



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

COPY

August 24, 2018

Stephanie A. Altig
Lead Deputy Attorney General
Office of the Attorney General
Idaho State Police
700 S. Stratford Drive
Meridian, ID 83642

Re: Idaho Concealed Weapons Licenses (“CWL”)

Dear Ms. Altig:

I am in receipt of your July 27, 2018 letter inquiring whether Texas will continue to recognize concealed weapons licenses issued by the State of Idaho. Based on my review of Idaho law and the existing reciprocity agreement between our States, it is my conclusion that Idaho licenses remain eligible for recognition under Texas law and the existing reciprocity agreement.

Texas entered a formal reciprocity agreement with Idaho on August 8, 2004. The memorandum of that agreement provides that it “becomes effective on the date of the final signature and shall continue in effect unless modified by mutual written consent, or terminated by either state upon thirty (30) days’ written notice.”

Texas law regarding concealed carry reciprocity is set out in Texas Government Code § 411.173. More specifically, Texas Government Code § 411.173(b) provides:

The governor shall negotiate an agreement with any other state that provides for the issuance of a license to carry a concealed handgun under which a license issued by the other state is recognized in this state or shall issue a proclamation that a license issued by the other state is recognized in this state if the attorney general of the State of Texas determines that a background check of each applicant for a license issued by that state is initiated by state or local authorities or an agent of the state or local authorities before the license is issued. For purposes of this subsection, “background check” means a search of the National Crime Information Center database and the Interstate Identification Index maintained by the Federal Bureau of Investigation.

As I understand Idaho’s concealed carry laws, applicants for both original and enhanced concealed weapons licenses are subject to a background check through the National Instant Criminal Background Check System (“NICS”) prior to issuance of the license. Idaho Code § 18-3302(10); Idaho Code § 18-3302K(3). Because a NICS check includes a search of the information contained

in the National Criminal Information Center database and the Interstate Identification Index, I see no reason to believe the previous reciprocity agreement need be disturbed for either license.

Regards,



Ryan M. Vassar
Deputy General Counsel
Office of the Attorney General of Texas



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

July 27, 2018

Wes Ogilvie
Office of Atty General
PO Box 12548--GCD-074
Austin, TX 78711-2548
Texas

RE: Idaho Concealed Weapons Licenses ("CWL")

Dear Wes Ogilvie:

Pursuant to IDAHO CODE §§ 18-3302(23) and 18-3302K(14), as amended by the 2015 Idaho Legislature, the Idaho Attorney General is required to contact the appropriate officials in other states for the purpose of establishing, to the extent possible, recognition/reciprocity of Idaho's CWLs, whether by formal agreement or otherwise. The purpose of this letter is to request that the state of Texas consider whether its law recognizes either or both of Idaho CWLs or if necessary, entering into a reciprocity agreement with the state of Idaho, whereby the state of Texas will recognize either or both of Idaho's CWLs.

Idaho has two CWLs, one of which is referred to as the "original CWL" and the other as the "enhanced CWL." The original CWL is governed by IDAHO CODE § 18-3302, a copy of which is enclosed. The enhanced CWL is governed by IDAHO CODE § 18-3302K, a copy of which is also enclosed.

The major differences between the Idaho original and enhanced CWL are:

- (1) An original CWL can be issued to a person 18 years of age if, in the judgment of the sheriff, issuance of the license is warranted. The enhanced CWL can only be issued to persons 21 years of age or older.
- (2) Training is not statutorily required for an original CWL, but can be required at the discretion of the issuing sheriff. Training is statutorily mandated for the enhanced CWL and includes specific qualifications for the trainers and the required training.

Idaho Concealed Weapons Licenses Reciprocity

July 6, 2017

Page 2

- (3) The enhanced Idaho CWL is clearly distinguishable on its face from the original Idaho CWL and both are verifiable by an NLET CWQ query. Samples of both Idaho CWLs are enclosed.

Prior to the issuance of either Idaho CWL, the Idaho State Police conducts a national fingerprint-based records check, an inquiry through the national instant criminal background check system, and a check of any applicable state database, including a check for any mental health records that would disqualify a person from possessing a firearm under state or federal law. If the applicant is not a U.S. citizen, an immigration alien query will also be conducted through U.S. Immigration and Customs Enforcement.

Idaho recognizes all other state's validly issued concealed weapons licenses, as long as the other state's license is on the licensed person when the person is carrying a concealed weapon in Idaho.

Finally, enclosed for your convenience are a self-addressed envelope and a form on which you may indicate the extent to which the state of Texas honors either or both of Idaho's concealed weapons licenses and whether the state of Texas requires a formal reciprocity agreement. If you prefer to respond to this inquiry via email, please send a PDF copy of the completed form to stephanie.altig@isp.idaho.gov.

Your response to this inquiry is greatly appreciated.

Sincerely,

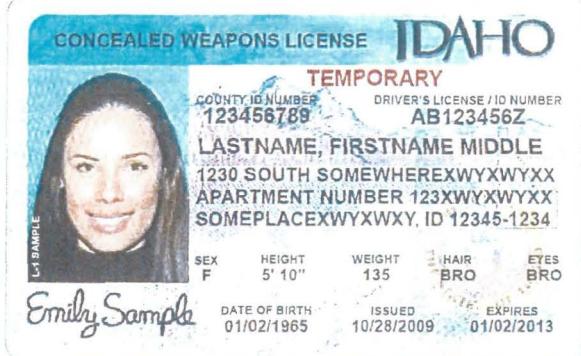


Stephanie A. Altig
Lead Deputy Attorney General
Idaho State Police

Robyn Sabins
LEGAL SECRETARY
700 S. Stratford Dr.
Meridian, ID 83642

Enclosures

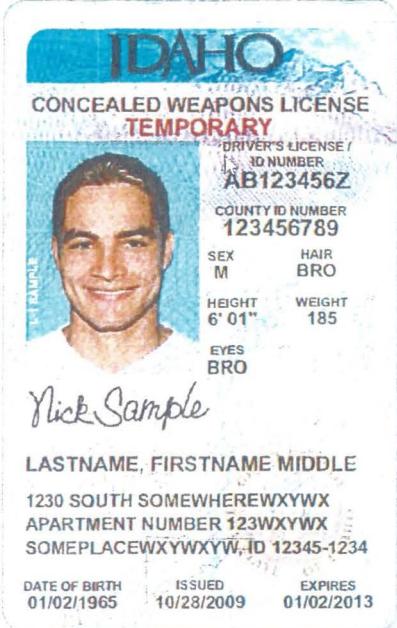
Original CWP Temporary



Failure to carry license when you carry a concealed weapon may result in your arrest.

A county sheriff shall have the power to revoke this license, subsequent to a hearing, for violation of I.C. 18-3302.

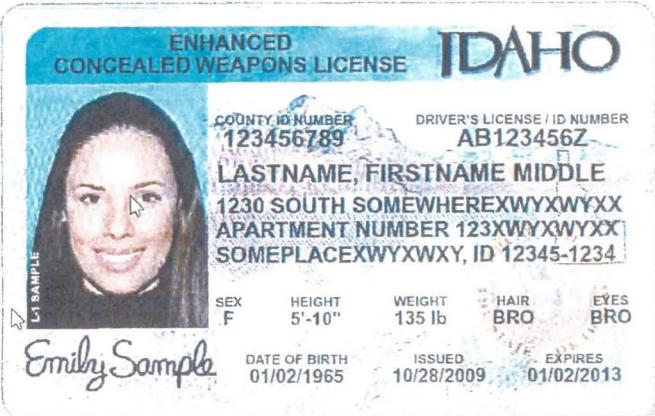
Original CWP Temporary (Minor)



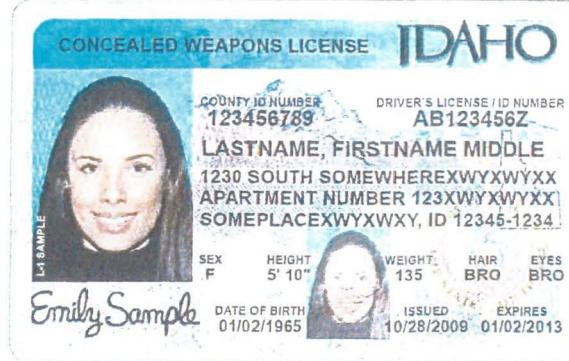
Failure to carry license when you carry a concealed weapon may result in your arrest.

A county sheriff shall have the power to revoke this license, subsequent to a hearing, for violation of I.C. 18-3302.

Enhanced CWP



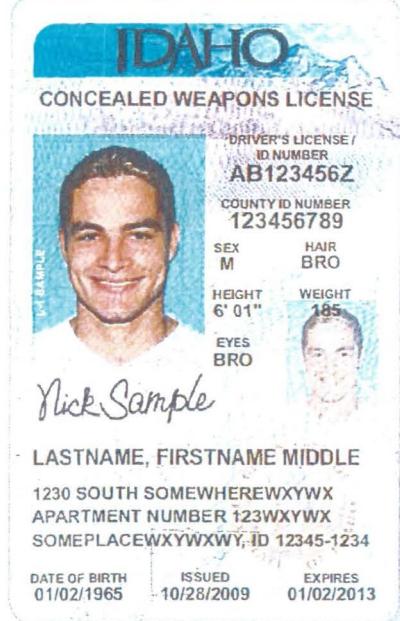
Original CWP



Failure to carry license when you carry a concealed weapon may result in your arrest.

