

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 66

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO CONCEALED WEAPONS; AMENDING SECTION 18-3302, IDAHO CODE, TO PRO-
2 VIDE THAT THE SHERIFF SHALL MAIL RENEWAL NOTICES FOR CONCEALED WEAPONS
3 LICENSES; AND AMENDING SECTION 18-3302K, IDAHO CODE, TO PROVIDE THAT
4 THE SHERIFF SHALL MAIL RENEWAL NOTICES FOR ENHANCED CONCEALED WEAPONS
5 LICENSES.
6

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

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

10 18-3302. ISSUANCE OF LICENSES TO CARRY CONCEALED WEAPONS. (1) The
11 sheriff of a county, on behalf of the state of Idaho, shall, within ninety
12 (90) days after the filing of an application by any person who is not dis-
13 qualified from possessing or receiving a firearm under state or federal law,
14 issue a license to the person to carry a weapon concealed on his person within
15 this state. For licenses issued before July 1, 2006, a license shall be valid
16 for four (4) years from the date of issue. For licenses issued on or after
17 July 1, 2006, a license shall be valid for five (5) years from the date of
18 issue. The citizen's constitutional right to bear arms shall not be denied
19 to him, unless one (1) of the following applies. He:

- 20 (a) Is ineligible to own, possess or receive a firearm under the provi-
21 sions of state or federal law;
22 (b) Is formally charged with a crime punishable by imprisonment for a
23 term exceeding one (1) year;
24 (c) Has been adjudicated guilty in any court of a crime punishable by
25 imprisonment for a term exceeding one (1) year;
26 (d) Is a fugitive from justice;
27 (e) Is an unlawful user of, or addicted to, marijuana or any depres-
28 sant, stimulant or narcotic drug, or any other controlled substance as
29 defined in 21 U.S.C. 802;
30 (f) Is currently suffering or has been adjudicated as follows, based on
31 substantial evidence:
32 (i) Lacking mental capacity as defined in section 18-210, Idaho
33 Code;
34 (ii) Mentally ill as defined in section 66-317, Idaho Code;
35 (iii) Gravely disabled as defined in section 66-317, Idaho Code;
36 or
37 (iv) An incapacitated person as defined in section 15-5-101(a),
38 Idaho Code.
39 (g) Is or has been discharged from the armed forces under dishonorable
40 conditions;
41 (h) Is or has been adjudicated guilty of or received a withheld judgment
42 or suspended sentence for one (1) or more crimes of violence constitut-

1 ing a misdemeanor, unless three (3) years have elapsed since disposi-
2 tion or pardon has occurred prior to the date on which the application is
3 submitted;

4 (i) Has had entry of a withheld judgment for a criminal offense which
5 would disqualify him from obtaining a concealed weapon license;

6 (j) Is an alien illegally in the United States;

7 (k) Is a person who having been a citizen of the United States has re-
8 nounced his or her citizenship;

9 (l) Is under twenty-one (21) years of age;

10 (m) Is free on bond or personal recognizance pending trial, appeal or
11 sentencing for a crime which would disqualify him from obtaining a con-
12 cealed weapon license; or

13 (n) Is subject to a protection order issued under chapter 63, title
14 39, Idaho Code, that restrains the person from harassing, stalking or
15 threatening an intimate partner of the person or child of the intimate
16 partner or person, or engaging in other conduct that would place an
17 intimate partner in reasonable fear of bodily injury to the partner or
18 child.

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

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

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

46 The license will be in a form substantially similar to that of the
47 Idaho driver's license. It will bear the signature, name, address, date
48 of birth, picture of the licensee, expiration date and the driver's li-

1 cense number or state identification card number of the licensee if used
2 for identification in applying for the license. Upon issuing a license
3 under the provisions of this section, the sheriff will notify the Idaho
4 state police on a form or in a manner prescribed by the state police. In-
5 formation relating to an applicant or licensee received or maintained
6 pursuant to this section by the sheriff or Idaho state police is confi-
7 dential and exempt from disclosure under section 9-338, Idaho Code.

