

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 422

BY SCOTT AND NATE

AN ACT

1 RELATING TO CONCEALED WEAPONS; AMENDING SECTION 18-3302, IDAHO CODE, TO  
2 PROVIDE THAT ANY PERSON TWENTY-ONE YEARS OF AGE OR OLDER MAY CARRY CON-  
3 CEALED WEAPONS WITHOUT A LICENSE SUBJECT TO CERTAIN CONDITIONS, TO  
4 PROVIDE THAT A PERSON QUALIFIED TO CARRY CONCEALED WEAPONS MAY APPLY  
5 FOR AN OPTIONAL LICENSE, TO PROVIDE A PENALTY, TO REMOVE REFERENCE TO A  
6 TEMPORARY EMERGENCY LICENSE, TO PROVIDE CORRECT CODE REFERENCES AND TO  
7 REMOVE A CODE REFERENCE; AND AMENDING SECTION 18-3302K, IDAHO CODE, TO  
8 PROVIDE A CORRECT CODE REFERENCE.  
9

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

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

13 18-3302. CONCEALED WEAPONS. (1) The legislature hereby finds that the  
14 people of Idaho have reserved for themselves the right to keep and bear arms  
15 while granting the legislature the authority to regulate the carrying of  
16 weapons concealed. The provisions of this chapter regulating the carrying  
17 of weapons must be strictly construed so as to give maximum scope to the  
18 rights retained by the people.

19 (2) As used in this chapter:

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

22 (b) "Deadly weapon" means:

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

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

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

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

31 (i) Any knife, cleaver or other instrument that is intended by the  
32 person to be used in the processing, preparation or eating of food;

33 (ii) Any knife with a blade four (4) inches or less; or

34 (iii) Any taser, stun-gun, pepper spray or mace;

35 (d) "Firearm" means any weapon that will, is designed to, or may readily  
36 be converted to, expel a projectile by the action of an explosive;

37 (e) "Loaded" means:

38 (i) For a firearm capable of using fixed ammunition, that live  
39 ammunition is present in:

40 1. The chamber or chambers of the firearm;

41 2. Any internal magazine of the firearm; or

42 3. A detachable magazine inserted in the firearm;

1 (ii) For a firearm that is not capable of using fixed ammunition,  
2 that the firearm contains:

- 3 1. A propellant charge; and  
4 2. A priming cap or primer cap.

5 (3) ~~No~~ Any person shall twenty-one (21) years of age or older may carry  
6 concealed weapons on or about his person without a license to carry concealed  
7 weapons, except: unless that person is otherwise prohibited by state or fed-  
8 eral law or:

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

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

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

15 (d) Is a fugitive from justice;

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

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

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

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

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

27 (iv) An incapacitated person as defined in section 15-5-101,  
28 Idaho Code;

29 (g) Has been discharged from the armed forces under dishonorable condi-  
30 tions;

31 (h) Has been adjudicated guilty of or received a withheld judgment or  
32 suspended sentence for a crime of violence constituting a misdemeanor  
33 or a crime that would disqualify him from obtaining a concealed weapons  
34 license, unless three (3) years have elapsed since entry of judgment or  
35 successful completion of probation;

36 (i) Is an alien illegally in the United States;

37 (j) Is a person who having been a citizen of the United States has re-  
38 nounced his or her citizenship;

39 (k) Is free on bond or personal recognizance pending trial, appeal or  
40 sentencing for a crime which would disqualify him from obtaining a con-  
41 cealed weapons license;

42 (l) Is subject to a protection order issued under chapter 63, title  
43 39, Idaho Code, that restrains the person from harassing, stalking or  
44 threatening an intimate partner of the person or child of the intimate  
45 partner or person, or engaging in other conduct that would place an  
46 intimate partner in reasonable fear of bodily injury to the partner or  
47 child; or

48 (m) Is for any other reason ineligible to own, possess or receive a  
49 firearm under the provisions of Idaho or federal law.

