



COPY

KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 28, 2017

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 November 17, 2017 letter inquiring whether Texas will continue to recognize concealed weapon 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.”

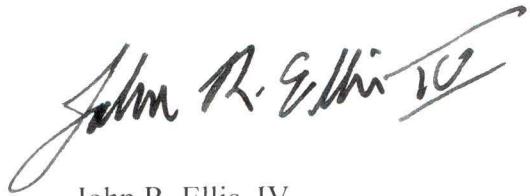
Texas law regarding concealed carry reciprocity is set out in Texas Government Code § 411.173. More specifically, Texas Government Code § 411.173(b) provides:

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,

A handwritten signature in black ink, appearing to read "John R. Ellis, IV".

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



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

November 29, 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:

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

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

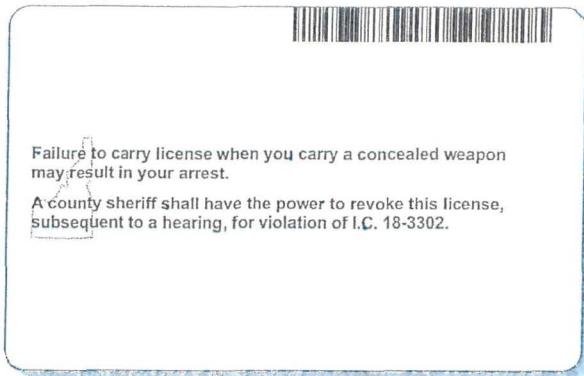
Date

City, State, Zip

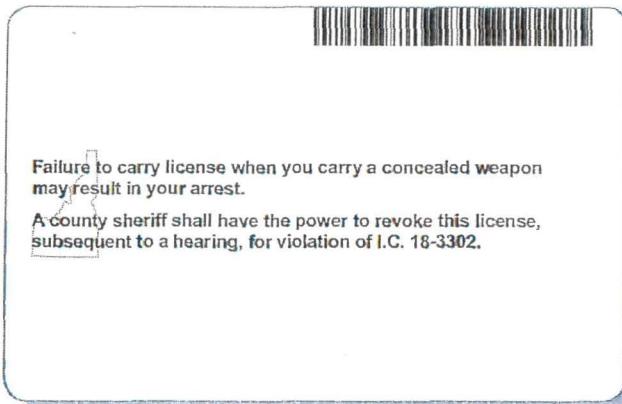
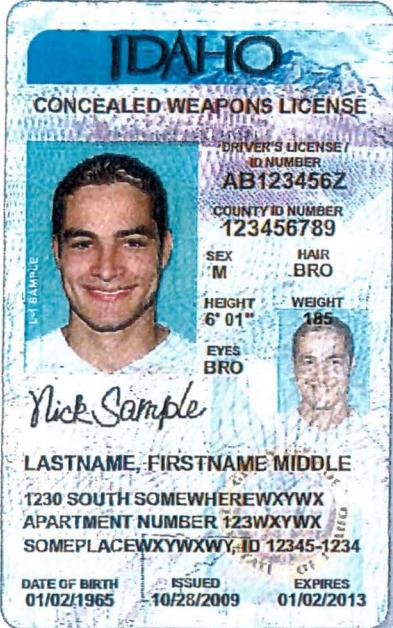
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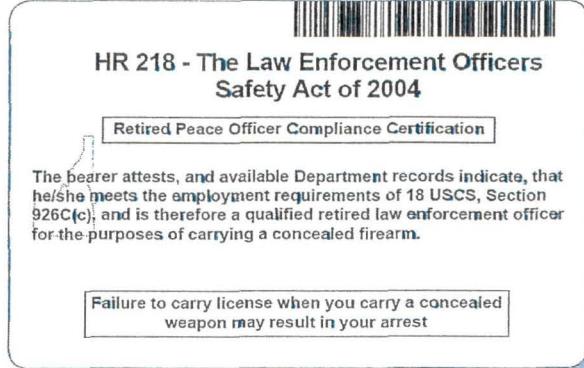
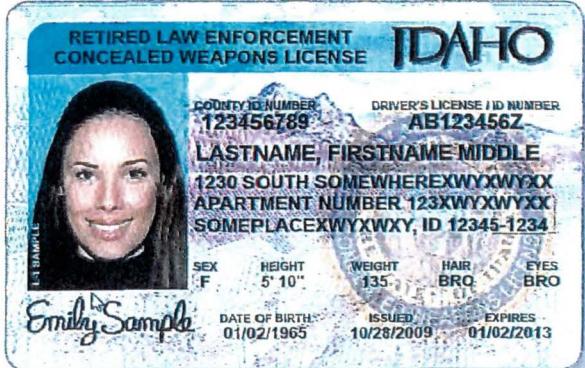
Original CWP



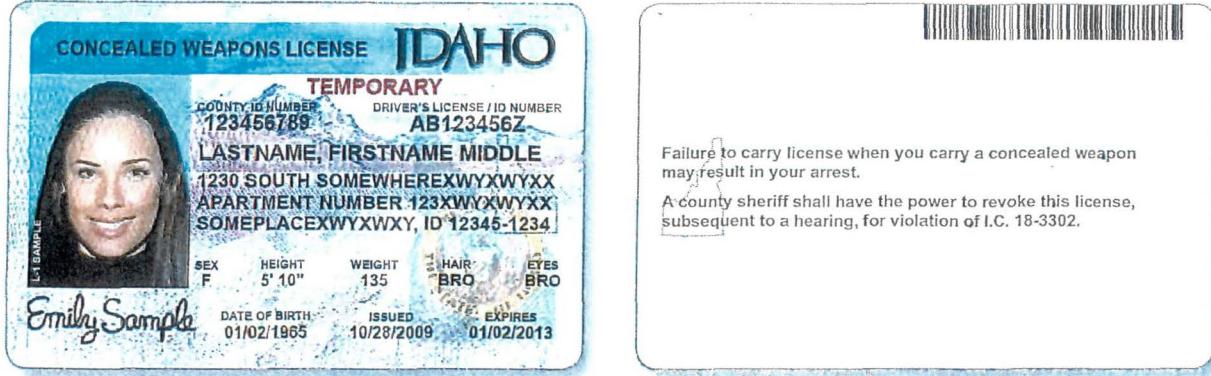
Original CWP (minor)