A county sheriff shall have the power to revoke this license, subsequent to a hearing, for violation of I.C. 18-3302.

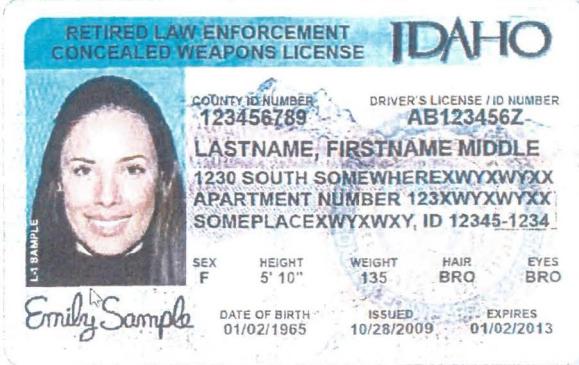
Original CWP (minor)



Failure to carry license when you carry a concealed weapon may result in your arrest.

A county sheriff shall have the power to revoke this license, subsequent to a hearing, for violation of I.C. 18-3302.

Retired Law Enforcement CWP



HR 218 - The Law Enforcement Officers Safety Act of 2004

Retired Peace Officer Compliance Certification

The bearer attests, and available Department records indicate, that he/she meets the employment requirements of 18 USCS, Section 926C(c), and is therefore a qualified retired law enforcement officer for the purposes of carrying a concealed firearm.

Failure to carry license when you carry a concealed weapon may result in your arrest



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

Does the state of Texas recognize Idaho's Concealed Weapons License?

- Regular: IDAHO CODE § 18-3302
 Enhanced: IDAHO CODE § 18-3302K
 Both
 Neither

Does the state of Texas require a reciprocity agreement?

- No
 Yes

If yes, is a formal agreement, such as a Memorandum of Agreement, required or will a less formal agreement, such as exchange of letters acknowledging reciprocity of our states' Concealed Weapons Licenses suffice?

- Memorandum of Agreement
 Exchange of Letters

Name

State Agency Department

Title

Address

Date

City, State, Zip

Telephone

Email



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

COPY

August 2, 2016

Stephanie A. Altig
Lead Deputy Attorney General
Office of the Attorney General
Idaho State Police
700 S. Stratford Drive
Meridian, ID 83642

Re: Idaho Concealed Weapons Licenses (“CWL”)

Dear Ms. Altig:

I am in receipt of your July 6, 2016 letter inquiring whether Texas will continue to recognize concealed weapon licenses issued by the State of Idaho in light of recent changes to Idaho law. Based on my review of those changes and the existing reciprocity agreement between our States, it is my conclusion that Texas will continue to recognize licenses issued by Idaho.

Texas entered a formal reciprocity agreement with Idaho on August 8, 2004. The memorandum of that agreement provides that it “becomes effective on the date of the final signature and shall continue in effect unless modified by mutual written consent, or terminated by either state upon thirty (30) days’ written notice.”

Texas law regarding concealed carry reciprocity is set out in Texas Government Code § 411.173. More specifically, Texas Government Code § 411.173(b) provides:

The governor shall negotiate an agreement with any other state that provides for the issuance of a license to carry a concealed handgun under which a license issued by the other state is recognized in this state or shall issue a proclamation that a license issued by the other state is recognized in this state if the attorney general of the State of Texas determines that a background check of each applicant for a license issued by that state is initiated by state or local authorities or an agent of the state or local authorities before the license is issued. For purposes of this subsection, “background check” means a search of the National Crime Information Center database and the Interstate Identification Index maintained by the Federal Bureau of Investigation.

As I understand Idaho’s concealed carry laws after the most recent changes, applicants for both original and enhanced concealed weapons licenses remain subject to a background check through the National Instant Criminal Background Check System (“NICS”) prior to issuance of the license. Idaho Code § 18-3302(10); Idaho Code § 18-3302K(3). Because a NICS check includes a search of the information contained in the National Criminal

Information Center Database and the Interstate Identification Index, I see no reason to believe the previous reciprocity agreement need be disturbed for either license. As such, it is my opinion that Texas will continue to recognize all concealed weapon licenses duly and properly issued by the State of Idaho.

Regards,



John R. Ellis, IV
Principal Deputy General Counsel
General Counsel Division



RECEIVED
GENERAL COUNSEL DIVISION
JUL 10 2017

STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

LAWRENCE G. WASDEN

July 6, 2017

Wes Ogilvie
Office of Atty General
PO Box 12548--GCD-074
Austin, TX 78711-2548
Texas

RE: Idaho Concealed Weapons Licenses ("CWL")

Dear Wes Ogilvie:

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The major differences between the Idaho original and enhanced CWL are:

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Idaho Concealed Weapons Licenses Reciprocity

July 6, 2017

Page 2

- (3) The enhanced Idaho CWL is clearly distinguishable on its face from the original Idaho CWL and both are verifiable by an NLET CWQ query. Samples of both Idaho CWLs are enclosed.

Prior to the issuance of either Idaho CWL, the Idaho State Police conducts a national fingerprint-based records check, an inquiry through the national instant criminal background check system, and a check of any applicable state database, including a check for any mental health records that would disqualify a person from possessing a firearm under state or federal law. If the applicant is not a U.S. citizen, an immigration alien query will also be conducted through U.S. Immigration and Customs Enforcement.

Idaho recognizes all other state's validly issued concealed weapons licenses, as long as the other state's license is on the licensed person when the person is carrying a concealed weapon in Idaho.

Finally, enclosed for your convenience are a self-addressed envelope and a form on which you may indicate the extent to which the state of Texas honors either or both of Idaho's concealed weapons licenses and whether the state of Texas requires a formal reciprocity agreement. If you prefer to respond to this inquiry via email, please send a PDF copy of the completed form to stephanie.altig@isp.idaho.gov.

Your response to this inquiry is greatly appreciated.

Sincerely,



Stephanie A. Altig
Lead Deputy Attorney General
Idaho State Police

Enclosures



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

Does the state of Texas recognize Idaho's Concealed Weapons License?

- Regular: IDAHO CODE § 18-3302
 Enhanced: IDAHO CODE § 18-3302K
 Both
 Neither

Does the state of Texas require a reciprocity agreement?

- No
 Yes

If yes, is a formal agreement, such as a Memorandum of Agreement, required or will a less formal agreement, such as exchange of letters acknowledging reciprocity of our states' Concealed Weapons Licenses suffice?

- Memorandum of Agreement
 Exchange of Letters

Name _____

State Agency Department _____

Title _____

Address _____

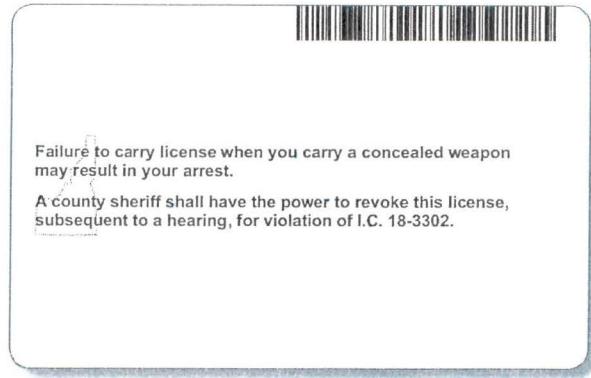
Date _____

City, State, Zip _____

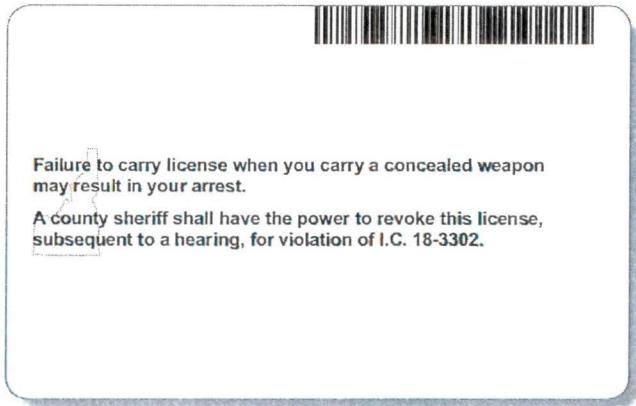
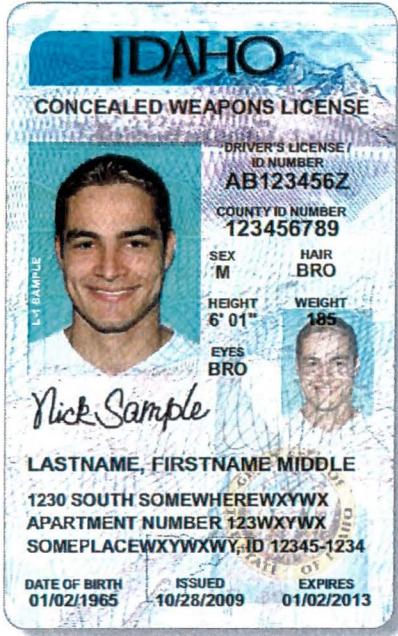
Telephone _____