50 ~~(a) In the person's place of abode or fixed place of business;~~

1 ~~(b) On property in which the person has any ownership or leasehold in-~~  
2 ~~terest;~~

3 ~~(c) On private property where the person has permission to carry con-~~  
4 ~~cealed weapons from any person with an ownership or leasehold interest;~~

5 ~~(d) Outside the limits of or confines of any city.~~

6 ~~(4) Subsection (3) of this section shall not apply to restrict or pro-~~  
7 ~~hibit the carrying or possession of:~~

8 ~~(a) Any deadly weapon located in plain view;~~

9 ~~(b) Any lawfully possessed shotgun or rifle;~~

10 ~~(c) A firearm that is not loaded and is concealed in a motor vehicle;~~

11 ~~(d) A firearm that is not loaded and is secured in a case; and~~

12 ~~(e) A firearm that is disassembled or permanently altered such that it~~  
13 ~~is not readily operable.~~

14 ~~(5) The requirement to secure a license to carry concealed weapons un-~~  
15 ~~der this section shall not apply to the following persons:~~

16 ~~(a) Officials of a city, county or the state of Idaho;~~

17 ~~(b) Any publicly elected Idaho official;~~

18 ~~(c) Members of the armed forces of the United States or of the national~~  
19 ~~guard when in performance of official duties;~~

20 ~~(d) Criminal investigators of the attorney general's office and crim-~~  
21 ~~inal investigators of a prosecuting attorney's office, prosecutors and~~  
22 ~~their deputies;~~

23 ~~(e) Any peace officer as defined in section 19-5101(d), Idaho Code, in~~  
24 ~~good standing;~~

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

29 ~~(g) Any person who has physical possession of his valid license or per-~~  
30 ~~mit authorizing him to carry concealed weapons from another state; and~~

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

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

41 (4) A person qualified to carry concealed weapons may apply for an op-  
42 tional license to carry concealed weapons.

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

49 (86) The sheriff must make license applications readily available at  
50 the office of the sheriff, at other public offices in his or her jurisdiction

1 and on the website of the Idaho state police. The license application shall  
 2 be in a form to be prescribed by the director of the Idaho state police and  
 3 must meet the following requirements:

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

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

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

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

21 (~~97~~) The sheriff may require the applicant to demonstrate familiarity  
 22 with a firearm and must accept any one (1) of the following as evidence of the  
 23 applicant's familiarity with a firearm:

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

26 (b) Completion of any national rifle association firearms safety or  
 27 training course or any national rifle association hunter education  
 28 course or any equivalent course;

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

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

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

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

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

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

47 (~~108~~) Any person applying for original issuance of a license to carry  
 48 concealed weapons must submit his fingerprints with the completed license

1 application. Within five (5) days after the filing of an application, the  
2 sheriff must forward the applicant's completed license application and fin-  
3 gerprints to the Idaho state police. The Idaho state police must conduct a  
4 national fingerprint-based records check, an inquiry through the national  
5 instant criminal background check system and a check of any applicable state  
6 database, including a check for any mental health records for conditions or  
7 commitments that would disqualify a person from possessing a firearm under  
8 state or federal law, and return the results to the sheriff within sixty (60)  
9 days. If the applicant is not a United States citizen, an immigration alien  
10 query must also be conducted through United States immigration and customs  
11 enforcement or any successor agency. The sheriff shall not issue a license  
12 before receiving the results of the records check and must deny a license  
13 if the applicant is disqualified under any of the criteria listed in subsec-  
14 tion (~~119~~) of this section. The sheriff may deny a license to carry concealed  
15 weapons to an alien if background information is not attainable or verifi-  
16 able.

17 (~~119~~) A license to carry concealed weapons shall not be issued to any  
18 person who:

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

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

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

25 (d) Is a fugitive from justice;

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

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

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

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

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

37 (iv) An incapacitated person as defined in section 15-5-101,  
38 Idaho Code.

39 (g) Has been discharged from the armed forces under dishonorable condi-  
40 tions;

41 (h) Has been adjudicated guilty of or received a withheld judgment or  
42 suspended sentence for a crime of violence constituting a misdemeanor  
43 or a crime that would disqualify him from obtaining a concealed weapons  
44 license, unless three (3) years have elapsed since entry of judgment or  
45 successful completion of probation prior to the date on which the appli-  
46 cation is submitted;

47 (i) Is an alien illegally in the United States;

48 (j) Is a person who having been a citizen of the United States has re-  
49 nounced his or her citizenship;

1 (k) Is free on bond or personal recognizance pending trial, appeal or  
 2 sentencing for a crime which would disqualify him from obtaining a con-  
 3 cealed weapons license;

4 (l) Is subject to a protection order issued under chapter 63, title  
 5 39, Idaho Code, that restrains the person from harassing, stalking or  
 6 threatening an intimate partner of the person or child of the intimate  
 7 partner or person, or engaging in other conduct that would place an  
 8 intimate partner in reasonable fear of bodily injury to the partner or  
 9 child; or