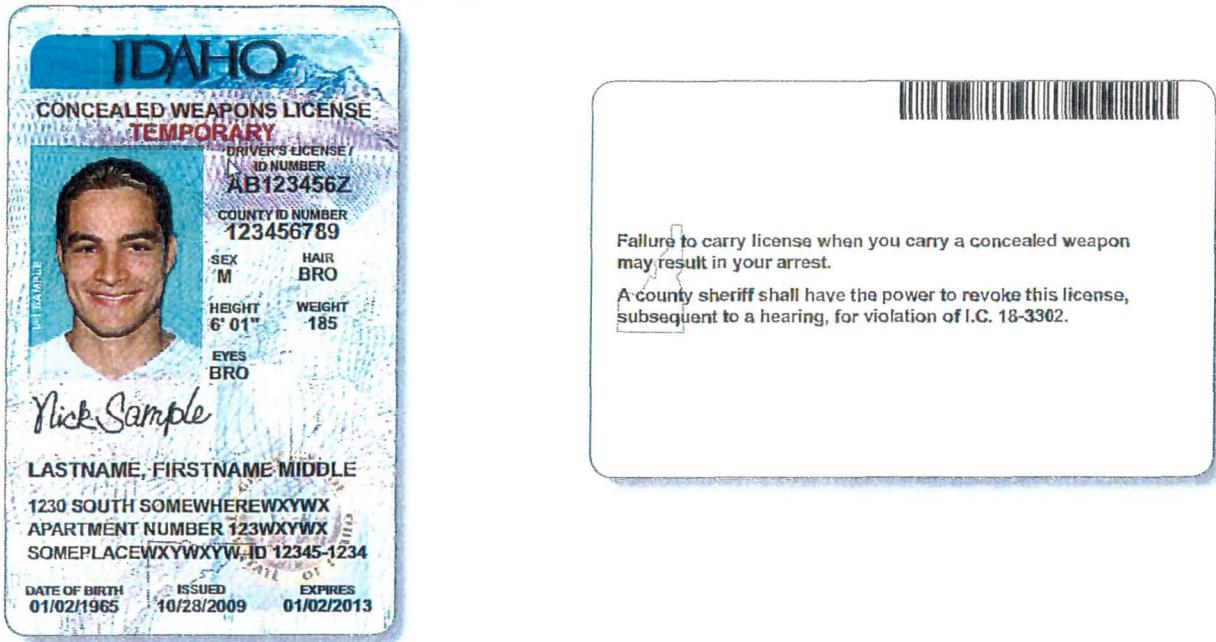
Retired Law Enforcement CWP



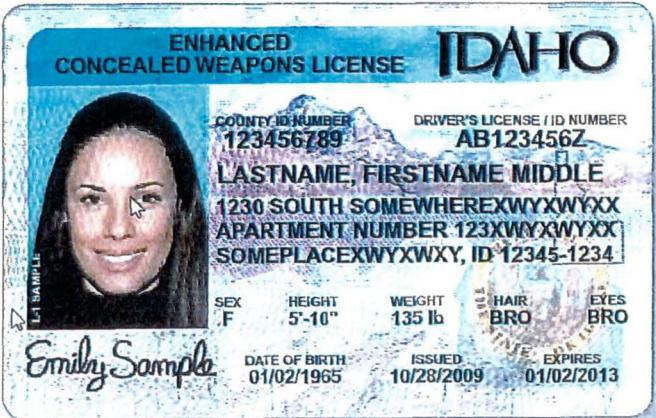
Original CWP Temporary



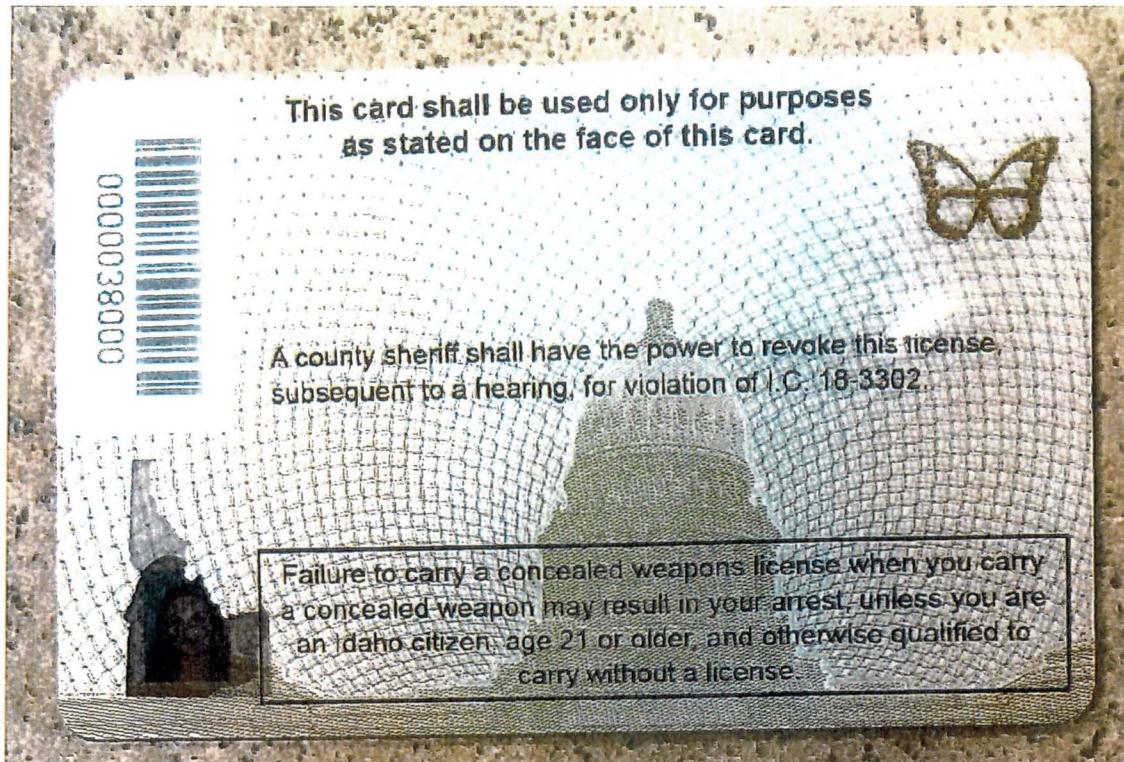
Original CWP Temporary (Minor)