Email _____

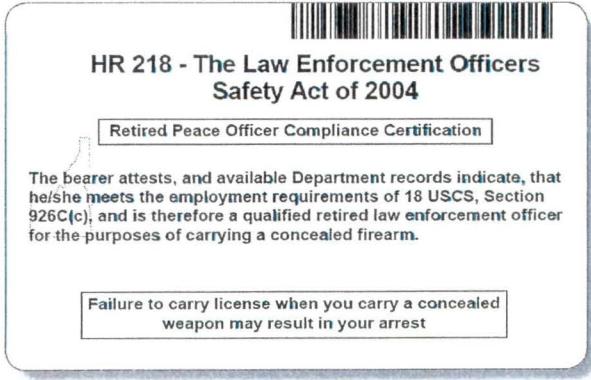
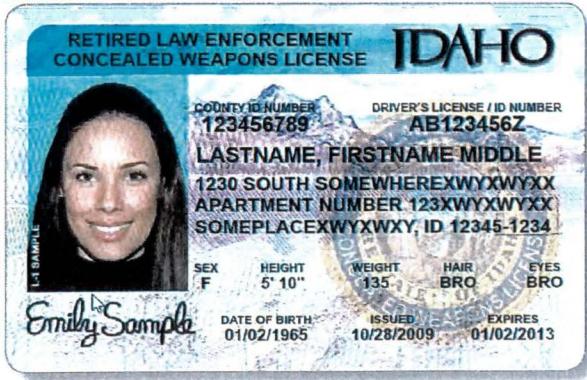
Original CWP



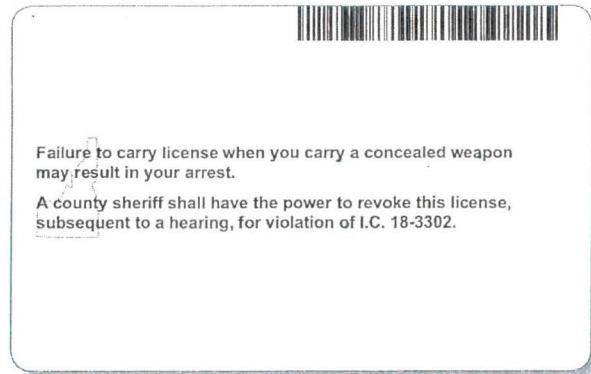
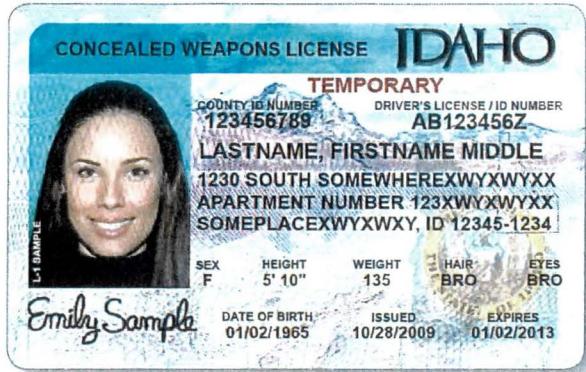
Original CWP (minor)



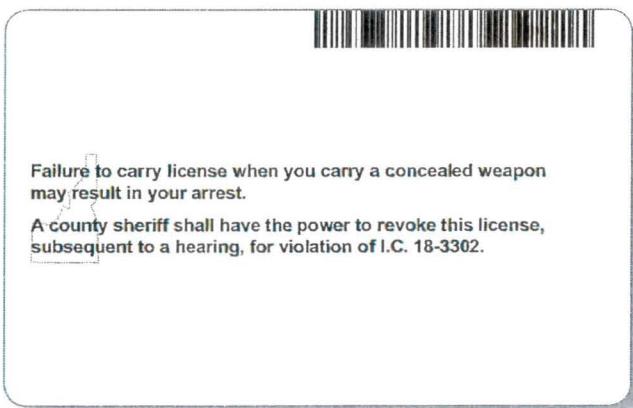
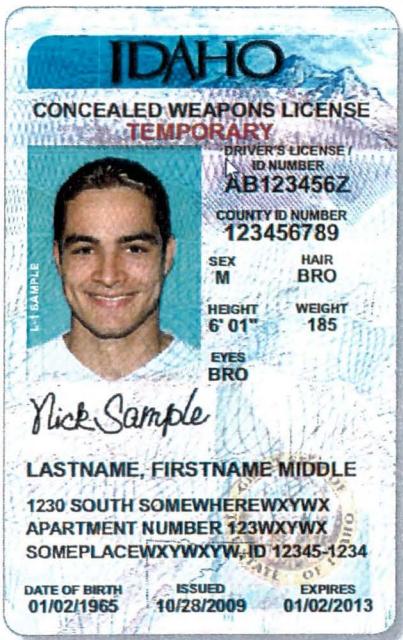
Retired Law Enforcement CWP



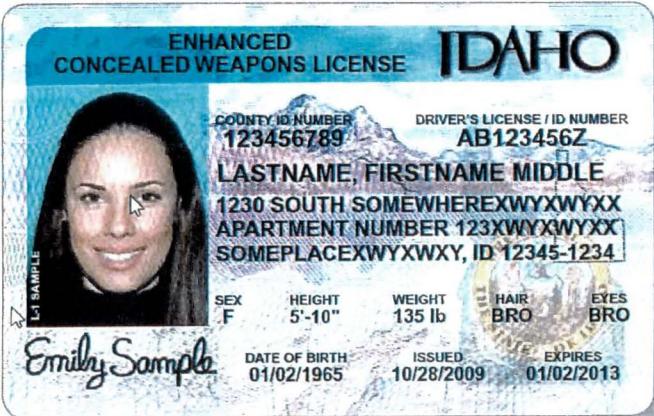
Original CWP Temporary



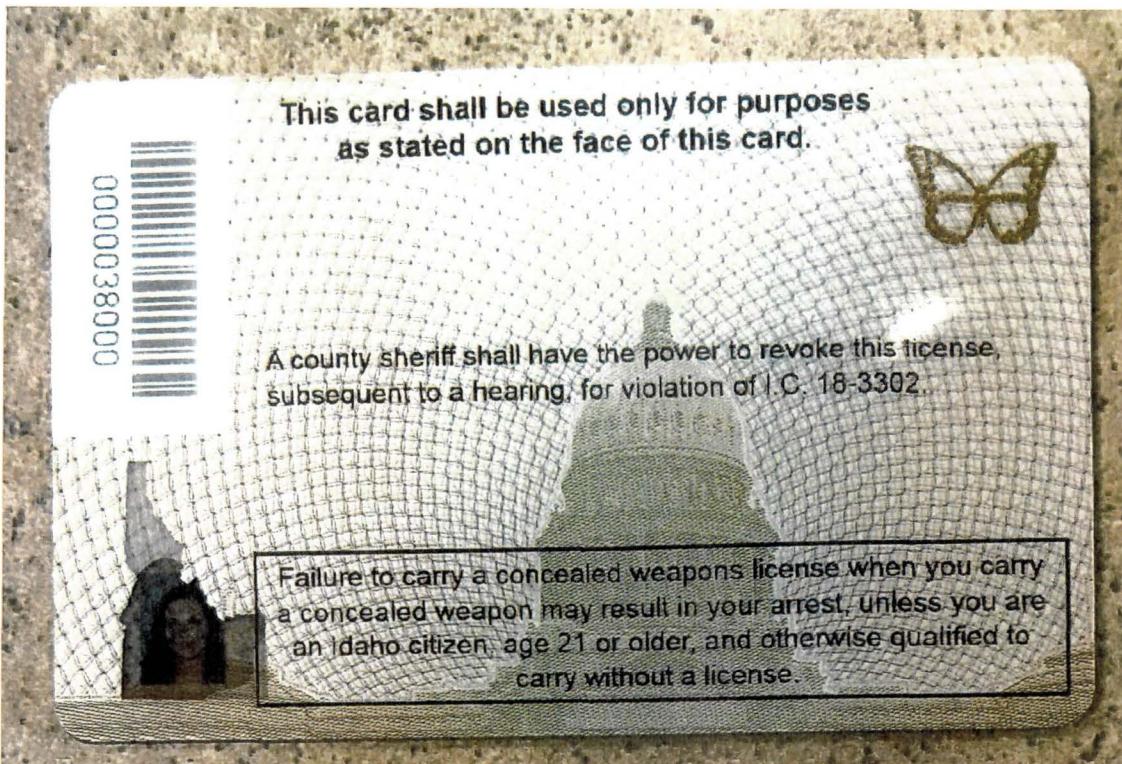
Original CWP Temporary (Minor)



