

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 301

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO CONCEALED WEAPONS; REPEALING SECTION 18-3302, IDAHO CODE, RE-
2 LATING TO THE ISSUANCE OF LICENSES TO CARRY CONCEALED WEAPONS; AMENDING
3 CHAPTER 33, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
4 18-3302, IDAHO CODE, TO PROVIDE POLICIES AND PROCEDURES IN THE ISSUANCE
5 OF A LICENSE TO CARRY CONCEALED WEAPONS; AMENDING SECTION 18-3302I,
6 IDAHO CODE, TO REMOVE A DEFINITION; REPEALING SECTION 18-3302K, IDAHO
7 CODE, RELATING TO THE ISSUANCE OF ENHANCED LICENSES TO CARRY CONCEALED
8 WEAPONS; AMENDING CHAPTER 33, TITLE 18, IDAHO CODE, BY THE ADDITION
9 OF A NEW SECTION 18-3302K, IDAHO CODE, TO PROVIDE POLICIES AND PRO-
10 CEDURES IN THE ISSUANCE OF AN ENHANCED LICENSE TO CARRY CONCEALED
11 WEAPONS; AMENDING SECTION 18-3316, IDAHO CODE, TO REMOVE A DEFINITION;
12 AMENDING SECTION 31-870, IDAHO CODE, TO PROVIDE THAT A BOARD OF COUNTY
13 COMMISSIONERS SHALL NOT IMPOSE OR COLLECT A FEE FOR LICENSES TO CARRY
14 CONCEALED WEAPONS; AND AMENDING SECTION 9-340B, IDAHO CODE, TO PROVIDE
15 A CORRECT CODE REFERENCE.
16

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

18 SECTION 1. That Section [18-3302](#), Idaho Code, be, and the same is hereby
19 repealed.

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

23 18-3302. CONCEALED WEAPONS. (1) The legislature hereby finds that the
24 people of Idaho have reserved for themselves the right to keep and bear arms
25 while granting the legislature the authority to regulate the carrying of
26 weapons concealed. The provisions of this chapter regulating the carrying
27 of weapons must be strictly construed so as to give maximum scope to the
28 rights retained by the people.

29 (2) As used in this chapter:

30 (a) "Concealed weapon" means any deadly weapon carried on or about the
31 person in a manner not discernible by ordinary observation;

32 (b) "Deadly weapon" means:

33 (i) Any dirk, dirk knife, bowie knife, dagger or firearm;

34 (ii) Any other weapon, device, instrument, material or substance
35 that is designed and manufactured to be readily capable of causing
36 death or serious bodily injury; or

37 (iii) Any other weapon, device, instrument, material or substance
38 that is intended by the person to be readily capable of causing
39 death or serious bodily injury.

40 (c) The term "deadly weapon" does not include:

- 1 (i) Any knife, cleaver or other instrument that is intended by the
2 person to be used in the processing, preparation or eating of food;
3 (ii) Any knife with a blade four (4) inches or less; or
4 (iii) Any taser, stun-gun, pepper spray or mace;
- 5 (d) "Firearm" means any weapon that will, is designed to, or may readily
6 be converted to, expel a projectile by the action of an explosive;
- 7 (e) "Loaded" means:
- 8 (i) For a firearm capable of using fixed ammunition, that live
9 ammunition is present in:
- 10 1. The chamber or chambers of the firearm;
11 2. Any internal magazine of the firearm; or
12 3. A detachable magazine inserted in the firearm;
- 13 (ii) For a firearm that is not capable of using fixed ammunition,
14 that the firearm contains:
- 15 1. A propellant charge; and
16 2. A priming cap or primer cap.
- 17 (3) No person shall carry concealed weapons on or about his person with-
18 out a license to carry concealed weapons, except:
- 19 (a) In the person's place of abode or fixed place of business;
20 (b) On property in which the person has any ownership or leasehold in-
21 terest;
- 22 (c) On private property where the person has permission to carry con-
23 cealed weapons from any person with an ownership or leasehold interest;
24 (d) Outside the limits of or confines of any city.
- 25 (4) Subsection (3) of this section shall not apply to restrict or pro-
26 hibit the carrying or possession of:
- 27 (a) Any deadly weapon located in plain view;
28 (b) Any lawfully possessed shotgun or rifle;
29 (c) A firearm that is not loaded and is concealed in a motor vehicle;
30 (d) A firearm that is not loaded and is secured in a case; and
31 (e) A firearm that is disassembled or permanently altered such that it
32 is not readily operable.
- 33 (5) The requirement to secure a license to carry concealed weapons un-
34 der this section shall not apply to the following persons:
- 35 (a) Officials of a city, county or the state of Idaho;
36 (b) Any publicly elected Idaho official;
37 (c) Members of the armed forces of the United States or of the national
38 guard when in performance of official duties;
39 (d) Criminal investigators of the attorney general's office and crim-
40 inal investigators of a prosecuting attorney's office, prosecutors and
41 their deputies;
42 (e) Any peace officer as defined in section 19-5101(d), Idaho Code, in
43 good standing;
44 (f) Retired peace officers or detention deputies with at least ten (10)
45 years of service with the state or a political subdivision as a peace of-
46 ficer or detention deputy and who have been certified by the peace offi-
47 cer standards and training council;
48 (g) Any person who has physical possession of his valid license or per-
49 mit authorizing him to carry concealed weapons from another state; and

1 (h) Any person who has physical possession of a valid license or permit
2 from a local law enforcement agency or court of the United States autho-
3 rizing him to carry concealed weapons.

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

11 (7) The sheriff of a county, on behalf of the state of Idaho, must,
12 within ninety (90) days after the filing of a license application by any per-
13 son who is not disqualified as provided herein from possessing or receiving
14 a firearm under state or federal law, issue a license to the person to carry
15 concealed weapons on his person within this state. Such license shall be
16 valid for five (5) years from the date of issuance.

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

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

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

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

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

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

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

44 (b) Completion of any national rifle association firearms safety or
45 training course or any national rifle association hunter education
46 course or any equivalent course;

47 (c) Completion of any firearms safety or training course or class
48 available to the general public offered by a law enforcement agency,

1 community college, college, university or private or public institu-
2 tion or organization or firearms training school, utilizing instruc-
3 tors certified by the national rifle association or the Idaho state
4 police;

5 (d) Completion of any law enforcement firearms safety or training
6 course or class offered for security guards, investigators, special
7 deputies, or offered for any division or subdivision of a law enforce-
8 ment agency or security enforcement agency;

9 (e) Evidence of equivalent experience with a firearm through partici-
10 pation in organized shooting competition or military service;

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

13 (g) Completion of any firearms training or safety course or class con-
14 ducted by a state certified or national rifle association certified
15 firearms instructor; or

16 (h) Other training that the sheriff deems appropriate.

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

35 (11) A license to carry concealed weapons shall not be issued to any per-
36 son who:

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

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

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

43 (d) Is a fugitive from justice;

44 (e) Is an unlawful user of marijuana or any depressant, stimulant or
45 narcotic drug, or any controlled substance as defined in 21 U.S.C. sec-
46 tion 802;

47 (f) Is currently suffering from or has been adjudicated as having suf-
48 fered from any of the following conditions, based on substantial evi-
49 dence:

- 1 (i) Lacking mental capacity as defined in section 18-210, Idaho
2 Code;
- 3 (ii) Mentally ill as defined in section 66-317, Idaho Code;
- 4 (iii) Gravely disabled as defined in section 66-317, Idaho Code;
- 5 or
- 6 (iv) An incapacitated person as defined in section 15-5-101,
7 Idaho Code.
- 8 (g) Has been discharged from the armed forces under dishonorable condi-
9 tions;
- 10 (h) Has been adjudicated guilty of or received a withheld judgment or
11 suspended sentence for a crime of violence constituting a misdemeanor
12 or a crime that would disqualify him from obtaining a concealed weapons
13 license, unless three (3) years have elapsed since entry of judgment or
14 successful completion of probation prior to the date on which the appli-
15 cation is submitted;
- 16 (i) Is an alien illegally in the United States;
- 17 (j) Is a person who having been a citizen of the United States has re-
18 nounced his or her citizenship;
- 19 (k) Is free on bond or personal recognizance pending trial, appeal or
20 sentencing for a crime which would disqualify him from obtaining a con-
21 cealed weapons license;
- 22 (l) Is subject to a protection order issued under chapter 63, title
23 39, Idaho Code, that restrains the person from harassing, stalking or
24 threatening an intimate partner of the person or child of the intimate
25 partner or person, or engaging in other conduct that would place an
26 intimate partner in reasonable fear of bodily injury to the partner or
27 child; or
- 28 (m) Is for any other reason ineligible to own, possess or receive
29 a firearm under the provisions of Idaho or federal law. In making a
30 determination in relation to an applicant's eligibility under this sub-
31 section, the sheriff shall not consider:
- 32 (i) A conviction, guilty plea or adjudication that has been nul-
33 lified by expungement, pardon, setting aside or other comparable
34 procedure by the jurisdiction where the conviction, guilty plea
35 or adjudication occurred or in respect of which conviction, guilty
36 plea or adjudication the applicant's civil right to bear arms ei-
37 ther specifically or in combination with other civil rights has
38 been restored under operation of law or legal process; or
- 39 (ii) Except as provided for in paragraph (f) of this subsection,
40 an adjudication of mental defect, incapacity or illness or an in-
41 voluntary commitment to a mental institution if the applicant's
42 civil right to bear arms has been restored under operation of law
43 or legal process.
- 44 (12) A license to carry concealed weapons must be in a form substan-
45 tially similar to that of the Idaho driver's license and must meet the
46 following specifications:
- 47 (a) The license must provide the licensee's name, address, date of
48 birth and the driver's license number or state identification card num-
49 ber if used for identification in applying for the license;
- 50 (b) The license must bear the licensee's signature and picture; and

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

3 (13) Upon issuing a license under the provisions of this section, the
4 sheriff must notify the Idaho state police within three (3) business days on
5 a form or in a manner prescribed by the Idaho state police. Information re-
6 lating to an applicant or licensee received or maintained pursuant to this
7 section by the sheriff or Idaho state police is confidential and exempt from
8 disclosure under section 9-340B, Idaho Code.

9 (14) The fee for original issuance of a license shall be twenty dollars
10 (\$20.00), which the sheriff must retain for the purpose of performing the du-
11 ties required in this section. The sheriff may collect the actual cost of any
12 additional fees necessary to cover the cost of processing fingerprints law-
13 fully required by any state or federal agency or department, and the actual
14 cost of materials for the license lawfully required by any state agency or
15 department, which costs must be paid to the state. The sheriff must provide
16 the applicant with a copy of the results of the fingerprint-based records
17 check upon request of the applicant.

18 (15) The fee for renewal of the license shall be fifteen dollars
19 (\$15.00), which the sheriff must retain for the purpose of performing the du-
20 ties required in this section. The sheriff may collect the actual cost of any
21 additional fees necessary to cover the processing costs lawfully required by
22 any state or federal agency or department, and the actual cost of materials
23 for the license lawfully required by any state agency or department, which
24 costs must be paid to the state.