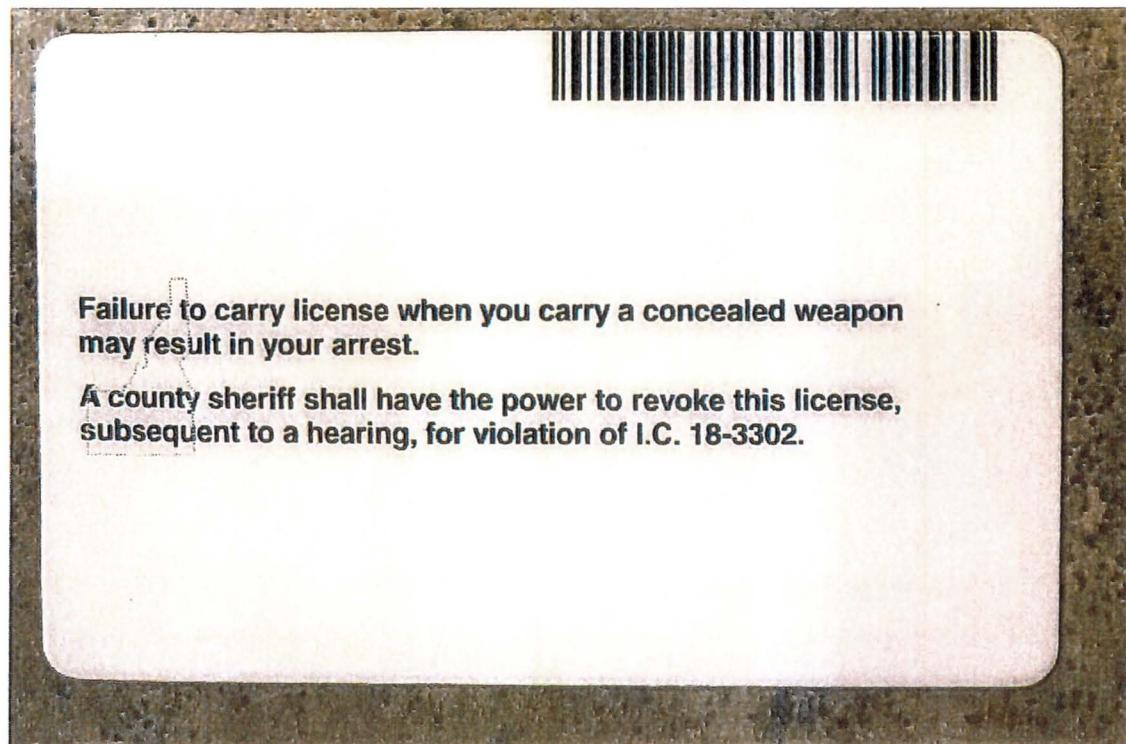
Enhanced CWP (Adult & Minor)



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



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





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



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

July 1, 2014

RECEIVED
JUL 09 2014
GENERAL COUNSEL

Wes Ogilvie
Office of the Attorney General
P.O. Box 12548-GCD-074
Austin TX 78711-2548

RE: New Enhanced Idaho Concealed Weapons License ("CWL")

Dear Mr. Ogilvie:

The purpose of this letter is to request that the state of Texas consider entering into a reciprocity agreement with the state of Idaho, whereby the state of Texas will recognize Idaho's Enhanced Concealed Weapons License.

In the 2013 session, the Idaho legislature enacted House Bill 223 and House Bill 192, which amends and adds a new section to IDAHO CODE § 18-3302, respectively. The amendment to IDAHO CODE §18-3302, became effective on April 2, 2013. The new section, IDAHO CODE § 18-3302K, is effective on July 1, 2013.

Pursuant to the new section, IDAHO CODE §18-3302K(11), the Idaho Attorney General is required to 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.

IDAHO CODE §18-3302(7) was amended to define a weapon subject to concealed carry licensure as follows:

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 of four inches or less or any lawfully possessed taser, stun gun or pepper spray.

New Enhanced Idaho Concealed Weapons License ("CWL")

Page 2

any knife with a blade of four inches or less or any lawfully possessed taser, stun gun or pepper spray.

This definition applies to both a license to carry a concealed weapon pursuant to IDAHO CODE § 18-3302 and the enhanced license to carry a concealed weapon pursuant to IDAHO CODE § 18-3302K.

The new section, IDAHO CODE § 18-3302K, creates an Idaho enhanced CWL. This new license will be an additional tier of licensing with different requirements for issue than the current Idaho CWL issued pursuant to IDAHO CODE § 18-3302. The enhanced CWL will not replace the current Idaho CWL or affect current licensees whose licenses will remain valid and renewable. The enhanced CWL will be clearly distinguishable from the current Idaho license and verifiable by an NLET CWQ query.

As I indicated above, the enhanced license will have different requirements for issue than the current Idaho license. A specific level of training in handgun use and safety is mandatory. Some of these new requirements are:

- Applicant must be at least 21 years of age.
- Applicant must successfully complete a class consisting of one of the NRA Personal Protection courses or an equivalent course within twelve (12) months prior to the application.
- This course must be taught face-to-face by certified instructors, must be at least eight (8) hours in duration, and must include instruction in Idaho law relating to firearms and the use of deadly force delivered by either an active licensed member of the Idaho state bar or a law enforcement officer who possesses an intermediate or higher Idaho peace officers standards and training certificate as well as live-fire training including the firing of at least ninety-eight (98) rounds by the student.

Prior to the issuance of an enhanced CWL, the Idaho State Police will 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 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 concealed weapons licenses.

New Enhanced Idaho Concealed Weapons License ("CWL")

Page 3

Enclosed are copies of IDAHO CODE § 18-3302 (as amended by House Bill 223), IDAHO CODE § 18-3302K (as amended by House Bill 192) and examples of a regular Idaho Concealed Weapons License and an example of an Idaho Enhanced Concealed Weapons License.

Also enclosed for your convenience are a self-addressed envelope and a form on which you may indicate the extent to which you wish to enter into an agreement with the state of Idaho regarding mutual recognition of each state's concealed weapons licenses. If you would 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 appreciated.