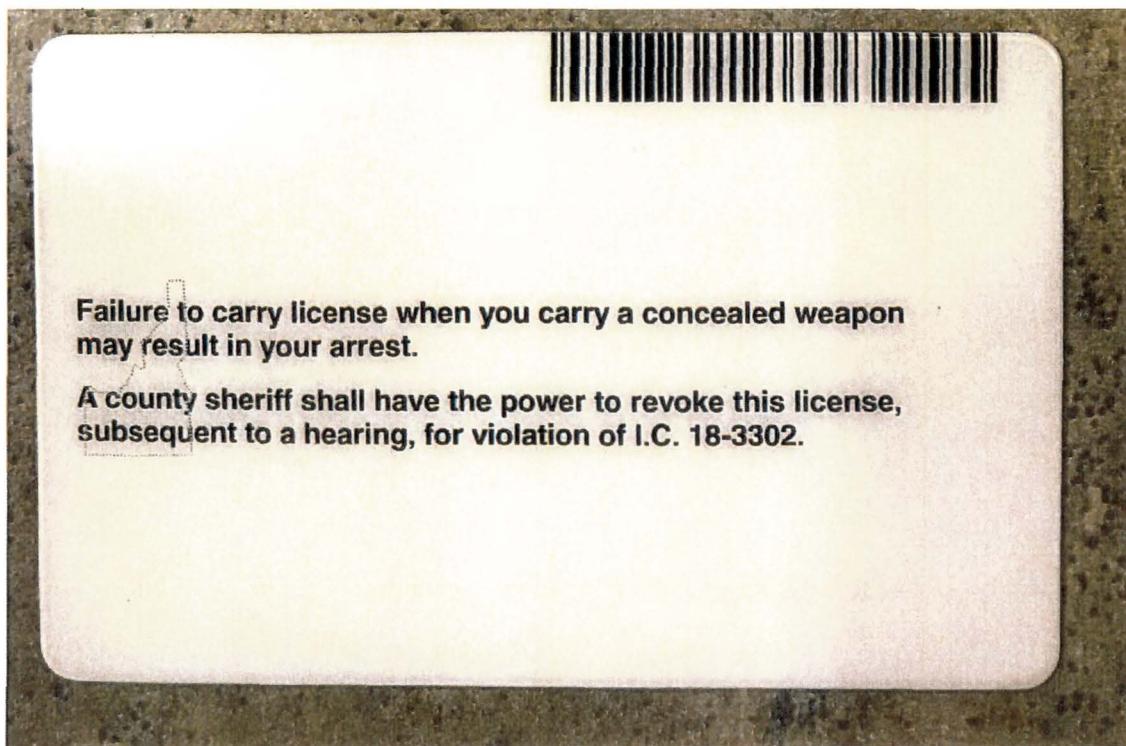
Enhanced CWP (Adult & Minor)



Back of Idaho Concealed Weapons License issued AFTER 11/01/2016



Back of Idaho Concealed Weapons License issued BEFORE 11/01/2016





Idaho Statutes

[Print Friendly](#)

TITLE 18
CRIMES AND PUNISHMENTS
CHAPTER 33

FIREARMS, EXPLOSIVES AND OTHER DEADLY WEAPONS

18-3302K. ISSUANCE OF ENHANCED LICENSES TO CARRY CONCEALED WEAPONS. (1) The sheriff of a county, on behalf of the state of Idaho, must, 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 federal law and has otherwise complied with the requirements of this section, issue an enhanced license to the person to carry concealed weapons on his person. Licenses issued under this section shall be valid for five (5) years from the date of issue.

(2) The sheriff must make license applications readily available at the office of the sheriff, at other public offices in his jurisdiction and on the website of the Idaho state police. The license application must be in a form to be prescribed by the director of the Idaho state police and must meet the following requirements:

(a) The license application shall require the applicant's name, address, description, signature, date of birth, place of birth, military status, citizenship and the driver's license number or state identification card number if used for identification in applying for the license. If the applicant is not a U.S. citizen, the application shall also require any alien or admission number issued to the applicant by U.S. immigration and customs enforcement, or any successor agency;

(b) The license application may ask the applicant to disclose his social security number but must indicate that disclosure of the applicant's social security number is optional; and

(c) The license application must contain a warning that substantially reads as follows:

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

(3) Any person who is applying for original issuance of a license to carry concealed weapons must submit his fingerprints with the completed application. Within five (5) days after the filing of an application, the sheriff must forward the applicant's completed license application and fingerprints to the Idaho state police. The Idaho state police must conduct a national fingerprint-based records check, an inquiry through the national instant criminal background check system, and a check of any applicable state database, including a check for any mental health records for conditions

or commitments that would disqualify a person from possessing a firearm under state or federal law, and must return the results to the sheriff within sixty (60) days. If the applicant is not a U.S. citizen, an immigration alien query must also be conducted through U.S. immigration and customs enforcement or any successor agency. The sheriff shall not issue a license before receiving and reviewing the results of the records check.

(4) The sheriff must deny an enhanced license to carry a concealed weapon if the applicant is disqualified under any of the criteria listed in section 18-3302(11), Idaho Code, or does not meet all of the following qualifications:

- (a) Is over the age of twenty-one (21) years;
- (b) Has been a legal resident of the state of Idaho for at least six (6) consecutive months before filing an application under this section or holds a current license or permit to carry concealed weapons issued by his state of residence; and
- (c) Has successfully completed within the twelve (12) months immediately preceding filing an application, a qualifying handgun course as specified in this paragraph and taught by a certified instructor who is not prohibited from possessing firearms under state or federal law. A copy of the certificate of successful completion of the handgun course, in a form to be prescribed by the director of the Idaho state police and signed by the course instructor, must be submitted to the sheriff at the time of filing an application under this section. Certified instructors of handgun courses when filing an application under this section shall not be required to submit such certificates but must submit a copy of their current instructor's credential. The sheriff must accept as a qualifying handgun course a personal protection course offered by the national rifle association or an equivalent, provided that all personal protection or equivalent courses must meet the following requirements:

- (i) The course instructor is certified by the national rifle association, or by another nationally recognized organization that customarily certifies firearms instructors, as an instructor in personal protection with handguns, or the course instructor is certified by the Idaho peace officers standards and training council as a firearms instructor;

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

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

- (iv) The course includes instruction in:

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

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

(B) A law enforcement officer who possesses an intermediate or higher Idaho peace officers standards and training certificate.

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

3. Self-defense principles; and

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

An instructor must provide a copy of the syllabus and a written description of the course of fire used in a qualifying handgun course that includes the name of the individual instructing the legal portion of the course to the sheriff upon request.

(5) A license to carry concealed weapons must be in a form substantially similar to that of the Idaho driver's license and must meet the following specifications:

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

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

(c) The license must provide the date of issuance and the date on which the license expires; and

(d) The license must be clearly distinguishable from a license issued pursuant to section 18-3302, Idaho Code, and must be marked "Idaho enhanced concealed weapons license" on its face.

(6) Upon issuing a license under the provisions of this section, the sheriff must notify the Idaho state police within three (3) 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 74-105, Idaho Code.

(7) The fee for original issuance of an enhanced license shall be twenty dollars (\$20.00), which the sheriff must 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 processing costs 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 must be paid to the state. The sheriff must provide the applicant with a copy of the results of the fingerprint-based records check upon request of the applicant.

(8) The fee for renewal of the enhanced license shall be fifteen dollars (\$15.00), which the sheriff must retain for the purpose of performing duties required in this section. The sheriff may collect the actual cost of any additional fees necessary to cover the processing costs 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 must be paid to the state.

(9) Every license that is not, as provided by law, suspended, revoked or disqualified in this state shall be renewable at any time during the ninety (90) day period before its expiration or within ninety (90) days after the expiration date. The sheriff must mail renewal notices ninety (90) days prior to the expiration date of the license. The sheriff shall require the licensee applying for renewal to complete an application. The sheriff must submit the application to the Idaho state police. The Idaho state police must conduct the same records checks as required for an initial license under subsection (3) of this section and must return the results to the sheriff within thirty (30) days. The sheriff shall not issue a renewal before receiving and reviewing the results of the records check and must deny a license if the applicant is disqualified under any of the criteria provided in this section. A renewal license shall be valid for a period of five (5) years. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing ninety-one (91) days to one hundred eighty (180) days after the expiration date of the license must pay a late renewal penalty of ten dollars (\$10.00) in addition to the renewal fee, except that any licensee serving on active duty in the armed forces of the United States during the renewal period shall not be required to pay a late renewal penalty upon renewing ninety-one (91) days to one hundred eighty (180) days after the expiration date of the license. After one hundred eighty-one (181) days, the licensee shall be required to submit an initial application for an enhanced license and pay the fees prescribed in subsection (7) of this section. The renewal fee and any penalty shall be paid to the sheriff for the purpose of enforcing the provisions of this chapter. Upon renewing a license under the provisions of this section, the sheriff must notify the Idaho state police within five (5) days on a form or in a manner prescribed by the Idaho state police.

(10) No city, county or other political subdivision of this state shall modify or add to the requirements of this section, nor shall a city, county or political subdivision ask the applicant to voluntarily submit any information not required in this section. A civil action may be brought to enjoin a wrongful refusal to issue a license or a wrongful modification of the requirements of this section. The civil action may be brought in the county in which the application was made or in Ada county at the discretion of the petitioner. Any person who prevails against a public agency in any action in the courts for a violation of this section must be awarded costs, including reasonable attorney's fees incurred in connection with the legal action.

(11) 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 or her duties in compliance with this section.

(12) The sheriff shall have the power to revoke a license issued pursuant to this section subsequent to a hearing in accordance with the provisions of chapter 52, title 67, Idaho Code, for any of the following reasons, provided that the sheriff must notify the Idaho state police within three (3) days on a form or in a manner prescribed by the Idaho state police of any such revocation:

- (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 that would have been grounds for the denial of the license by the sheriff;
- (d) The violation of any of the provisions of this section; or
- (e) The applicant is adjudicated guilty of or receives a withheld judgment for a crime that would have disqualified him from initially receiving a license.