25 (16) 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 after
28 the expiration date. The sheriff must mail renewal notices ninety (90) days
29 prior to the expiration date of the license. The sheriff shall require the
30 licensee applying for renewal to complete an application. The sheriff must
31 submit the application to the Idaho state police for a records check of state
32 and national databases. The Idaho state police must conduct the records
33 check and return the results to the sheriff within thirty (30) days. The
34 sheriff shall not issue a renewal before receiving the results of the records
35 check and must deny a license if the applicant is disqualified under any of
36 the criteria provided in this section. A renewal license shall be valid for
37 a period of five (5) years. A license so renewed shall take effect on the ex-
38 piration date of the prior license. A licensee renewing ninety-one (91) days
39 to one hundred eighty (180) days after the expiration date of the license
40 must pay a late renewal penalty of ten dollars (\$10.00) in addition to the
41 renewal fee unless waived by the sheriff, except that any licensee serving
42 on active duty in the armed forces of the United States during the renewal
43 period shall not be required to pay a late renewal penalty upon renewing
44 ninety-one (91) days to one hundred eighty (180) days after the expiration
45 date of the license. After one hundred eighty-one (181) days, the licensee
46 must submit an initial application for a license and pay the fees prescribed
47 in subsection (14) of this section. The renewal fee and any penalty shall
48 be paid to the sheriff for the purpose of enforcing the provisions of this
49 chapter. Upon renewing a license under the provisions of this section, the

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

3 (17) No city, county or other political subdivision of this state shall
4 modify or add to the requirements of this section, nor shall a city, county
5 or political subdivision ask the applicant to voluntarily submit any infor-
6 mation not required in this section. A civil action may be brought to enjoin
7 a wrongful refusal to issue a license or a wrongful modification of the re-
8 quirements of this section. The civil action may be brought in the county in
9 which the application was made or in Ada county at the discretion of the peti-
10 tioner. Any person who prevails against a public agency in any action in the
11 courts for a violation of this section must be awarded costs, including rea-
12 sonable attorney's fees incurred in connection with the legal action.

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

17 (19) The sheriff of a county may issue a license to carry a concealed
18 weapon to those individuals between the ages of eighteen (18) and twenty-one
19 (21) years who in the judgment of the sheriff warrant the issuance of the li-
20 cense. Such issuance shall be subject to limitations which the issuing au-
21 thority deems appropriate. Licenses issued to individuals between the ages
22 of eighteen (18) and twenty-one (21) years shall be easily distinguishable
23 from licenses issued pursuant to subsection (7) of this section.

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

26 (21) The sheriff of the county where the license was issued or the sher-
27 iff of the county where the person resides shall have the power to revoke a
28 license subsequent to a hearing in accordance with the provisions of chapter
29 52, title 67, Idaho Code, for any of the following reasons:

30 (a) Fraud or intentional misrepresentation in the obtaining of a li-
31 cense;

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

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

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

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

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

47 (23) The attorney general must contact the appropriate officials in
48 other states for the purpose of establishing, to the extent possible, recog-
49 nition and reciprocity of the license to carry concealed weapons by other
50 states, whether by formal agreement or otherwise. The Idaho state police

1 must keep a copy and maintain a record of all such agreements and reciprocity
2 recognitions, which must be made available to the public.

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

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

10 SECTION 3. That Section 18-3302I, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 18-3302I. THREATENING VIOLENCE ON SCHOOL GROUNDS.

13 (1) (a) Any person, including a student, who willfully threatens on
14 school grounds by word or act to use a firearm or other deadly or danger-
15 ous weapon to do violence to any other person on school grounds is guilty
16 of a misdemeanor.

17 (b) The threats prohibited by this section encompass only those state-
18 ments or acts where the speaker or actor intends to communicate a seri-
19 ous expression of an intent to commit an act of unlawful violence to a
20 particular individual or group of individuals. The prosecution is not
21 required to prove that the defendant actually intended to carry out the
22 threat.