Sincerely,



Stephanie A. Altig
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

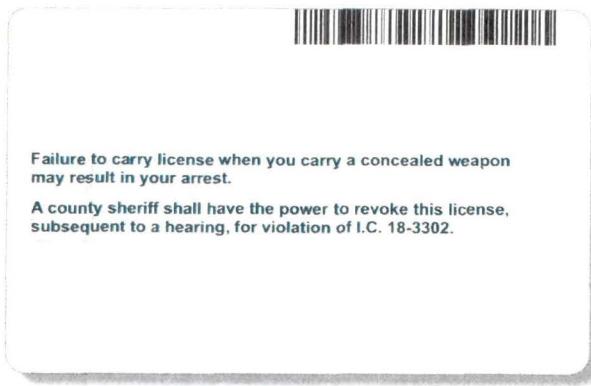
Date

City, State, Zip

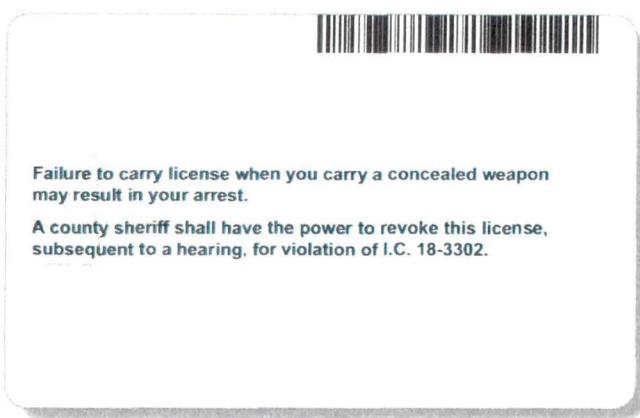
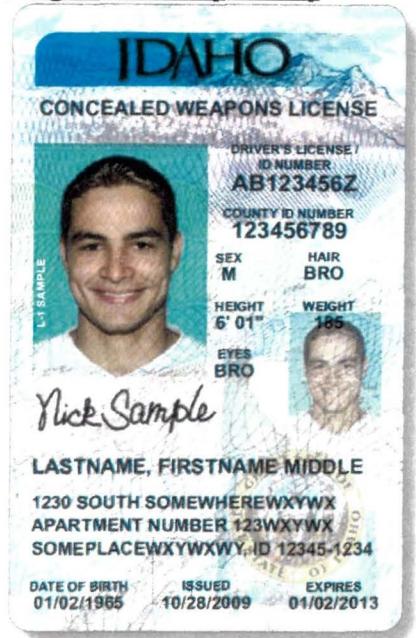
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Email

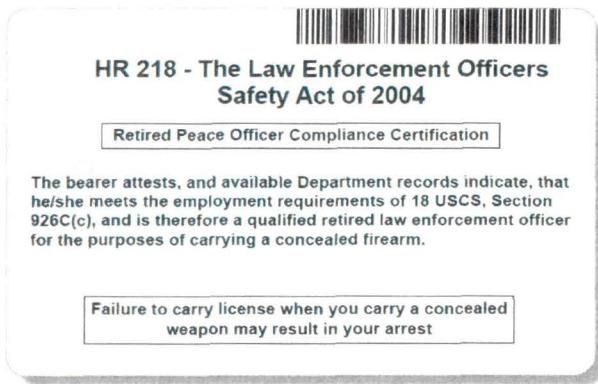
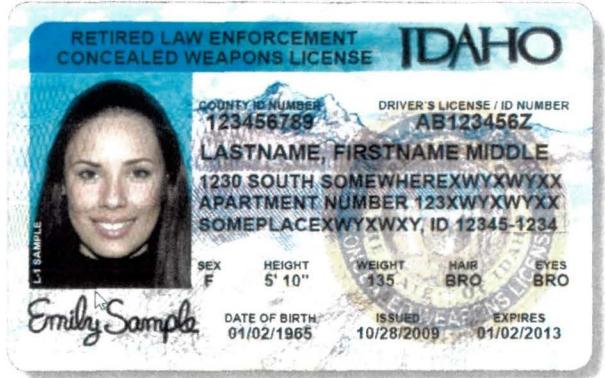
Original CWP



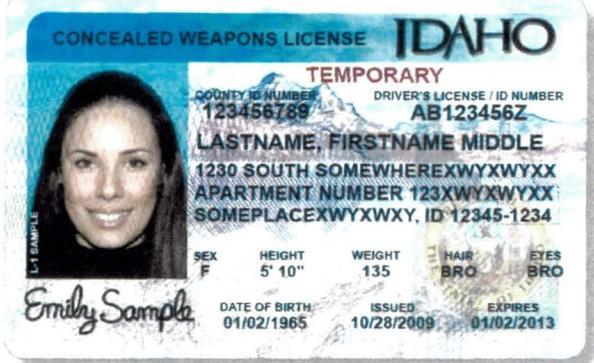
Original CWP (minor)



Retired Law Enforcement CWP



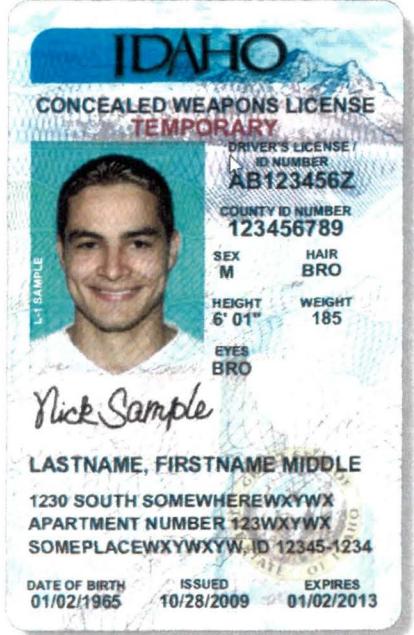
Original CWP Temporary



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.