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

(14) The attorney general must contact the appropriate officials in other states for the purpose of establishing, to the extent possible, recognition and reciprocity of the enhanced license to carry a concealed weapon by other states, whether by formal agreement or otherwise. The Idaho state police or the attorney general must keep a copy and maintain a record of all such agreements and reciprocity recognitions that must be made available to the public.

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

(16) The Idaho state police must maintain a computerized record system that is accessible to law enforcement agencies in any state for the purpose of verifying current enhanced licensee status. Information maintained in the record system shall be confidential and exempt from disclosure under section 74-105, Idaho Code, except that any law enforcement officer or law enforcement agency, whether inside or outside the state of Idaho, may access the record system for the purpose of verifying current enhanced licensee status.

History:

[18-3302K, added 2015, ch. 303, sec. 5, p. 1194; am. 2015, ch. 141, sec. 18, p. 398.]

How current is this law?

Search the Idaho Statutes and Constitution



Idaho Statutes

[Print Friendly](#)

TITLE 18
CRIMES AND PUNISHMENTS
CHAPTER 33

FIREARMS, EXPLOSIVES AND OTHER DEADLY WEAPONS

18-3302. 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 must 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) For 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) For 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;
 - (d) Outside the limits of or confines of any city, if the person is over eighteen (18) years of age and is not otherwise disqualified from being issued a license under subsection (11) of this section.
- (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;
 - (e) A firearm that is disassembled or permanently altered such that it is not readily operable; and
 - (f) A concealed handgun by a person who is:
 - (i) Over twenty-one (21) years of age;
 - (ii) A resident of Idaho or a current member of the armed forces of the United States; and
 - (iii) Is not disqualified from being issued a license under subsection (11) of this section.
- (5) The requirement to secure a license to carry concealed weapons under this section shall not apply to the following persons:
- (a) Officials of a city, county or the state of Idaho;
 - (b) Any publicly elected Idaho official;
 - (c) Members of the armed forces of the United States or of the national guard when in performance of official duties;
 - (d) Criminal investigators of the attorney general's office and criminal investigators of a prosecuting attorney's office, prosecutors and their deputies;
 - (e) Any peace officer as defined in section 19-5101(d), Idaho Code, in good standing;
 - (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 physical possession of his valid license or permit authorizing him to carry concealed weapons from another state; and
 - (h) 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 the county of the applicant's residence or, if the applicant has obtained a protection order pursuant to chapter 63, title 39, Idaho Code, the sheriff of a county where the applicant is temporarily residing may issue a

temporary emergency license for good cause pending review of an application made under subsection (7) of this section. Temporary emergency licenses must be easily distinguishable from regular licenses. A temporary emergency license shall be valid for not more than ninety (90) days.

(7) The sheriff of a county, on behalf of the state of Idaho, must, within ninety (90) days after the filing of a 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 concealed weapons on his person within this state. Such license shall be valid for five (5) years from the date of issuance.

(8) The sheriff must make license applications readily available at the office of the sheriff, at other public offices in his or her jurisdiction and on the website of the Idaho state police. The license application shall be in a form to be prescribed by the director of the Idaho state police and must meet the following requirements:

(a) The license application shall require the applicant's name, address, description, signature, date of birth, place of birth, military status, citizenship and the driver's license number or state identification card number if used for identification in applying for the license. Provided however, that if the applicant is not a United States citizen and is legally in the United States, the application must also require any alien or admission number issued to the applicant by United States immigration and customs enforcement or any successor agency;

(b) The license application may ask the applicant to disclose his social security number but must indicate that disclosure of the applicant's social security number is optional; and

(c) The license application must contain a warning that substantially reads as follows:

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

(9) The sheriff may require the applicant to demonstrate familiarity with a firearm and must accept any one (1) of the following as evidence of the applicant's familiarity with a firearm:

(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 or any equivalent 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 offered for any division or subdivision of a law enforcement agency or security enforcement agency;

(e) Evidence of equivalent experience with a firearm through participation in organized shooting competition or military service;

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

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

(h) Other training that the sheriff deems appropriate.

(10) Any person applying for original issuance of a license to carry concealed weapons must submit his fingerprints with the completed license application. Within five (5) days after the filing of an application, the sheriff must forward the applicant's completed license application and fingerprints to the Idaho state police. The Idaho state police must conduct a national fingerprint-based records check, an inquiry through the national instant criminal background check system and a check of any applicable state database, including a check for any mental health records for conditions or commitments that would disqualify a person from possessing a firearm under state or federal law, and return the results to the sheriff within sixty (60) days. If the applicant is not a United States citizen, an immigration alien query must also be conducted through United States immigration and customs enforcement or any successor agency. The sheriff shall not issue a license before receiving the results of the records check and must deny a license if the applicant is disqualified under any of the criteria listed in subsection (11) of this section. The sheriff may deny a license to carry concealed weapons to an alien if background information is not attainable or verifiable.

(11) A license to carry concealed weapons shall not be issued to any person who:

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

(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 marijuana or any depressant, stimulant or narcotic drug, or any controlled substance as defined in 21 U.S.C. section 802;

(f) Is currently suffering from or has been adjudicated as having suffered from any of the following conditions, 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, Idaho Code.

(g) Has been discharged from the armed forces under dishonorable conditions;

(h) Has received a withheld judgment or suspended sentence for a crime punishable by imprisonment for a term exceeding one (1) year, unless the person has successfully completed probation;

(i) Has received a period of probation after having been adjudicated guilty of, or received a withheld judgment for, a misdemeanor offense that has as an element the intentional use, attempted use or threatened use of physical force against the person or property of another, unless the person has successfully completed probation;

(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 free on bond or personal recognizance pending trial, appeal or sentencing for a crime which would disqualify him from obtaining a concealed weapons license;

(m) 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; or

(n) Is for any other reason ineligible to own, possess or receive a firearm under the provisions of Idaho or federal law.

(12) In making a determination in relation to an applicant's eligibility under subsection (11) of this section, the sheriff shall not consider:

(a) 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

(b) Except as provided for in subsection (11)(f) of this section, an adjudication of mental defect, incapacity or 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.

(13) A license to carry concealed weapons must be in a form substantially similar to that of the Idaho driver's license and must meet the following specifications:

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

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

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

(14) Upon issuing a license under the provisions of this section, the sheriff must 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 74-105, Idaho Code.

(15) The fee for original issuance of a license shall be twenty dollars (\$20.00), which the sheriff must 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 must be paid to the state. The sheriff must provide the applicant with a copy of the results of the fingerprint-based records check upon request of the applicant.

(16) The fee for renewal of the license shall be fifteen dollars (\$15.00), which the sheriff must 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 processing costs 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 must be paid to the state.

(17) Every license that is not, as provided by law, suspended, revoked or disqualified in this state shall be renewable at any time during the ninety (90) day period before its expiration or within ninety (90) days after the expiration date. The sheriff must mail renewal notices ninety (90) days prior to the expiration date of the license. The sheriff shall require the licensee applying for renewal to complete an application. The sheriff must submit the application to the Idaho state police for a records check of state and national databases. The Idaho state police must conduct the records check and return the results to the sheriff within thirty (30) days. The sheriff shall not issue a renewal before receiving the results of the records check and must deny a license if the applicant is disqualified under any of the criteria provided in this section. A renewal license shall be valid for

a period of five (5) years. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing ninety-one (91) days to one hundred eighty (180) days after the expiration date of the license must pay a late renewal penalty of ten dollars (\$10.00) in addition to the renewal fee unless waived by the sheriff, except that any licensee serving on active duty in the armed forces of the United States during the renewal period shall not be required to pay a late renewal penalty upon renewing ninety-one (91) days to one hundred eighty (180) days after the expiration date of the license. After one hundred eighty-one (181) days, the licensee must submit an initial application for a license and pay the fees prescribed in subsection (15) of this section. The renewal fee and any penalty shall be paid to the sheriff for the purpose of enforcing the provisions of this chapter. Upon renewing a license under the provisions of this section, the sheriff must notify the Idaho state police within five (5) days on a form or in a manner prescribed by the Idaho state police.

(18) No city, county or other political subdivision of this state shall modify or add to the requirements of this section, nor shall a city, county or political subdivision ask the applicant to voluntarily submit any information not required in this section. A civil action may be brought to enjoin a wrongful refusal to issue a license or a wrongful modification of the requirements of this section. The civil action may be brought in the county in which the application was made or in Ada county at the discretion of the petitioner. Any person who prevails against a public agency in any action in the courts for a violation of this section must be awarded costs, including reasonable attorney's fees incurred in connection with the legal action.

(19) 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 in compliance with this section.

(20) The sheriff of a county shall issue a license to carry a concealed weapon to those individuals between the ages of eighteen (18) and twenty-one (21) years who, except for the age requirement contained in section 18-3302K(4), Idaho Code, would otherwise meet the requirements for issuance of a license under section 18-3302K, Idaho Code. Licenses issued to individuals between the ages of eighteen (18) and twenty-one (21) years under this subsection shall be easily distinguishable from licenses issued pursuant to subsection (7) of this section. A license issued pursuant to this subsection after July 1, 2016, shall expire on the twenty-first birthday of the licensee. A licensee, upon attaining the age of twenty-one (21) years, shall be allowed to renew the license under the procedure contained in section 18-3302K(9), Idaho Code. Such renewal license shall be issued as an enhanced license pursuant to the provisions of section 18-3302K, Idaho Code.

