

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 192

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO LICENSES TO CARRY CONCEALED WEAPONS; AMENDING SECTION 18-3302,  
2 IDAHO CODE, TO REVISE RENEWAL AND FEE PROVISIONS FOR LICENSES TO CARRY  
3 CONCEALED WEAPONS; AMENDING CHAPTER 33, TITLE 18, IDAHO CODE, BY THE  
4 ADDITION OF A NEW SECTION 18-3302K, IDAHO CODE, TO PROVIDE FOR THE IS-  
5 SUANCE OF ENHANCED LICENSES TO CARRY CONCEALED WEAPONS, TO PROVIDE  
6 FEES, TO PROVIDE PROCEDURES, TO PROVIDE DUTIES OF THE IDAHO STATE POLICE  
7 AND THE ATTORNEY GENERAL AND TO PROVIDE APPLICATION; AMENDING SECTION  
8 9-340B, IDAHO CODE, TO PROVIDE REFERENCE TO ADDITIONAL RECORDS THAT ARE  
9 EXEMPT FROM DISCLOSURE WITH EXCEPTIONS; AND PROVIDING SEVERABILITY.  
10

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

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

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

24 (a) Is ineligible to own, possess or receive a firearm under the provi-  
25 sions of state or federal law;

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

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

30 (d) Is a fugitive from justice;

31 (e) Is an unlawful user of, or addicted to, marijuana or any depres-  
32 sant, stimulant or narcotic drug, or any other controlled substance as  
33 defined in 21 U.S.C. 802;

34 (f) Is currently suffering or has been adjudicated as follows, based on  
35 substantial evidence:

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

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

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

40 or

41 (iv) An incapacitated person as defined in section 15-5-101(a),  
42 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

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

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

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

25 (4) Every license that is not, as provided by law, suspended, revoked  
26 or disqualified in this state shall be renewable at any time during the  
27 ninety (90) day period before its expiration or within ninety (90) days af-  
28 ter the expiration date. Renewal notices shall be mailed out ninety (90)  
29 days prior to the expiration date of the license. The sheriff shall require  
30 the licensee applying for renewal to complete an application. The sheriff  
31 shall submit the application to the Idaho state police for a records check  
32 of state and national databases. The Idaho state police shall conduct the  
33 records check and return the results to the sheriff within thirty (30) days.  
34 The sheriff shall not issue a renewal before receiving the results of the  
35 records check and must deny a license if the applicant is disqualified un-  
36 der any of the criteria listed in subsection (1), paragraphs (a) through  
37 (n) of this section. A renewal license shall be valid for a period of five  
38 (5) years. A license so renewed shall take effect on the expiration date of  
39 the prior license. A licensee renewing ninety-one (91) days ~~or more~~ to one  
40 hundred eighty (180) days after the expiration date of the license shall pay  
41 a late renewal penalty of ten dollars (\$10.00) in addition to the renewal  
42 fee, except that any licensee serving on active duty in the armed forces of  
43 the United States during the renewal period shall not be required to pay a  
44 late renewal penalty upon renewing ninety-one (91) days ~~or more~~ to one hun-  
45 dred eighty (180) days after the expiration date of the license. After one  
46 hundred eighty-one (181) days, the licensee shall be required to submit an  
47 initial application for a license and to pay the fees prescribed in subsec-  
48 tion (2) of this section. The renewal fee and any penalty shall be paid to the  
49 sheriff for the purpose of enforcing the provisions of this chapter. Upon  
50 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, crimi-  
5 nal 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 of-  
13 ficer or detention deputy and who have been certified by the peace offi-  
14 cer 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 preda-  
19 tor by each board member in each case reviewed by that board member shall be  
20 exempt from disclosure to the public and shall be made available upon request  
21 only to the governor, the chairman of the senate judiciary and rules commit-  
22 tee, and the chairman of the house of representatives judiciary, rules and  
23 administration committee, for all lawful purposes.

24 (6) Records of the sheriff or Idaho state police received or maintained  
25 pursuant to sections 18-3302, ~~and 18-3302H~~ and 18-3302K, Idaho Code, relat-  
26 ing to an applicant or licensee except that any law enforcement officer and  
27 law enforcement agency, whether inside or outside the state of Idaho, may ac-  
28 cess information maintained in the license record system as set forth in sec-  
29 tion 18-3302K(13), Idaho Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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.