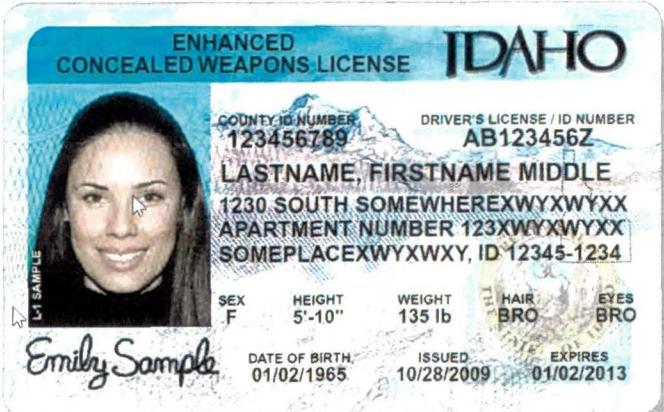
Original CWP Temporary (Minor)



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 (Adult & Minor)



LEGISLATURE OF THE STATE OF IDAHO

Sixty-second Legislature

First Regular Session - 2013

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 192

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO LICENSES TO CARRY CONCEALED WEAPONS; AMENDING SECTION 18-3302, IDAHO CODE, TO REVISE RENEWAL AND FEE PROVISIONS FOR LICENSES TO CARRY CONCEALED WEAPONS; AMENDING CHAPTER 33, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-3302K, IDAHO CODE, TO PROVIDE FOR THE ISSUANCE OF ENHANCED LICENSES TO CARRY CONCEALED WEAPONS, TO PROVIDE FEES, TO PROVIDE PROCEDURES, TO PROVIDE DUTIES OF THE IDAHO STATE POLICE AND THE ATTORNEY GENERAL AND TO PROVIDE APPLICATION; AMENDING SECTION 9-340B, IDAHO CODE, TO PROVIDE REFERENCE TO ADDITIONAL RECORDS THAT ARE EXEMPT FROM DISCLOSURE WITH EXCEPTIONS; AND PROVIDING SEVERABILITY.

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 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 federal law, issue a license to the person to carry a weapon concealed 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 license shall be valid for five (5) years from the date of issue. 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.

- 1 (g) Is or has been discharged from the armed forces under dishonorable
2 conditions;
3 (h) Is or has been adjudicated guilty of or received a withheld judgment
4 or suspended sentence for one (1) or more crimes of violence constitut-
5 ing a misdemeanor, unless three (3) years have elapsed since disposi-
6 tion or pardon has occurred prior to the date on which the application is
7 submitted;
8 (i) Has had entry of a withheld judgment for a criminal offense which
9 would disqualify him from obtaining a concealed weapon license;
10 (j) Is an alien illegally in the United States;
11 (k) Is a person who having been a citizen of the United States, has re-
12 nounced his or her citizenship;
13 (l) Is under twenty-one (21) years of age;
14 (m) Is free on bond or personal recognizance pending trial, appeal or
15 sentencing for a crime which would disqualify him from obtaining a con-
16 cealed weapon license; or
17 (n) Is subject to a protection order issued under chapter 63, title
18 39, Idaho Code, that restrains the person from harassing, stalking or
19 threatening an intimate partner of the person or child of the intimate
20 partner or person, or engaging in other conduct that would place an
21 intimate partner in reasonable fear of bodily injury to the partner or
22 child.

23 The license application shall be in a form to be prescribed by the
24 director of the Idaho state police, and shall ask the name, address, de-
25 scription and signature of the licensee, date of birth, place of birth,
26 social security number, military status, citizenship and the driver's
27 license number or state identification card number of the licensee if
28 used for identification in applying for the license. The application
29 shall indicate that provision of the social security number is op-
30 tional. The license application shall contain a warning substantially
31 as follows:

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

36 The sheriff shall require any person who is applying for original is-
37 suance of a license to submit his fingerprints in addition to the other
38 information required in this subsection. Within five (5) days after the
39 filing of an application, the sheriff shall forward the application and
40 fingerprints to the Idaho state police for a records check of state and
41 national files. The Idaho state police shall conduct a national finger-
42 print-based records check and return the results to the sheriff within
43 seventy-five (75) days. The sheriff shall not issue a license before
44 receiving the results of the records check and must deny a license if
45 the applicant is disqualified under any of the criteria listed in para-
46 graphs (a) through (n) of this subsection.

47 The license will be in a form substantially similar to that of the
48 Idaho driver's license. It will bear the signature, 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. Upon issuing a license under the provisions of this section, the sheriff will notify the Idaho state police on a form or in a manner prescribed by the 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 9-338, Idaho Code.

(2) 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. The sheriff may collect any additional fees necessary to cover the cost of processing fingerprints lawfully required by any state or federal agency or department, and the cost of materials for the license lawfully required by any state agency or department, which costs shall be paid to the state.

(3) The fee for renewal of the license shall be fifteen dollars (\$15.00). The sheriff may collect any additional fees necessary to cover the processing costs lawfully required by any state or federal agency or department, and the cost of materials for the license lawfully required by any state agency or department, which costs shall be paid to the state. If a licensee applying for renewal has not previously been required to submit fingerprints, the sheriff shall require the licensee to do so and may collect any additional fees necessary to cover the cost of processing fingerprints lawfully required by any state or federal agency or department.

(4) 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. Renewal notices shall be mailed out 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 shall submit the application to the Idaho state police for a records check of state and national databases. The Idaho state police shall 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 listed in subsection (1), paragraphs (a) through (n) of 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 ~~or more to one hundred eighty (180) days~~ after the expiration date of the license shall 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 ~~or more 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 a license and to pay the fees prescribed in subsection (2) 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 shall

1 notify the Idaho state police within five (5) days on a form or in a manner
2 prescribed.

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

6 (6) A city, county or other political subdivision of this state shall
7 not modify the requirements of this section, nor may a political subdivi-
8 sion ask the applicant to voluntarily submit any information not required in
9 this section. A civil action may be brought to enjoin a wrongful refusal to
10 issue a license or a wrongful modification of the requirements of this sec-
11 tion. The civil action may be brought in the county in which the application
12 was made or in Ada county at the discretion of the petitioner. Any person who
13 prevails against a public agency in any action in the courts for a violation
14 of subsections (1) through (5) of this section, shall be awarded costs, in-
15 cluding reasonable attorney's fees incurred in connection with the legal ac-
16 tion.

17 (7) Except in the person's place of abode or fixed place of business, or
18 on property in which the person has any ownership or leasehold interest, a
19 person shall not carry a concealed weapon without a license to carry a con-
20 cealed weapon. For the purposes of this section, a concealed weapon means
21 any dirk, dirk knife, bowie knife, dagger, pistol, revolver or any other
22 deadly or dangerous weapon. The provisions of this section shall not apply
23 to any lawfully possessed shotgun or rifle.

24 (8) 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 duties
27 under this section.