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

(22) 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.

(23) A person twenty-one (21) years of age or older who presents a valid license to carry concealed weapons is exempt from any requirement to undergo a records check at the time of purchase or transfer of a firearm from a federally licensed firearms dealer. Provided however, a temporary emergency license issued pursuant to subsection (6) of this section shall not exempt the holder of the license from any records check requirement.

(24) The attorney general must contact the appropriate officials in other states for the purpose of establishing, to the extent possible, recognition and reciprocity of the license to carry concealed weapons by other states, whether by formal agreement or otherwise. The Idaho state police must keep a copy and maintain a record of all such agreements and reciprocity recognitions, which must be made available to the public.

(25) Nothing in subsection (3) or (4) of this section shall be construed to limit the existing rights of a private property owner, private tenant, private employer or private business entity.

(26) 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.

History:

[18-3302, added 2015, ch. 303, sec. 2, p. 1188; am. 2016, ch. 208, sec. 1, p. 585; am. 2017, ch. 231, sec. 1, p. 558.]

How current is this law?

Search the Idaho Statutes and Constitution



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

Wednesday, July 6, 2016

Wes Ogilvie
Office of the Attorney General
PO Box 12548--GCD-074
Austin, TX 78711-2548

RE: Idaho Concealed Weapons Licenses ("CWL")

Dear Mr. Ogilvie:

Pursuant to IDAHO CODE §§ 18-3302(23) and 18-3302K(14), as amended by the 2015 Idaho Legislature, the Idaho Attorney General is required to contact the appropriate officials in other states for the purpose of establishing, to the extent possible, recognition/reciprocity of Idaho's CWLs, whether by formal agreement or otherwise. The purpose of this letter is to request that the state of Texas consider whether its law recognizes either or both of Idaho CWLs or if necessary, entering into a reciprocity agreement with the state of Idaho, whereby the state of Texas will recognize either or both of Idaho's CWLs.

Idaho has two CWLs, one of which is referred to as the "original CWL" and the other as the "enhanced CWL." The original CWL is governed by IDAHO CODE § 18-3302, a copy of which is enclosed. The enhanced CWL is governed by IDAHO CODE § 18-3302K, a copy of which is also enclosed.

The major differences between the Idaho original and enhanced CWL are:

- (1) An original CWL can be issued to a person 18 years of age if, in the judgment of the sheriff, issuance of the license is warranted. The enhanced CWL can only be issued to persons 21 years of age or older.
- (2) Training is not statutorily required for an original CWL, but can be required at the discretion of the issuing sheriff. Training is statutorily mandated for the enhanced CWL and includes specific qualifications for the trainers and the required training.

Idaho Concealed Weapons Licenses Reciprocity

July 6, 2016

Page 2

- (1) The enhanced Idaho CWL is clearly distinguishable on its face from the original Idaho CWL and both are verifiable by an NLET CWQ query. Samples of both Idaho CWLs are enclosed.

Prior to the issuance of either Idaho CWL, the Idaho State Police conducts a national fingerprint-based records check, an inquiry through the national instant criminal background check system, and a check of any applicable state database, including a check for any mental health records that would disqualify a person from possessing a firearm under state or federal law. If the applicant is not a U.S. citizen, an immigration alien query will also be conducted through U.S. Immigration and Customs Enforcement.

Idaho recognizes all other state's validly issued concealed weapons licenses, as long as the other state's license is on the licensed person when the person is carrying a concealed weapon in Idaho.

Finally, enclosed for your convenience are a self-addressed envelope and a form on which you may indicate the extent to which the state of Texas honors either or both of Idaho's concealed weapons licenses and whether the state of Texas requires a formal reciprocity agreement. If you prefer to respond to this inquiry via email, please send a PDF copy of the completed form to stephanie.altig@isp.idaho.gov.

Your response to this inquiry is greatly appreciated.

Sincerely,


Stephanie A. Altig
Lead Deputy Attorney General
Idaho State Police

Enclosures



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

Does the state of Texas recognize Idaho's Concealed Weapons License?

- Regular: IDAHO CODE § 18-3302
 Enhanced: IDAHO CODE § 18-3302K
 Both
 Neither

Does the state of Texas require a reciprocity agreement?

- No
 Yes

If yes, is a formal agreement, such as a Memorandum of Agreement, required or will a less formal agreement, such as exchange of letters acknowledging reciprocity of our states' Concealed Weapons Licenses suffice?

- Memorandum of Agreement
 Exchange of Letters

Name

State Agency Department

Title

Address

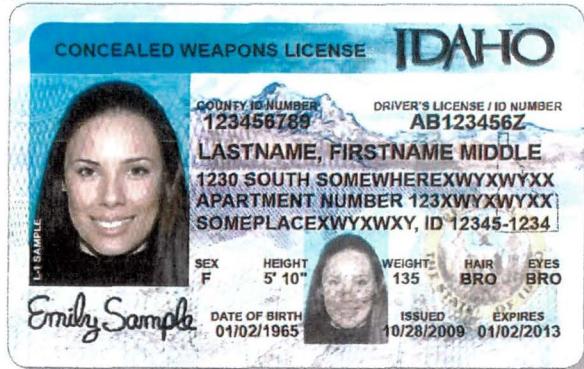
Date

City, State, Zip

Telephone

Email

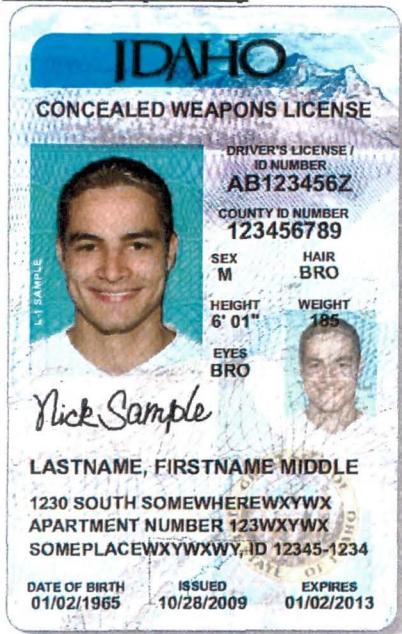
Old CWP



Failure to carry license when you carry a concealed weapon may result in your arrest.

A county sheriff shall have the power to revoke this license, subsequent to a hearing, for violation of I.C. 18-3302.

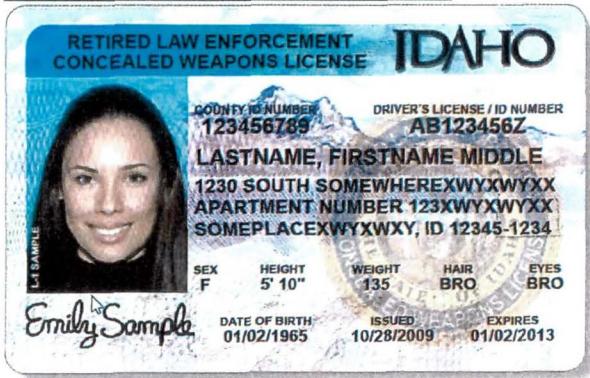
Old CWP (minor)



Failure to carry license when you carry a concealed weapon may result in your arrest.

A county sheriff shall have the power to revoke this license, subsequent to a hearing, for violation of I.C. 18-3302.

Retired Law Enforcement CWP



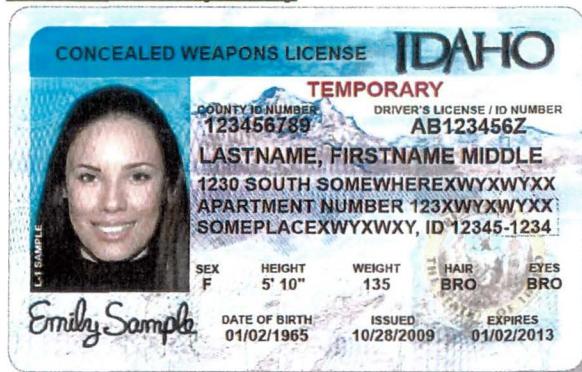
HR 218 - The Law Enforcement Officers Safety Act of 2004

Retired Peace Officer Compliance Certification

The bearer attests, and available Department records indicate, that he/she meets the employment requirements of 18 USCS, Section 926C(c); and is therefore a qualified retired law enforcement officer for the purposes of carrying a concealed firearm.

Failure to carry license when you carry a concealed weapon may result in your arrest

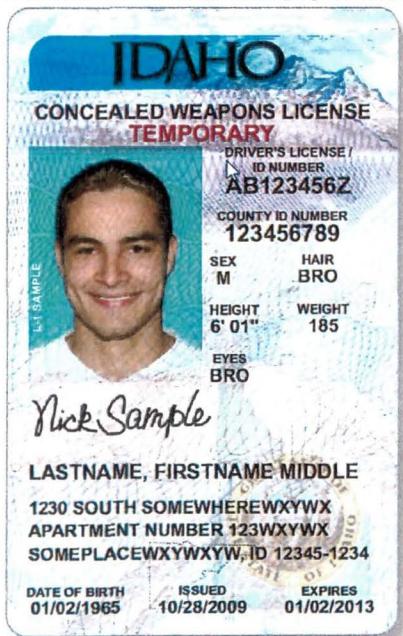
Old CWP Temporary



Failure to carry license when you carry a concealed weapon may result in your arrest.