23 (2) Definitions. As used in this section:

24 (a) "Deadly or dangerous weapon" means a weapon, device, instrument,
25 material or substance that is used for, or is readily capable of, caus-
26 ing death or serious bodily injury;

27 (b) ~~"Firearm" means any weapon, whether loaded or unloaded, from which
28 a shot, projectile or other object may be discharged by force of com-
29 bustion, explosive, gas and/or mechanical means, regardless of whether
30 such weapon is operable;~~

31 ~~(c) "On school grounds" means in, or on the property of, a public or pri-
32 vate elementary or secondary school.~~

33 SECTION 4. That Section [18-3302K](#), Idaho Code, be, and the same is hereby
34 repealed.

35 SECTION 5. That Chapter 33, Title 18, Idaho Code, be, and the same is
36 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
37 ignated as Section 18-3302K, Idaho Code, and to read as follows:

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

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

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

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

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

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

22 (3) Any person who is applying for original issuance of a license to
23 carry concealed weapons must submit his fingerprints with the completed
24 application. Within five (5) days after the filing of an application, the
25 sheriff must forward the applicant's completed license application and
26 fingerprints to the Idaho state police. The Idaho state police must con-
27 duct a national fingerprint-based records check, an inquiry through the
28 national instant criminal background check system, and a check of any ap-
29 plicable state database, including a check for any mental health records
30 for conditions or commitments that would disqualify a person from possess-
31 ing a firearm under state or federal law, and must return the results to the
32 sheriff within sixty (60) days. If the applicant is not a U.S. citizen, an
33 immigration alien query must also be conducted through U.S. immigration and
34 customs enforcement or any successor agency. The sheriff shall not issue a
35 license before receiving and reviewing the results of the records check.

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

40 (a) Is over the age of twenty-one (21) years;

41 (b) Has been a legal resident of the state of Idaho for at least six (6)
42 consecutive months before filing an application under this section or
43 holds a current license or permit to carry concealed weapons issued by
44 his state of residence; and

45 (c) Has successfully completed within the twelve (12) months immedi-
46 ately preceding filing an application, a qualifying handgun course as
47 specified in this paragraph and taught by a certified instructor who is
48 not prohibited from possessing firearms under state or federal law. A

1 copy of the certificate of successful completion of the handgun course,
2 in a form to be prescribed by the director of the Idaho state police and
3 signed by the course instructor, must be submitted to the sheriff at the
4 time of filing an application under this section. Certified instruc-
5 tors of handgun courses when filing an application under this section
6 shall not be required to submit such certificates but must submit a copy
7 of their current instructor's credential. The sheriff must accept as a
8 qualifying handgun course a personal protection course offered by the
9 national rifle association or an equivalent, provided that all personal
10 protection or equivalent courses must meet the following requirements:

11 (i) The course instructor is certified by the national rifle as-
12 sociation, or by another nationally recognized organization that
13 customarily certifies firearms instructors, as an instructor in
14 personal protection with handguns, or the course instructor is
15 certified by the Idaho peace officers standards and training coun-
16 cil as a firearms instructor;

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

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

20 (iv) The course includes instruction in:

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

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

27 (B) A law enforcement officer who possesses an inter-
28 mediate or higher Idaho peace officers standards and
29 training certificate.

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

32 3. Self-defense principles; and

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

35 An instructor must provide a copy of the syllabus and a written descrip-
36 tion of the course of fire used in a qualifying handgun course that in-
37 cludes the name of the individual instructing the legal portion of the
38 course to the sheriff upon request.

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

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

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

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

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

1 (6) Upon issuing a license under the provisions of this section, the
2 sheriff must notify the Idaho state police within three (3) days on a form or
3 in a manner prescribed by the Idaho state police. Information relating to an
4 applicant or licensee received or maintained pursuant to this section by the
5 sheriff or Idaho state police is confidential and exempt from disclosure un-
6 der section 9-340B, Idaho Code.