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

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

37 (11) The sheriff of a county may issue a license to carry a concealed
38 weapon to those individuals between the ages of eighteen (18) and twenty-one
39 (21) years who in the judgment of the sheriff warrant the issuance of the li-
40 cense to carry a concealed weapon. Such issuance shall be subject to limita-
41 tions which the issuing authority deems appropriate. Licenses issued to in-
42 dividuals between the ages of eighteen (18) and twenty-one (21) years shall
43 be easily distinguishable from regular licenses.

44 (12) The requirement to secure a license to carry a concealed weapon un-
45 der this section shall not apply to the following persons:

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

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

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

7 (d) Any person outside the limits of or confines of any city while en-
8 gaged in lawful hunting, fishing, trapping or other lawful outdoor ac-
9 tivity;

10 (e) Any publicly elected Idaho official;

11 (f) Retired peace officers or detention deputies with at least ten (10)
12 years of service with the state or a political subdivision as a peace offi-
13 cier or detention deputy and who have been certified by the peace offi-
14 cier standards and training council;

15 (g) Any person who has a valid permit from a state or local law enforce-
16 ment agency or court authorizing him to carry a concealed weapon. A per-
17 mit issued in another state will only be considered valid if the permit
18 is in the licensee's physical possession.

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

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

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

28 (c) Completion of any firearms safety or training course or class
29 available to the general public offered by a law enforcement agency,
30 community college, college, university, or private or public institu-
31 tion or organization or firearms training school, utilizing instruc-
32 tors certified by the national rifle association or the Idaho state
33 police;

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

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

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

43 (g) Completion of any firearms training or training or safety course or
44 class conducted by a state certified or national rifle association cer-
45 tified firearms instructor.

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

48 (15) The sheriff of the county where the license was issued or the sher-
49 iff of the county where the person resides shall have the power to revoke a

1 license subsequent to a hearing in accordance with the provisions of chapter
2 52, title 67, Idaho Code, for any of the following reasons:

- 3 (a) Fraud or intentional misrepresentation in the obtaining of a li-
4 cense;
- 5 (b) Misuse of a license, including lending or giving a license to an-
6 other person, duplicating a license or using a license with the intent
7 to unlawfully cause harm to a person or property;
- 8 (c) The doing of an act or existence of a condition which would have been
9 grounds for the denial of the license by the sheriff;
- 10 (d) The violation of any of the terms of this section; or
- 11 (e) The applicant is adjudicated guilty of or receives a withheld judg-
12 ment for a crime which would have disqualified him from initially re-
13 ceiving a license.

14 (16) A person twenty-one (21) years of age or older issued a license to
15 carry a concealed weapon is exempt from any requirement to undergo a records
16 check at the time of purchase or transfer of a firearm from a federally li-
17 censed firearms dealer. However, a temporary emergency license issued un-
18 der subsection (5) of this section shall not exempt the holder of the license
19 from any records check requirement. Temporary emergency licenses shall be
20 easily distinguishable from regular licenses.

21 (17) The attorney general is authorized to negotiate reciprocal agree-
22 ments with other states related to the recognition of licenses to carry
23 concealed weapons. The Idaho state police shall keep a copy and maintain a
24 record of all such agreements, which shall be made available to the public.

25 (18) The provisions of this section are hereby declared to be severable
26 and if any provision of this section or the application of such provision to
27 any person or circumstance is declared invalid for any reason, such declara-
28 tion shall not affect the validity of remaining portions of this section.

29 SECTION 2. That Chapter 33, Title 18, Idaho Code, be, and the same is
30 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
31 ignated as Section 18-3302K, Idaho Code, and to read as follows:

32 18-3302K. ISSUANCE OF ENHANCED LICENSES TO CARRY CONCEALED
33 WEAPONS. (1) The sheriff of a county shall, within ninety (90) days after
34 the filing of an application by any person who is not disqualified from pos-
35 sessing or receiving a firearm under state or federal law and has otherwise
36 complied with the requirements of this section for an enhanced license,
37 issue an enhanced license to the person to carry a weapon concealed on his
38 person. Licenses issued under this section shall be valid for five (5) years
39 from the date of issue.

40 (2) A person may file an application with the sheriff of the county in
41 which he resides or, if not an Idaho resident, with the sheriff of any county
42 in Idaho. The license application shall be in a form to be prescribed by the
43 director of the Idaho state police, and shall ask the name, address, descrip-
44 tion and signature of the licensee, date of birth, place of birth, social se-
45 curity number, military status, citizenship and the driver's license number
46 or state identification card number of the licensee if used for identifica-
47 tion in applying for the license. If the applicant is not a U.S. citizen,
48 the application shall also require any alien or admission number issued to
49 the applicant by U.S. immigration and customs enforcement, or any successor

1 agency. The application shall indicate that the provision of the social se-
2 curity number is optional. The sheriff shall make such applications readily
3 available at the office of the sheriff or at other public offices in his ju-
4 risdiction. The license application shall contain a warning substantially
5 as follows:

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

10 (3) The sheriff shall require any person who is applying for original
11 issuance of a license to submit his fingerprints in addition to the other
12 information required in this section. Within five (5) days after the fil-
13 ing of an application, the sheriff shall forward the application and finger-
14 prints to the Idaho state police. The Idaho state police shall conduct a na-
15 tional fingerprint-based records check, an inquiry through the national in-
16 stant criminal background check system, and a check of any applicable state
17 database, including a check for any mental health records that would dis-
18 qualify a person from possessing a firearm under state or federal law, and
19 shall return the results to the sheriff within seventy-five (75) days. If
20 the applicant is not a U.S. citizen, an immigration alien query shall also be
21 conducted through U.S. immigration and customs enforcement or any successor
22 agency. The sheriff shall not issue a license before receiving and reviewing
23 the results of the records check.