A county sheriff shall have the power to revoke this license, subsequent to a hearing, for violation of I.C. 18-3302.

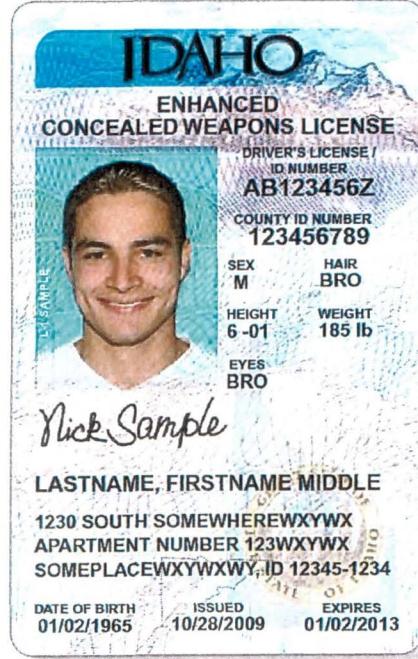
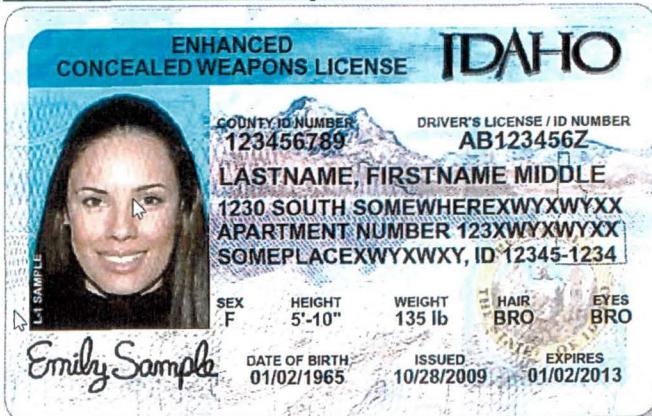
Old CWP Temporary (Minor)

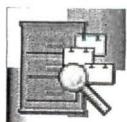


Failure to carry license when you carry a concealed weapon may result in your arrest.

A county sheriff shall have the power to revoke this license, subsequent to a hearing, for violation of I.C. 18-3302.

New Enhanced CWP (Adult & Minor)





Idaho Statutes

TITLE 18 CRIMES AND PUNISHMENTS

CHAPTER 33 FIREARMS, EXPLOSIVES AND OTHER DEADLY WEAPONS

18-3302. 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 must 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) For 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) For 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

(c) On private property where the person has permission to carry concealed weapons from any person with an ownership or leasehold interest;

(d) Outside the limits of or confines of any city, if the person is over eighteen (18) years of age and is not otherwise disqualified from being issued a license under subsection (11) of this section.

(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;

(e) A firearm that is disassembled or permanently altered such that it is not readily operable; and

(f) A concealed handgun by a person who is:

(i) Over twenty-one (21) years of age;

(ii) A resident of Idaho; and

(iii) Is not disqualified from being issued a license under subsection (11) of this section.

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

(a) Officials of a city, county or the state of Idaho;

(b) Any publicly elected Idaho official;

(c) Members of the armed forces of the United States or of the national guard when in performance of official duties;

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

(e) Any peace officer as defined in section 19-5101(d), Idaho Code, in good standing;

(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 physical possession of his valid license or permit authorizing him to carry concealed weapons from another state; and

(h) 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 the county of the applicant's residence or, if the applicant has obtained a protection order pursuant to chapter 63, title 39, Idaho Code, the sheriff of a county where the applicant is temporarily residing may issue a temporary emergency license for good cause pending review of an application made under subsection (7) of this section. Temporary emergency licenses must be easily distinguishable from regular licenses. A temporary emergency license shall be valid for not more than ninety (90) days.

(7) The sheriff of a county, on behalf of the state of Idaho, must, within ninety (90) days after the filing of a 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 concealed weapons on his person within this state. Such license shall be valid for five (5) years from the date of issuance.

(8) The sheriff must make license applications readily available at the office of the sheriff, at other public offices in his or her jurisdiction and on the website of the Idaho state police. The license

application shall be in a form to be prescribed by the director of the Idaho state police and must meet the following requirements:

- (a) The license application shall require the applicant's name, address, description, signature, date of birth, place of birth, military status, citizenship and the driver's license number or state identification card number if used for identification in applying for the license. Provided however, that if the applicant is not a United States citizen and is legally in the United States, the application must also require any alien or admission number issued to the applicant by United States immigration and customs enforcement or any successor agency;
- (b) The license application may ask the applicant to disclose his social security number but must indicate that disclosure of the applicant's social security number is optional; and
- (c) The license application must contain a warning that substantially reads as follows:

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

(9) The sheriff may require the applicant to demonstrate familiarity with a firearm and must accept any one (1) of the following as evidence of the applicant's familiarity with a firearm:

- (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 or any equivalent 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 offered for any division or subdivision of a law enforcement agency or security enforcement agency;
- (e) Evidence of equivalent experience with a firearm through participation in organized shooting competition or military service;
- (f) Is currently licensed to carry concealed weapons pursuant to this section, unless the license has been revoked for cause;
- (g) Completion of any firearms training or safety course or class conducted by a state certified or national rifle association certified firearms instructor; or
- (h) Other training that the sheriff deems appropriate.

(10) Any person applying for original issuance of a license to carry concealed weapons must submit his fingerprints with the completed license application. Within five (5) days after the filing of an application, the sheriff must forward the applicant's completed license application and fingerprints to the Idaho state police. The Idaho state police must conduct a national fingerprint-based records check, an inquiry through the national instant criminal background check system and a check of any

applicable state database, including a check for any mental health records for conditions or commitments that would disqualify a person from possessing a firearm under state or federal law, and return the results to the sheriff within sixty (60) days. If the applicant is not a United States citizen, an immigration alien query must also be conducted through United States immigration and customs enforcement or any successor agency. The sheriff shall not issue a license before receiving the results of the records check and must deny a license if the applicant is disqualified under any of the criteria listed in subsection (11) of this section. The sheriff may deny a license to carry concealed weapons to an alien if background information is not attainable or verifiable.

(11) A license to carry concealed weapons shall not be issued to any person who:

- (a) Is under twenty-one (21) years of age, except as otherwise provided in this section;
- (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 marijuana or any depressant, stimulant or narcotic drug, or any controlled substance as defined in 21 U.S.C. section 802;
- (f) Is currently suffering from or has been adjudicated as having suffered from any of the following conditions, 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, Idaho Code.
- (g) Has been discharged from the armed forces under dishonorable conditions;
- (h) Has received a withheld judgment or suspended sentence for a crime punishable by imprisonment for a term exceeding one (1) year, unless the person has successfully completed probation;
- (i) Has received a period of probation after having been adjudicated guilty of, or received a withheld judgment for, a misdemeanor offense that has as an element the intentional use, attempted use or threatened use of physical force against the person or property of another, unless the person has successfully completed probation;
- (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 free on bond or personal recognizance pending trial, appeal or sentencing for a crime which would disqualify him from obtaining a concealed weapons license;
- (m) 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; or
- (n) Is for any other reason ineligible to own, possess or receive a firearm under the provisions of Idaho or federal law.

(12) In making a determination in relation to an applicant's eligibility under subsection (11) of this section, the sheriff shall not consider:

- (a) 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
- (b) Except as provided for in subsection (11)(f) of this section, an adjudication of mental defect, incapacity or 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.

(13) A license to carry concealed weapons must be in a form substantially similar to that of the Idaho driver's license and must meet the following specifications:

- (a) The license must provide the licensee's name, address, date of birth and the driver's license number or state identification card number if used for identification in applying for the license;
- (b) The license must bear the licensee's signature and picture; and
- (c) The license must provide the date of issuance and the date on which the license expires.

(14) Upon issuing a license under the provisions of this section, the sheriff must 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 74-105, Idaho Code.

(15) The fee for original issuance of a license shall be twenty dollars (\$20.00), which the sheriff must 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 must be paid to the state. The sheriff must provide the applicant with a copy of the results of the fingerprint-based records check upon request of the applicant.

(16) The fee for renewal of the license shall be fifteen dollars (\$15.00), which the sheriff must 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 processing costs 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 must be paid to the state.

(17) Every license that is not, as provided by law, suspended, revoked or disqualified in this state shall be renewable at any time during the ninety (90) day period before its expiration or within ninety (90) days after the expiration date. The sheriff must mail renewal notices ninety (90) days prior to the expiration date of the license. The sheriff shall require the licensee applying for renewal to complete an application. The sheriff must submit the application to the Idaho state police for a records check of state and national databases. The Idaho state police must conduct the records check and return the results to the sheriff within thirty (30) days. The sheriff shall not issue a renewal before receiving the results of the records check and must deny a license

if the applicant is disqualified under any of the criteria provided in this section. A renewal license shall be valid for a period of five (5) years. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing ninety-one (91) days to one hundred eighty (180) days after the expiration date of the license must pay a late renewal penalty of ten dollars (\$10.00) in addition to the renewal fee unless waived by the sheriff, except that any licensee serving on active duty in the armed forces of the United States during the renewal period shall not be required to pay a late renewal penalty upon renewing ninety-one (91) days to one hundred eighty (180) days after the expiration date of the license. After one hundred eighty-one (181) days, the licensee must submit an initial application for a license and pay the fees prescribed in subsection (15) of this section. The renewal fee and any penalty shall be paid to the sheriff for the purpose of enforcing the provisions of this chapter. Upon renewing a license under the provisions of this section, the sheriff must notify the Idaho state police within five (5) days on a form or in a manner prescribed by the Idaho state police.