7 (7) The fee for original issuance of an enhanced license shall be twenty
8 dollars (\$20.00), which the sheriff must retain for the purpose of perform-
9 ing the duties required in this section. The sheriff may collect the actual
10 cost of any additional fees necessary to cover the processing costs lawfully
11 required by any state or federal agency or department, and the actual cost of
12 materials for the license lawfully required by any state agency or depart-
13 ment, which costs must be paid to the state. The sheriff must provide the
14 applicant with a copy of the results of the fingerprint-based records check
15 upon request of the applicant.

16 (8) The fee for renewal of the enhanced license shall be fifteen dollars
17 (\$15.00), which the sheriff must retain for the purpose of performing duties
18 required in this section. The sheriff may collect the actual cost of any ad-
19 ditional fees necessary to cover the processing costs lawfully required by
20 any state or federal agency or department, and the actual cost of materials
21 for the license lawfully required by any state agency or department, which
22 costs must be paid to the state.

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

1 (10) No city, county or other political subdivision of this state shall
2 modify or add to the requirements of this section, nor shall a city, county
3 or political subdivision ask the applicant to voluntarily submit any infor-
4 mation not required in this section. A civil action may be brought to enjoin
5 a wrongful refusal to issue a license or a wrongful modification of the re-
6 quirements of this section. The civil action may be brought in the county in
7 which the application was made or in Ada county at the discretion of the peti-
8 tioner. Any person who prevails against a public agency in any action in the
9 courts for a violation of this section must be awarded costs, including rea-
10 sonable attorney's fees incurred in connection with the legal action.

11 (11) A county sheriff, deputy sheriff or county employee who issues a
12 license to carry a concealed weapon under this section shall not incur any
13 civil or criminal liability as the result of the performance of his or her du-
14 ties in compliance with this section.

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

21 (a) Fraud or intentional misrepresentation in the obtaining of a li-
22 cense;

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

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

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

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

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

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

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

44 (16) The Idaho state police must maintain a computerized record system
45 that is accessible to law enforcement agencies in any state for the purpose
46 of verifying current enhanced licensee status. Information maintained in
47 the record system shall be confidential and exempt from disclosure under
48 section 9-340B, Idaho Code, except that any law enforcement officer or law
49 enforcement agency, whether inside or outside the state of Idaho, may access

1 the record system for the purpose of verifying current enhanced licensee
2 status.

3 SECTION 6. That Section 18-3316, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 18-3316. UNLAWFUL POSSESSION OF A FIREARM. (1) A person who previously
6 has been convicted of a felony who purchases, owns, possesses, or has under
7 his custody or control any firearm shall be guilty of a felony and shall be
8 imprisoned in the state prison for a period of time not to exceed five (5)
9 years and by a fine not to exceed five thousand dollars (\$5,000).

10 (2) For the purpose of subsection (1) of this section, "convicted of a
11 felony" shall include a person who has entered a plea of guilty, nolo con-
12 tendere or has been found guilty of any of the crimes enumerated in section
13 18-310, Idaho Code, or to a comparable felony crime in another state, terri-
14 tory, commonwealth, or other jurisdiction of the United States.

15 ~~(3) For the purpose of subsection (1) of this section, "firearm" shall~~
16 ~~include any weapon from which a shot, projectile or other object may be~~
17 ~~discharged by force of combustion, explosive, gas and/or mechanical means,~~
18 ~~whether operable or inoperable.~~

19 ~~(4)~~ Subsection (1) of this section shall not apply to a person whose
20 conviction has been nullified by expungement, pardon, setting aside the con-
21 viction or other comparable procedure by the jurisdiction where the felony
22 conviction occurred; or whose civil right to bear arms either specifically
23 or in combination with other civil rights has been restored by any other pro-
24 vision of Idaho law.