24 (4) The sheriff shall deny an enhanced license to carry a concealed
25 weapon if the applicant is disqualified under any of the criteria listed in
26 section 18-3302(1) (a) through (n), Idaho Code, or does not meet all of the
27 following qualifications:

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

32 (b) Has successfully completed within twelve (12) months immediately
33 preceding filing an application, a qualifying handgun course as spec-
34 ified in this paragraph and taught by a certified instructor who is not
35 prohibited from possessing firearms under state or federal law. A copy
36 of the certificate of successful completion of the handgun course, in
37 a form to be prescribed by the director of the Idaho state police and
38 signed by the course instructor, shall be submitted to the sheriff at
39 the time of filing an application under this section. Certified in-
40 structors of handgun courses when filing an application under this
41 section shall not be required to submit such certificates but shall sub-
42 mit a copy of their current instructor's credential. The sheriff shall
43 accept as a qualifying handgun course a personal protection course of-
44 fered by the national rifle association or an equivalent course meeting
45 the following requirements:

46 (i) The course instructor is certified by the national rifle as-
47 sociation, or by another nationally recognized organization that
48 customarily certifies firearms instructors, as an instructor in

1 personal protection with handguns, or the course instructor is
2 certified by the Idaho peace officers standards and training coun-
3 cil as a firearms instructor;

4 (ii) The course is at least eight (8) hours in duration;
5 (iii) The course is taught face to face and not by electronic or
6 other means; and

7 (iv) The course includes instruction in:

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

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

14 (B) A law enforcement officer who possesses an inter-
15 mediate or higher Idaho peace officers standards and
16 training certificate.

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

19 3. Self-defense principles; and

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

22 (5) The license will be in a form substantially similar to that of the
23 Idaho driver's license. It will bear the signature, name, address, date
24 of birth, picture of the licensee, expiration date and the driver's li-
25 cense number or state identification card number of the licensee if used for
26 identification in applying for the license. The license shall be clearly
27 distinguishable from a license issued pursuant to section 18-3302, Idaho
28 Code, and shall be marked "Idaho enhanced concealed weapons license" on
29 its face. Upon issuing a license under the provisions of this section, the
30 sheriff shall notify the Idaho state police within three (3) days on a form
31 or in a manner prescribed by the Idaho state police. Information relating to
32 an applicant or licensee received or maintained pursuant to this section by
33 the sheriff or Idaho state police is confidential and exempt from disclosure
34 under section 9-340B, Idaho Code.

35 (6) The fee for original issuance of a license shall be twenty dollars
36 (\$20.00), which the sheriff shall retain for the purpose of performing the
37 duties required in this section. The sheriff may collect any additional fees
38 necessary to cover the processing costs lawfully required by any state or
39 federal agency or department, and the cost of materials for the license law-
40 fully required by any state agency or department, which costs shall be paid
41 to the state.

42 (7) The fee for renewal of the enhanced license shall be fifteen dollars
43 (\$15.00), which the sheriff shall retain for the purpose of performing du-
44 ties required in this section. The sheriff may collect any additional fees
45 necessary to cover the processing costs lawfully required by any state or
46 federal agency or department, and the cost of materials for the license law-
47 fully required by any state agency or department, which costs shall be paid
48 to the state.

49 (8) Every license that is not, as provided by law, suspended, revoked
50 or disqualified in this state shall be renewable at any time during the

1 ninety (90) day period before its expiration or within ninety (90) days af-
2 ter the expiration date. Renewal notices shall be mailed out ninety (90)
3 days prior to the expiration date of the license. The sheriff shall require
4 the licensee applying for renewal to complete an application. The sheriff
5 shall submit the application to the Idaho state police. The Idaho state
6 police shall conduct the same records checks as required for an initial li-
7 cense under subsection (3) of this section and shall return the results to
8 the sheriff within thirty (30) days. The sheriff shall not issue a renewal
9 before receiving and reviewing the results of the records check and must
10 deny a license if the applicant is disqualified under any of the criteria
11 provided in this section. A renewal license shall be valid for a period of
12 five (5) years. A license so renewed shall take effect on the expiration date
13 of the prior license. A licensee renewing ninety-one (91) days to one hun-
14 dred eighty (180) days after the expiration date of the license shall pay a
15 late renewal penalty of ten dollars (\$10.00) in addition to the renewal fee,
16 except that any licensee serving on active duty in the armed forces of the
17 United States during the renewal period shall not be required to pay a late
18 renewal penalty upon renewing ninety-one (91) days to one hundred eighty
19 (180) days after the expiration date of the license. After one hundred
20 eighty-one (181) days, the licensee shall be required to submit an initial
21 application for an enhanced license and to pay the fees prescribed in subsec-
22 tion (6) of this section. The renewal fee and any penalty shall be paid to the
23 sheriff for the purpose of enforcing the provisions of this chapter. Upon
24 renewing a license under the provisions of this section, the sheriff shall
25 notify the Idaho state police within five (5) days on a form or in a manner
26 prescribed by the Idaho state police.

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

- 33 (a) Fraud or intentional misrepresentation in the obtaining of a li-
34 cense;
- 35 (b) Misuse of a license, including lending or giving a license to an-
36 other person, duplicating a license or using a license with the intent
37 to unlawfully cause harm to a person or property;
- 38 (c) The doing of an act or existence of a condition that would have been
39 grounds for the denial of the license by the sheriff;
- 40 (d) The violation of any of the provisions of this section; or
- 41 (e) The applicant is adjudicated guilty of or receives a withheld judg-
42 ment for a crime that would have disqualified him from initially receiv-
43 ing a license.

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

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

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

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

11 SECTION 3. 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 pred-
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, and 18-3302H and 18-3302K, Idaho Code, relat-
26 ing to an applicant or licensee except that any law enforcement officer and
law enforcement agency, whether inside or outside the state of Idaho, may ac-
cess information maintained in the license record system as set forth in sec-
27 tion 18-3302K(13), Idaho Code.

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

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

4 SECTION 4. SEVERABILITY. The provisions of this act are hereby declared
5 to be severable and if any provision of this act or the application of such
6 provision to any person or circumstance is declared invalid for any reason,
7 such declaration shall not affect the validity of the remaining portions of
8 this act.

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 223

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO CONCEALED WEAPONS; AMENDING SECTION 18-3302, IDAHO CODE, TO REVISE THE DEFINITION OF "CONCEALED WEAPON" AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY.

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 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 federal law, issue a license to the person to carry a weapon concealed 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 license shall be valid for five (5) years from the date of issue. 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 disposi-

tion 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.

The license application shall be in a form to be prescribed by the director of the Idaho state police, and shall ask the 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. The application shall indicate that provision of the social security number is optional. The license application shall contain a warning substantially 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.