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

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

24 (4) Every license that is not, as provided by law, suspended, revoked
25 or disqualified in this state shall be renewable at any time during the
26 ninety (90) day period before its expiration or within ninety (90) days after
27 the expiration date. ~~Renewal notices~~ The sheriff shall be mailed mail out
28 renewal notices ninety (90) days prior to the expiration date of the license.
29 The sheriff shall require the licensee applying for renewal to complete an
30 application. The sheriff shall submit the application to the Idaho state
31 police for a records check of state and national databases. The Idaho state
32 police shall conduct the records check and return the results to the sher-
33 iff within thirty (30) days. The sheriff shall not issue a renewal before
34 receiving the results of the records check and must deny a license if the
35 applicant is disqualified under any of the criteria listed in subsection
36 (1), paragraphs (a) through (n) of this section. A renewal license shall be
37 valid for a period of five (5) years. A license so renewed shall take effect
38 on the expiration date of the prior license. A licensee renewing ninety-one
39 (91) days to one hundred eighty (180) days after the expiration date of the
40 license shall pay a late renewal penalty of ten dollars (\$10.00) in addition
41 to the renewal fee, except that any licensee serving on active duty in the
42 armed forces of the United States during the renewal period shall not be
43 required to pay a late renewal penalty upon renewing ninety-one (91) days
44 to one hundred eighty (180) days after the expiration date of the license.
45 After one hundred eighty-one (181) days, the licensee shall be required to
46 submit an initial application for a license and to pay the fees prescribed in
47 subsection (2) of this section. The renewal fee and any penalty shall be paid
48 to the sheriff for the purpose of enforcing the provisions of this chapter.
49 Upon renewing a license under the provisions of this section, the sheriff

1 shall notify the Idaho state police within five (5) days on a form or in a
2 manner 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, any knife, cleaver or other in-
24 strument primarily used in the processing, preparation or eating of food,
25 any knife with a blade four (4) inches or less or any lawfully possessed
26 taser, stun gun or pepper spray.

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

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

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

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

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

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

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

7 (c) Criminal investigators of the attorney general's office, crimi-
8 nal investigators of a prosecuting attorney's office, prosecutors and
9 their deputies;

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

13 (e) Any publicly elected Idaho official;

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

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

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

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

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

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

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

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

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

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

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

1 (15) The sheriff of the county where the license was issued or the sher-
2 iff of the county where the person resides shall have the power to revoke a
3 license subsequent to a hearing in accordance with the provisions of chapter
4 52, title 67, Idaho Code, for any of the following reasons:

5 (a) Fraud or intentional misrepresentation in the obtaining of a li-
6 cense;

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

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

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

13 (e) The applicant is adjudicated guilty of or receives a withheld judg-
14 ment for a crime which would have disqualified him from initially re-
15 ceiving a license.

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

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

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

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

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

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

1 the applicant by U.S. immigration and customs enforcement, or any successor
2 agency. The application shall indicate that the provision of the social se-
3 curity number is optional. The sheriff shall make such applications readily
4 available at the office of the sheriff or at other public offices in his ju-
5 risdiction. The license application shall contain a warning substantially
6 as follows:

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

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

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

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

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

47 (i) The course instructor is certified by the national rifle as-
48 sociation, or by another nationally recognized organization that

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

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

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

8 (iv) The course includes instruction in:

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

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

14 or

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

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

20 3. Self-defense principles; and

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

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

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

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

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

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

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

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

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

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

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

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

49 (11) The attorney general shall contact the appropriate officials in
50 other states for the purpose of establishing, to the extent possible, recog-

1 nition and reciprocity of the enhanced license to carry a concealed weapon by
2 other states, whether by formal agreement or otherwise.

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

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