

NATIONAL RIFLE ASSOCIATION OF AMERICA

Institute for Legislative Action

11250 WAPLES MILL ROAD

FAIRFAX, VIRGINIA 22030



NRA

March 13, 2024

Idaho Senate State Affairs Committee

Idaho State Capitol Building WW55

Boise, Idaho 83720

RE: OPPOSE – Senate Bill 1418, Firearms on School Property

Dear Chairman Guthrie and Honorable Members of the Committee:

On behalf of the National Rifle Association (NRA) and its tens of thousands of members in Idaho, I am writing to express our opposition to Senate Bill (S) 1418. Given testimony time restraints during Committee, please accept this supplemental written testimony to address issues that I will not have time to cover within a two-minute time limit. The following are issues that have brought the NRA to oppose S 1418:

I. TRAINING

A. Excessive Mandatory Training Requirements.

Mandatory training required under the bill (page 5, line 29) consists of at least three (3) kinds: initial training, “annual firearms requalification training,” and “nationally recognized active shooter and emergency response training, or a course instructor or program recommended by a law enforcement agency.” It is concerning that the local education agencies are free to add any additional amount and type of training they want once these requirements are met. This only serves to increase the inconsistent patchwork of policies across a district and may confuse law enforcement in emergency response. This training is all in addition to the training required under Idaho Code § 18-3302K to obtain an enhanced license.

An enhanced concealed weapons license includes a minimum of eight hours dealing with: Idaho law relating to firearms and the use of deadly force, delivered by either of an active, senior or emeritus member of the Idaho state bar or a law enforcement officer who possesses an intermediate or higher Idaho peace officer standards and training certificate; the basic concepts of the safe and responsible use of handguns; self-defense principles; and live-fire training including the firing of at least 98 rounds by the student; see § 18-3302K(4)(c).

B. No Limits on Cost and Time Burdens for Employees.

There is no limit on how many hours the three (3) kinds of mandatory training, or any additional training that may be required, may take. There is no reference in the bill that states a school employee is allowed to complete this training on the employer’s time rather than on the employee’s own off-work hours. The bill is clear that the cost of all this training is to be borne, up-front, by the employee and that reimbursement is at the discretion of the employer (page 5, line 37). The bill also isn’t clear on who will

Institute for Legislative Action

11250 WAPLES MILL ROAD

FAIRFAX, VIRGINIA 22030



NRA

provide some of this training and determine whether the standards are met. It is also not clear whether there are sufficient ranges, instructors, or programs available to administer training requirements.

C. Training May Exceed What is Required for a Current Law Enforcement Officer in Idaho.

The training under this bill may exceed what is currently required to maintain certification for Idaho peace officers. To maintain certification for Idaho peace officer standards and training¹, every patrol, detention, and emergency communications officer must obtain 40 hours of continuing training related to law enforcement every two years. Officers that hold a peace officer certification have a requirement to complete a minimum 24 hours of training in the topics listed (24 hours of required topics + 16 hours of additional LE topics = 40 hours of required training): Firearms: 8 hours; Arrest Techniques/Defensive Tactics: 8 hours; Emergency Vehicle Operations: 4 hours; and Legal Updates: 4 hours,” but this also applies every two years. For both categories the annual requirement is 40 hours every two years, but it has to meet specific requirements for just the peace officer class.

This is the maximum mandatory requirement for maintaining law enforcement officer certification in Idaho.

D. Untrained, Armed Private Security Guards are Exempted.

In Idaho there are no uniform training requirements for private security guards and there is no minimum training requirement established by the state for such personnel. Security guard employers may require a GED and a background check, and the guard would have to satisfy the requirements for lawfully carrying a concealed weapon under Idaho Code 18-3302 (non-enhanced license or permitless carry). Significantly, under Idaho Code 18-3302C(1), even as amended under this bill, it appears to still allow the carrying of a concealed weapon in a public/private school by “security personnel while actually engaged in their employment,” and an armed private security guard who is not a “school employee” but employed by a security guard agency to guard a school is not required under this bill to have any training at all.

Section 18-3302C(1) still allows the carrying of a concealed weapon in a public/private school by “security personnel while actually engaged in their employment” or “any person who is authorized to carry a weapon by a person, board or other entity having authority over the building or facility.” The bill’s definition of “school employee” excludes independent contractors and volunteers, which security personnel are likely classified as.

II. AUTHORIZATION

A. No Bar on a Policy that Prohibits Authorization.

New Section 33-527 doesn’t prohibit a policy that states the agency will refuse to grant any authorization. As drafted, it only requires that an agency policy pertaining to authorization exist; any authorization

¹ [Certifications | Idaho Peace Officer Standards and Training](https://post.idaho.gov/certifications/): <https://post.idaho.gov/certifications/>

Institute for Legislative Action

11250 WAPLES MILL ROAD

FAIRFAX, VIRGINIA 22030



NRA

allowed under that policy has to meet the requirements in the new section. The bill allows a patchwork of widely different policies between educational agencies regarding whether and how authorization is granted.

Essentially, under just the mandatory training requirements (never mind any additional ones), the “local education agency” may devise a policy that technically allows persons to become “authorized” but that the time, expense, expertise, and paperwork are so burdensome that no employee will opt-in.

III. DRAFTING ISSUES

A. Drafting Issues may Prohibit Law Enforcement or Private Security as Armed Security.

The amendment to Idaho Code § 18-3302D(4)(h) at page 3, line 20 appears to override existing Idaho Code 18-3302C(1) by stating that it applies “[n]otwithstanding the provisions of section 18-3302C,” but that should only apply to persons who are “school employees” or “governing board members.” If that’s not the case and the bill’s new Section 18-3302D(4)(h) does override Section 18-3302C(1)(a) through (c), the result is that the bill would bar a school or local education agency from using law enforcement officers or a private security agency to provide armed security services on school property.

B. Disconnect Between the Elemental Definitions and the Effect of those Terms.

Under proposed new Section 33-527, there’s a bit of a disconnect because the new section doesn’t deal with just “training” but the “authorization” element as well. “Local education agencies” – which is a term that is not used or found in the other parts of the bill – must consult with law enforcement to develop their own policies for both the authorization and the training. The policy must include certain elements (page 5, line 23) but the bill reads: “the policy must include but not be limited to” what is listed. This is an issue because there is a floor but no ceiling, or limit on what may actually be required.

The elements of the policy include “personal qualifications,” which is not defined but may include age limits and gender, or perhaps social media presence and posts. This is another cause for major concern over implicit bias and abuse of discretion. Each local education agency may set its own policy, so there is no consistency or uniformity in these policies.

In addition to Committee testimony, for the foregoing reasons, the NRA respectfully urges your opposition to SB 1418.

Sincerely,

Aoibheann Cline, Esq.
State Director, NRA-ILA