The sheriff shall require any person who is applying for original issuance of a license to submit his fingerprints in addition to the other information required in this subsection. Within five (5) days after the filing of an application, the sheriff shall forward the application and fingerprints to the Idaho state police for a records check of state and national files. The Idaho state police shall conduct a national fingerprint-based records check and return the results to the sheriff within seventy-five (75) days. 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 paragraphs (a) through (n) of this subsection.

The license will be in a form substantially similar to that of the Idaho driver's license. It will bear the signature, 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. Upon issuing a license under the provisions of this section, the sheriff will notify the Idaho state police on a form or in a manner prescribed by the state police. In-

1 formation relating to an applicant or licensee received or maintained
2 pursuant to this section by the sheriff or Idaho state police is confi-
3 dential and exempt from disclosure under section 9-338, Idaho Code.

4 (2) The fee for original issuance of a license shall be twenty dollars
5 (\$20.00) paid to the sheriff for the purpose of enforcing the provisions of
6 this chapter. The sheriff may collect any additional fees necessary to cover
7 the cost of processing fingerprints lawfully required by any state or fed-
8 eral agency or department, and the cost of materials for the license lawfully
9 required by any state agency or department, which costs shall be paid to the
10 state.

11 (3) The fee for renewal of the license shall be fifteen dollars
12 (\$15.00). The sheriff may collect any additional fees necessary to cover
13 the processing costs lawfully required by any state or federal agency or
14 department, and the cost of materials for the license lawfully required by
15 any state agency or department, which costs shall be paid to the state. If
16 a licensee applying for renewal has not previously been required to submit
17 fingerprints, the sheriff shall require the licensee to do so and may collect
18 any additional fees necessary to cover the cost of processing fingerprints
19 lawfully required by any state or federal agency or department.

20 (4) Every license that is not, as provided by law, suspended, revoked or
21 disqualified in this state shall be renewable at any time during the ninety
22 (90) day period before its expiration or within ninety (90) days after the
23 expiration date. Renewal notices shall be mailed out ninety (90) days prior
24 to the expiration date of the license. The sheriff shall require the li-
25 censee applying for renewal to complete an application. The sheriff shall
26 submit the application to the Idaho state police for a records check of state
27 and national databases. The Idaho state police shall conduct the records
28 check and return the results to the sheriff within thirty (30) days. The
29 sheriff shall not issue a renewal before receiving the results of the records
30 check and must deny a license if the applicant is disqualified under any of
31 the criteria listed in subsection (1), paragraphs (a) through (n) of this
32 section. A renewal license shall be valid for a period of five (5) years. A
33 license so renewed shall take effect on the expiration date of the prior li-
34 cense. A licensee renewing ninety-one (91) days or more after the expiration
35 date of the license shall pay a late renewal penalty of ten dollars (\$10.00)
36 in addition to the renewal fee, except that any licensee serving on active
37 duty in the armed forces of the United States during the renewal period shall
38 not be required to pay a late renewal penalty upon renewing ninety-one (91)
39 days or more after the expiration date of the license. The fee shall be paid
40 to the sheriff for the purpose of enforcing the provisions of this chapter.

41 (5) Notwithstanding the requirements of this section, the sheriff of
42 the county of the applicant's residence may issue a temporary emergency li-
43 cense for good cause pending review under subsection (1) of this section.

44 (6) A city, county or other political subdivision of this state shall
45 not modify the requirements of this section, nor may a political subdivi-
46 sion ask the applicant to voluntarily submit any information not required in
47 this section. A civil action may be brought to enjoin a wrongful refusal to
48 issue a license or a wrongful modification of the requirements of this sec-
49 tion. The civil action may be brought in the county in which the application
50 was made or in Ada county at the discretion of the petitioner. Any person who

1 prevails against a public agency in any action in the courts for a violation
2 of subsections (1) through (5) of this section, shall be awarded costs, in-
3 cluding reasonable attorney's fees incurred in connection with the legal ac-
4 tion.

5 (7) Except in the person's place of abode or fixed place of business, or
6 on property in which the person has any ownership or leasehold interest, a
7 person shall not carry a concealed weapon without a license to carry a con-
8 cealed weapon. For the purposes of this section, a concealed weapon means
9 any dirk, dirk knife, bowie knife, dagger, pistol, revolver or any other
10 deadly or dangerous weapon. The provisions of this section shall not apply
11 to any lawfully possessed shotgun or rifle, any knife, cleaver or other in-
strument 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.

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

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

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

25 (11) The sheriff of a county may issue a license to carry a concealed
26 weapon to those individuals between the ages of eighteen (18) and twenty-one
27 (21) years who in the judgment of the sheriff warrant the issuance of the li-
28 cense to carry a concealed weapon. Such issuance shall be subject to limita-
29 tions which the issuing authority deems appropriate. Licenses issued to in-
30 dividuals between the ages of eighteen (18) and twenty-one (21) years shall
31 be easily distinguishable from regular licenses.

32 (12) The requirement to secure a license to carry a concealed weapon un-
33 der this section shall not apply to the following persons:

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

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

40 (c) Criminal investigators of the attorney general's office, crimi-
41 nal investigators of a prosecuting attorney's office, prosecutors and
42 their deputies;

43 (d) Any person outside the limits of or confines of any city while en-
44 gaged in lawful hunting, fishing, trapping or other lawful outdoor ac-
45 tivity;

46 (e) Any publicly elected Idaho official;

1 (f) Retired peace officers or detention deputies with at least ten (10)
2 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;

5 (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
6 is in the licensee's physical possession.

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

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

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

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

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

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

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

33 (g) Completion of any firearms training or training or safety course or
34 class conducted by a state certified or national rifle association cer-
35 tified firearms instructor.

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

38 (15) The sheriff of the county where the license was issued or the sher-
39 iff of the county where the person resides shall have the power to revoke a
40 license subsequent to a hearing in accordance with the provisions of chapter
41 52, title 67, Idaho Code, for any of the following reasons:

42 (a) Fraud or intentional misrepresentation in the obtaining of a li-
43 cense;

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

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

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

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

4 (16) A person twenty-one (21) years of age or older issued a license to carry a concealed weapon 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. 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.

11 (17) The attorney general is authorized to negotiate reciprocal agreements with other states related to the recognition of licenses to carry concealed weapons. The Idaho state police shall keep a copy and maintain a record of all such agreements, which shall be made available to the public.

15 (18) 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.

19 SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.