25 SECTION 7. That Section 31-870, Idaho Code, be, and the same is hereby
26 amended to read as follows:

27 31-870. FEES FOR COUNTY SERVICES. (1) Notwithstanding any other pro-
28 vision of law, a board of county commissioners may impose and collect fees
29 for those services provided by the county which would otherwise be funded by
30 ad valorem tax revenues. The fees collected pursuant to this section shall
31 be reasonably related to, but shall not exceed, the actual cost of the ser-
32 vice being rendered. Taxing districts other than counties may impose fees
33 for services as provided in section 63-1311, Idaho Code.

34 (2) The board of county commissioners may establish and provide for the
35 collection of a solid waste fee in accordance with a request made pursuant
36 to this section, and such fee shall be certified and collected in the same
37 manner provided by law for the collection of real or personal property taxes.

38 (3) The administrative fee authorized under the provisions of this sec-
39 tion and collected for issuance of motor vehicle registrations pursuant to
40 chapter 4, title 49, Idaho Code, shall be the same for any registration is-
41 sued pursuant to section 49-402B, Idaho Code, and may not be doubled or in any
42 way increased solely because of registration under that section.

43 (4) This section shall not apply to the issuance or renewal of licenses
44 to carry concealed weapons under sections 18-3302, 18-3302H or 18-3302K,
45 Idaho Code.

1 SECTION 8. That Section 9-340B, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 9-340B. RECORDS EXEMPT FROM DISCLOSURE -- LAW ENFORCEMENT RECORDS,
4 INVESTIGATORY RECORDS OF AGENCIES, EVACUATION AND EMERGENCY RESPONSE PLANS,
5 WORKER'S COMPENSATION. The following records are exempt from disclosure:

6 (1) Investigatory records of a law enforcement agency, as defined in
7 section 9-337(7), Idaho Code, under the conditions set forth in section
8 9-335, Idaho Code.

9 (2) Juvenile records of a person maintained pursuant to chapter 5,
10 title 20, Idaho Code, except that facts contained in such records shall be
11 furnished upon request in a manner determined by the court to persons and
12 governmental and private agencies and institutions conducting pertinent
13 research studies or having a legitimate interest in the protection, welfare
14 and treatment of the juvenile who is thirteen (13) years of age or younger.
15 If the juvenile is petitioned or charged with an offense which would be a
16 criminal offense if committed by an adult, the name, offense of which the
17 juvenile was petitioned or charged and disposition of the court shall be sub-
18 ject to disclosure as provided in section 20-525, Idaho Code. Additionally,
19 facts contained in any records of a juvenile maintained under chapter 5,
20 title 20, Idaho Code, shall be furnished upon request to any school district
21 where the juvenile is enrolled or is seeking enrollment.

22 (3) Records of the custody review board of the Idaho department of ju-
23 venile corrections, including records containing the names, addresses and
24 written statements of victims and family members of juveniles, shall be ex-
25 empt from public disclosure pursuant to section 20-533A, Idaho Code.

26 (4) (a) The following records of the department of correction:

27 (i) Records of which the public interest in confidentiality, pub-
28 lic safety, security and habilitation clearly outweighs the pub-
29 lic interest in disclosure as identified pursuant to the authority
30 of the Idaho board of correction under section 20-212, Idaho Code;

31 (ii) Records that contain any identifying information, or any in-
32 formation that would lead to the identification of any victims or
33 witnesses;

34 (iii) Records that reflect future transportation or movement of a
35 prisoner;

36 (iv) Records gathered during the course of the presentence inves-
37 tigation;

38 (v) Records of a prisoner, as defined in section 9-337(10), Idaho
39 Code, or probationer shall not be disclosed to any other prisoner
40 or probationer.

41 (b) Records of buildings, facilities, infrastructures and systems held
42 by or in the custody of any public agency only when the disclosure of
43 such information would jeopardize the safety of persons or the public
44 safety. Such records may include emergency evacuation, escape or other
45 emergency response plans, vulnerability assessments, operation and se-
46 curity manuals, plans, blueprints or security codes. For purposes of
47 this section "system" shall mean electrical, heating, ventilation, air
48 conditioning and telecommunication systems.

