

IN THE SENATE

SENATE BILL NO. 1331

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO CONCEALED WEAPONS; AMENDING SECTION 18-3302K, IDAHO CODE, TO  
2 PROVIDE THAT SENIOR OR EMERITUS MEMBERS OF THE IDAHO STATE BAR MAY PRO-  
3 VIDE CERTAIN INSTRUCTION AND TO MAKE TECHNICAL CORRECTIONS.  
4

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

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

8 18-3302K. ISSUANCE OF ENHANCED LICENSES TO CARRY CONCEALED  
9 WEAPONS. (1) The sheriff of a county, on behalf of the state of Idaho, must,  
10 within ninety (90) days after the filing of an application by any person  
11 who is not disqualified from possessing or receiving a firearm under state  
12 or federal law and has otherwise complied with the requirements of this  
13 section, issue an enhanced license to the person to carry concealed weapons  
14 on his person. Licenses issued under this section shall be valid for five (5)  
15 years from the date of issue.

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

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

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

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

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

37 (3) Any person who is applying for original issuance of a license to  
38 carry concealed weapons must submit his fingerprints with the completed  
39 application. Within five (5) days after the filing of an application, the  
40 sheriff must forward the applicant's completed license application and

1 fingerprints to the Idaho state police. The Idaho state police must con-  
2 duct a national fingerprint-based records check, an inquiry through the  
3 national instant criminal background check system, and a check of any ap-  
4 plicable state database, including a check for any mental health records  
5 for conditions or commitments that would disqualify a person from possess-  
6 ing a firearm under state or federal law, and must return the results to the  
7 sheriff within sixty (60) days. If the applicant is not a U.S. citizen, an  
8 immigration alien query must also be conducted through U.S. immigration and  
9 customs enforcement or any successor agency. The sheriff shall not issue a  
10 license before receiving and reviewing the results of the records check.

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

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

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

20 (c) Has successfully completed, within the twelve (12) months immedi-  
21 ately preceding filing an application, a qualifying handgun course as  
22 specified in this paragraph and taught by a certified instructor who is  
23 not prohibited from possessing firearms under state or federal law. A  
24 copy of the certificate of successful completion of the handgun course,  
25 in a form to be prescribed by the director of the Idaho state police and  
26 signed by the course instructor, must be submitted to the sheriff at the  
27 time of filing an application under this section. Certified instruc-  
28 tors of handgun courses when filing an application under this section  
29 shall not be required to submit such certificates but must submit a copy  
30 of their current instructor's credential. The sheriff must accept as a  
31 qualifying handgun course a personal protection course offered by the  
32 national rifle association or an equivalent, provided that all personal  
33 protection or equivalent courses must meet the following requirements:

34 (i) The course instructor is certified by the national rifle as-  
35 sociation, or by another nationally recognized organization that  
36 customarily certifies firearms instructors, as an instructor in  
37 personal protection with handguns, or the course instructor is  
38 certified by the Idaho peace officers standards and training coun-  
39 cil as a firearms instructor;

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

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

43 (iv) The course includes instruction in:

44 1. Idaho law relating to firearms and the use of deadly  
45 force, provided that such instruction is delivered by either  
46 of the following whose name and credential must appear on the  
47 certificate:

48 (A) An active, licensed senior or emeritus member of  
49 the Idaho state bar; or

1 (B) A law enforcement officer who possesses an inter-  
 2 mediate or higher Idaho peace officers standards and  
 3 training certificate;

4 2. The basic concepts of the safe and responsible use of  
 5 handguns;

6 3. Self-defense principles; and

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

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

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

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

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

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

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

25 (6) Upon issuing a license under the provisions of this section, the  
 26 sheriff must notify the Idaho state police within three (3) days on a form or  
 27 in a manner prescribed by the Idaho state police. Information relating to an  
 28 applicant or licensee received or maintained pursuant to this section by the  
 29 sheriff or Idaho state police is confidential and exempt from disclosure un-  
 30 der section 74-105, Idaho Code.

31 (7) The fee for original issuance of an enhanced license shall be twenty  
 32 dollars (\$20.00), which the sheriff must retain for the purpose of perform-  
 33 ing the duties required in this section. The sheriff may collect the ac-  
 34 tual cost of any additional fees necessary to cover the processing costs law-  
 35 fully required by any state or federal agency or department, and as well as  
 36 the actual cost of materials for the license lawfully required by any state  
 37 agency or department, which costs must be paid to the state. The sheriff must  
 38 provide the applicant with a copy of the results of the fingerprint-based  
 39 records check upon request of the applicant.

40 (8) The fee for renewal of the enhanced license shall be fifteen dollars  
 41 (\$15.00), which the sheriff must retain for the purpose of performing duties  
 42 required in this section. The sheriff may collect the actual cost of any ad-  
 43 ditional fees necessary to cover the processing costs lawfully required by  
 44 any state or federal agency or department, and as well as the actual cost of  
 45 materials for the license lawfully required by any state agency or depart-  
 46 ment, which costs must be paid to the state.

47 (9) Every license that is not, as provided by law, suspended, revoked or  
 48 disqualified in this state shall be renewable at any time during the ninety  
 49 (90) day period before its expiration or within ninety (90) days after the  
 50 expiration date. The sheriff must mail renewal notices ninety (90) days

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

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

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

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

- 45 (a) Fraud or intentional misrepresentation in the obtaining of a li-  
46 cense;
- 47 (b) Misuse of a license, including lending or giving a license to an-  
48 other person, duplicating a license or using a license with the intent  
49 to unlawfully cause harm to a person or property;

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

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

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

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

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

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

19 (16) The Idaho state police must maintain a computerized record system  
20 that is accessible to law enforcement agencies in any state for the purpose  
21 of verifying current enhanced licensee status. Information maintained in  
22 the record system shall be confidential and exempt from disclosure under  
23 section 74-105, Idaho Code, except that any law enforcement officer or law  
24 enforcement agency, whether inside or outside the state of Idaho, may access  
25 the record system for the purpose of verifying current enhanced licensee  
26 status.