(18) No city, county or other political subdivision of this state shall modify or add to the requirements of this section, nor shall a city, county or political subdivision ask the applicant to voluntarily submit any information not required in this section. A civil action may be brought to enjoin a wrongful refusal to issue a license or a wrongful modification of the requirements of this section. The civil action may be brought in the county in which the application was made or in Ada county at the discretion of the petitioner. Any person who prevails against a public agency in any action in the courts for a violation of this section must be awarded costs, including reasonable attorney's fees incurred in connection with the legal action.

(19) 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 in compliance with this section.

(20) The sheriff of a county shall issue a license to carry a concealed weapon to those individuals between the ages of eighteen (18) and twenty-one (21) years who, except for the age requirement contained in section 18-3302K(4), Idaho Code, would otherwise meet the requirements for issuance of a license under section 18-3302K, Idaho Code. Licenses issued to individuals between the ages of eighteen (18) and twenty-one (21) years under this subsection shall be easily distinguishable from licenses issued pursuant to subsection (7) of this section. A license issued pursuant to this subsection after July 1, 2016, shall expire on the twenty-first birthday of the licensee. A licensee, upon attaining the age of twenty-one (21), shall be allowed to renew the license under the procedure contained in section 18-3302K(9), Idaho Code. Such renewal license shall be issued as an enhanced license pursuant to the provisions of section 18-3302K, Idaho Code.

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

(22) 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.

(23) A person twenty-one (21) years of age or older who presents a valid license to carry concealed weapons is exempt from any requirement to undergo a records check at the time of purchase or transfer of a firearm from a federally licensed firearms dealer. Provided however, a temporary emergency license issued pursuant to subsection (6) of this section shall not exempt the holder of the license from any records check requirement.

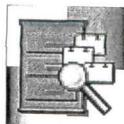
(24) The attorney general must contact the appropriate officials in other states for the purpose of establishing, to the extent possible, recognition and reciprocity of the license to carry concealed weapons by other states, whether by formal agreement or otherwise. The Idaho state police must keep a copy and maintain a record of all such agreements and reciprocity recognitions, which must be made available to the public.

(25) Nothing in subsection (3) or (4) of this section shall be construed to limit the existing rights of a private property owner, private tenant, private employer or private business entity.

(26) 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.

History:

[18-3302, added 2015, ch. 303, sec. 2, p. 1188; am. 2016, ch. 208, sec. 1, p. 585.]



Idaho Statutes

TITLE 18 CRIMES AND PUNISHMENTS

CHAPTER 33 FIREARMS, EXPLOSIVES AND OTHER DEADLY WEAPONS

18-3302K. ISSUANCE OF ENHANCED LICENSES TO CARRY CONCEALED WEAPONS. (1) The sheriff of a county, on behalf of the state of Idaho, must, 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 federal law and has otherwise complied with the requirements of this section, issue an enhanced license to the person to carry concealed weapons on his person. Licenses issued under this section shall be valid for five (5) years from the date of issue.

(2) The sheriff must make license applications readily available at the office of the sheriff, at other public offices in his jurisdiction and on the website of the Idaho state police. The license application must be in a form to be prescribed by the director of the Idaho state police and must meet the following requirements:

(a) The license application shall require the applicant's name, address, description, signature, date of birth, place of birth, military status, citizenship and the driver's license number or state identification card number if used for identification in applying for the license. If the applicant is not a U.S. citizen, the application shall also require any alien or admission number issued to the applicant by U.S. immigration and customs enforcement, or any successor agency;

(b) The license application may ask the applicant to disclose his social security number but must indicate that disclosure of the applicant's social security number is optional; and

(c) The license application must contain a warning that substantially reads as follows:

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

(3) Any person who is applying for original issuance of a license to carry concealed weapons must submit his fingerprints with the completed application. Within five (5) days after the filing of an application, the sheriff must forward the applicant's completed license application and fingerprints to the Idaho state police. The Idaho state police must conduct a national fingerprint-based records check, an inquiry through the national instant criminal background check system, and a check of any applicable state database, including a check for any mental health records

for conditions or commitments that would disqualify a person from possessing a firearm under state or federal law, and must return the results to the sheriff within sixty (60) days. If the applicant is not a U.S. citizen, an immigration alien query must also be conducted through U.S. immigration and customs enforcement or any successor agency. The sheriff shall not issue a license before receiving and reviewing the results of the records check.

(4) The sheriff must deny an enhanced license to carry a concealed weapon if the applicant is disqualified under any of the criteria listed in section 18-3302(11), Idaho Code, or does not meet all of the following qualifications:

- (a) Is over the age of twenty-one (21) years;
- (b) Has been a legal resident of the state of Idaho for at least six (6) consecutive months before filing an application under this section or holds a current license or permit to carry concealed weapons issued by his state of residence; and
- (c) Has successfully completed within the twelve (12) months immediately preceding filing an application, a qualifying handgun course as specified in this paragraph and taught by a certified instructor who is not prohibited from possessing firearms under state or federal law. A copy of the certificate of successful completion of the handgun course, in a form to be prescribed by the director of the Idaho state police and signed by the course instructor, must be submitted to the sheriff at the time of filing an application under this section. Certified instructors of handgun courses when filing an application under this section shall not be required to submit such certificates but must submit a copy of their current instructor's credential. The sheriff must accept as a qualifying handgun course a personal protection course offered by the national rifle association or an equivalent, provided that all personal protection or equivalent courses must meet the following requirements:

- (i) The course instructor is certified by the national rifle association, or by another nationally recognized organization that customarily certifies firearms instructors, as an instructor in personal protection with handguns, or the course instructor is certified by the Idaho peace officers standards and training council as a firearms instructor;

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

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

- (iv) The course includes instruction in:

- 1. Idaho law relating to firearms and the use of deadly force, provided that such instruction is delivered by either of the following whose name and credential must appear on the certificate:
 - (A) An active licensed member of the Idaho state bar; or
 - (B) A law enforcement officer who possesses an intermediate or higher Idaho peace officers standards and training certificate.
 - 2. The basic concepts of the safe and responsible use of handguns;
 - 3. Self-defense principles; and
 - 4. Live fire training including the firing of at least ninety-eight (98) rounds by the student.

An instructor must provide a copy of the syllabus and a written description of the course of fire used in a qualifying handgun course

that includes the name of the individual instructing the legal portion of the course to the sheriff upon request.

(5) A license to carry concealed weapons must be in a form substantially similar to that of the Idaho driver's license and must meet the following specifications:

- (a) The license must provide the licensee's name, address, date of birth and the driver's license number or state identification card number if used for identification in applying for the license;
- (b) The license must bear the licensee's signature and picture;
- (c) The license must provide the date of issuance and the date on which the license expires; and
- (d) The license must be clearly distinguishable from a license issued pursuant to section 18-3302, Idaho Code, and must be marked "Idaho enhanced concealed weapons license" on its face.

(6) Upon issuing a license under the provisions of this section, the sheriff must notify the Idaho state police within three (3) 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 74-105, Idaho Code.

(7) The fee for original issuance of an enhanced license shall be twenty dollars (\$20.00), which the sheriff must 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 processing costs 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 must be paid to the state. The sheriff must provide the applicant with a copy of the results of the fingerprint-based records check upon request of the applicant.

(8) The fee for renewal of the enhanced license shall be fifteen dollars (\$15.00), which the sheriff must retain for the purpose of performing duties required in this section. The sheriff may collect the actual cost of any additional fees necessary to cover the processing costs 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 must be paid to the state.

(9) Every license that is not, as provided by law, suspended, revoked or disqualified in this state shall be renewable at any time during the ninety (90) day period before its expiration or within ninety (90) days after the expiration date. The sheriff must mail renewal notices ninety (90) days prior to the expiration date of the license. The sheriff shall require the licensee applying for renewal to complete an application. The sheriff must submit the application to the Idaho state police. The Idaho state police must conduct the same records checks as required for an initial license under subsection (3) of this section and must return the results to the sheriff within thirty (30) days. The sheriff shall not issue a renewal before receiving and reviewing the results of the records check and must deny a license if the applicant is disqualified under any of the criteria provided in this section. A renewal license shall be valid for a period of five (5) years. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing ninety-one (91) days to one hundred eighty (180) days after the expiration date of the license must pay a late renewal penalty of ten dollars (\$10.00) in addition to the renewal fee, except that any licensee serving on active duty in the armed forces of the United States during the renewal period shall not be required to pay a late renewal penalty upon renewing ninety-one (91) days to one hundred eighty (180) days after the expiration date

enforcement officer or law enforcement agency, whether inside or outside the state of Idaho, may access the record system for the purpose of verifying current enhanced licensee status.

History:

[18-3302K, added 2015, ch. 303, sec. 5, p. 1194; am. 2015, ch. 141, sec. 18, p. 398.]