1 (c) Records of the commission of pardons and parole shall be exempt from
2 public disclosure pursuant to section 20-213A, Idaho Code, and section
3 20-223, Idaho Code. Records exempt from disclosure shall also include
4 those containing the names, addresses and written statements of vic-
5 tims.

6 (5) Voting records of the sexual offender classification board. The
7 written record of the vote to classify an offender as a violent sexual preda-
8 tor by each board member in each case reviewed by that board member shall be
9 exempt from disclosure to the public and shall be made available upon request
10 only to the governor, the chairman of the senate judiciary and rules commit-
11 tee, and the chairman of the house of representatives judiciary, rules and
12 administration committee, for all lawful purposes.

13 (6) Records of the sheriff or Idaho state police received or maintained
14 pursuant to sections 18-3302, 18-3302H and 18-3302K, Idaho Code, relating
15 to an applicant or licensee except that any law enforcement officer and law
16 enforcement agency, whether inside or outside the state of Idaho, may access
17 information maintained in the license record system as set forth in section
18 18-3302K(136), Idaho Code.

19 (7) Records of investigations prepared by the department of health and
20 welfare pursuant to its statutory responsibilities dealing with the protec-
21 tion of children, the rehabilitation of youth, adoptions and the commitment
22 of mentally ill persons. For reasons of health and safety, best interests of
23 the child or public interest, the department of health and welfare may pro-
24 vide for the disclosure of records of investigations associated with actions
25 pursuant to the provisions of chapter 16, title 16, Idaho Code, prepared by
26 the department of health and welfare pursuant to its statutory responsibili-
27 ties dealing with the protection of children except any such records regard-
28 ing adoptions shall remain exempt from disclosure.

29 (8) Records including, but not limited to, investigative reports,
30 resulting from investigations conducted into complaints of discrimination
31 made to the Idaho human rights commission unless the public interest in
32 allowing inspection and copying of such records outweighs the legitimate
33 public or private interest in maintaining confidentiality of such records.
34 A person may inspect and copy documents from an investigative file to which
35 he or she is a named party if such documents are not otherwise prohibited from
36 disclosure by federal law or regulation or state law. The confidentiality of
37 this subsection will no longer apply to any record used in any judicial pro-
38 ceeding brought by a named party to the complaint or investigation, or by the
39 Idaho human rights commission, relating to the complaint of discrimination.

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

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

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

49 (b) To employers and prospective employers subject to the provisions of
50 the Americans with disabilities act, 42 U.S.C. 12112, or other statu-

1 tory limitations, who certify that the information is being requested
2 with respect to a worker to whom the employer has extended an offer of
3 employment and will be used in accordance with the provisions of the
4 Americans with disabilities act, 42 U.S.C. 12112, or other statutory
5 limitations; or

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

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

14 (e) Although a claimant's records maintained by the industrial commis-
15 sion, including medical and rehabilitation records, are otherwise ex-
16 empt from public disclosure, the quoting or discussing of medical or re-
17 habilitation records contained in the industrial commission's records
18 during a hearing for compensation or in a written decision issued by the
19 industrial commission shall be permitted; provided further, the true
20 identification of the parties shall not be exempt from public disclo-
21 sure in any written decision issued and released to the public by the in-
22 dustrial commission.

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

26 (12) Criminal history records and fingerprints, as defined by section
27 67-3001, Idaho Code, and compiled by the Idaho state police. Such records
28 shall be released only in accordance with chapter 30, title 67, Idaho Code.

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

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

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

38 (16) Records or information identifying a complainant maintained by the
39 department of health and welfare pursuant to section 39-3556, Idaho Code,
40 relating to certified family homes, unless the complainant consents in writ-
41 ing to the disclosure or the disclosure of the complainant's identity is re-
42 quired in any administrative or judicial proceeding.