 to an applicant or licensee except that any law enforcement officer and law
27 enforcement agency, whether inside or outside the state of Idaho, may access
28 information maintained in the license record system as set forth in section
29 18-3302K(136), Idaho Code.

30 (7) Records of investigations prepared by the department of health and
31 welfare pursuant to its statutory responsibilities dealing with the protec-
32 tion of children, the rehabilitation of youth, adoptions and the commitment
33 of mentally ill persons. For reasons of health and safety, best interests of
34 the child or public interest, the department of health and welfare may pro-
35 vide for the disclosure of records of investigations associated with actions
36 pursuant to the provisions of chapter 16, title 16, Idaho Code, prepared by
37 the department of health and welfare pursuant to its statutory responsibili-
38 ties dealing with the protection of children except any such records regard-
39 ing adoptions shall remain exempt from disclosure.

40 (8) Records including, but not limited to, investigative reports,
41 resulting from investigations conducted into complaints of discrimination
42 made to the Idaho human rights commission unless the public interest in
43 allowing inspection and copying of such records outweighs the legitimate
44 public or private interest in maintaining confidentiality of such records.
45 A person may inspect and copy documents from an investigative file to which
46 he or she is a named party if such documents are not otherwise prohibited from
47 disclosure by federal law or regulation or state law. The confidentiality of
48 this subsection will no longer apply to any record used in any judicial pro-
49 ceeding brought by a named party to the complaint or investigation, or by the
50 Idaho human rights commission, relating to the complaint of discrimination.

1 (9) Records containing information obtained by the manager of the Idaho
2 state insurance fund pursuant to chapter 9, title 72, Idaho Code, from or on
3 behalf of employers or employees contained in underwriting and claims for
4 benefits files.

5 (10) The worker's compensation records of the Idaho industrial commis-
6 sion provided that the industrial commission shall make such records avail-
7 able:

8 (a) To the parties in any worker's compensation claim and to the indus-
9 trial special indemnity fund of the state of Idaho; or

10 (b) To employers and prospective employers subject to the provisions of
11 the Americans with disabilities act, 42 U.S.C. 12112, or other statu-
12 tory limitations, who certify that the information is being requested
13 with respect to a worker to whom the employer has extended an offer of
14 employment and will be used in accordance with the provisions of the
15 Americans with disabilities act, 42 U.S.C. 12112, or other statutory
16 limitations; or

17 (c) To employers and prospective employers not subject to the provi-
18 sions of the Americans with disabilities act, 42 U.S.C. 12112, or other
19 statutory limitations, provided the employer presents a written autho-
20 rization from the person to whom the records pertain; or

21 (d) To others who demonstrate that the public interest in allowing in-
22 spection and copying of such records outweighs the public or private in-
23 terest in maintaining the confidentiality of such records, as deter-
24 mined by a civil court of competent jurisdiction; or

25 (e) Although a claimant's records maintained by the industrial commis-
26 sion, including medical and rehabilitation records, are otherwise ex-
27 empt from public disclosure, the quoting or discussing of medical or re-
28 habilitation records contained in the industrial commission's records
29 during a hearing for compensation or in a written decision issued by the
30 industrial commission shall be permitted; provided further, the true
31 identification of the parties shall not be exempt from public disclo-
32 sure in any written decision issued and released to the public by the in-
33 dustrial commission.

34 (11) Records of investigations compiled by the commission on aging in-
35 volving vulnerable adults, as defined in section 18-1505, Idaho Code, al-
36 leged to be abused, neglected or exploited.

37 (12) Criminal history records and fingerprints, as defined by section
38 67-3001, Idaho Code, and compiled by the Idaho state police. Such records
39 shall be released only in accordance with chapter 30, title 67, Idaho Code.

40 (13) Records furnished or obtained pursuant to section 41-1019, Idaho
41 Code, regarding termination of an appointment, employment, contract or
42 other insurance business relationship between an insurer and a producer.

43 (14) Records of a prisoner or former prisoner in the custody of any state
44 or local correctional facility, when the request is made by another prisoner
45 in the custody of any state or local correctional facility.

46 (15) Except as provided in section 72-1007, Idaho Code, records of the
47 Idaho industrial commission relating to compensation for crime victims un-
48 der chapter 10, title 72, Idaho Code.

49 (16) Records or information identifying a complainant maintained by the
50 department of health and welfare pursuant to section 39-3556, Idaho Code,

1 relating to certified family homes, unless the complainant consents in writ-
2 ing to the disclosure or the disclosure of the complainant's identity is re-
3 quired in any administrative or judicial proceeding.