10 (m) Is for any other reason ineligible to own, possess or receive  
 11 a firearm under the provisions of Idaho or federal law. In making a  
 12 determination in relation to an applicant's eligibility under this sub-  
 13 section, the sheriff shall not consider:

14 (i) A conviction, guilty plea or adjudication that has been nul-  
 15 lified by expungement, pardon, setting aside or other comparable  
 16 procedure by the jurisdiction where the conviction, guilty plea  
 17 or adjudication occurred or in respect of which conviction, guilty  
 18 plea or adjudication the applicant's civil right to bear arms ei-  
 19 ther specifically or in combination with other civil rights has  
 20 been restored under operation of law or legal process; or

21 (ii) Except as provided for in paragraph (f) of this subsection,  
 22 an adjudication of mental defect, incapacity or illness or an in-  
 23 voluntary commitment to a mental institution if the applicant's  
 24 civil right to bear arms has been restored under operation of law  
 25 or legal process.

26 Any person who violates the provisions of this subsection shall be guilty of  
 27 a misdemeanor.

28 (120) A license to carry concealed weapons must be in a form substan-  
 29 tially similar to that of the Idaho driver's license and must meet the fol-  
 30 lowing specifications:

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

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

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

37 (131) Upon issuing a license under the provisions of this section, the  
 38 sheriff must notify the Idaho state police within three (3) business days on  
 39 a form or in a manner prescribed by the Idaho state police. Information re-  
 40 lating to an applicant or licensee received or maintained pursuant to this  
 41 section by the sheriff or Idaho state police is confidential and exempt from  
 42 disclosure under section ~~9-340B~~ 74-105, Idaho Code.

43 (142) The fee for original issuance of a license shall be twenty dollars  
 44 (\$20.00), which the sheriff must retain for the purpose of performing the du-  
 45 ties required in this section. The sheriff may collect the actual cost of any  
 46 additional fees necessary to cover the cost of processing fingerprints law-  
 47 fully required by any state or federal agency or department, and the actual  
 48 cost of materials for the license lawfully required by any state agency or  
 49 department, which costs must be paid to the state. The sheriff must provide

1 the applicant with a copy of the results of the fingerprint-based records  
2 check upon request of the applicant.

3 (153) The fee for renewal of the license shall be fifteen dollars  
4 (\$15.00), which the sheriff must retain for the purpose of performing the du-  
5 ties required in this section. The sheriff may collect the actual cost of any  
6 additional fees necessary to cover the processing costs lawfully required by  
7 any state or federal agency or department, and the actual cost of materials  
8 for the license lawfully required by any state agency or department, which  
9 costs must be paid to the state.

10 (164) Every license that is not, as provided by law, suspended, re-  
11 voked or disqualified in this state shall be renewable at any time during the  
12 ninety (90) day period before its expiration or within ninety (90) days after  
13 the expiration date. The sheriff must mail renewal notices ninety (90) days  
14 prior to the expiration date of the license. The sheriff shall require the  
15 licensee applying for renewal to complete an application. The sheriff must  
16 submit the application to the Idaho state police for a records check of state  
17 and national databases. The Idaho state police must conduct the records  
18 check and return the results to the sheriff within thirty (30) days. The  
19 sheriff shall not issue a renewal before receiving the results of the records  
20 check and must deny a license if the applicant is disqualified under any of  
21 the criteria provided in this section. A renewal license shall be valid for  
22 a period of five (5) years. A license so renewed shall take effect on the ex-  
23 piration date of the prior license. A licensee renewing ninety-one (91) days  
24 to one hundred eighty (180) days after the expiration date of the license  
25 must pay a late renewal penalty of ten dollars (\$10.00) in addition to the  
26 renewal fee unless waived by the sheriff, except that any licensee serving  
27 on active duty in the armed forces of the United States during the renewal  
28 period shall not be required to pay a late renewal penalty upon renewing  
29 ninety-one (91) days to one hundred eighty (180) days after the expiration  
30 date of the license. After one hundred eighty-one (181) days, the licensee  
31 must submit an initial application for a license and pay the fees prescribed  
32 in subsection (142) of this section. The renewal fee and any penalty shall  
33 be paid to the sheriff for the purpose of enforcing the provisions of this  
34 chapter. Upon renewing a license under the provisions of this section, the  
35 sheriff must notify the Idaho state police within five (5) days on a form or  
36 in a manner prescribed by the Idaho state police.

37 (175) No city, county or other political subdivision of this state  
38 shall modify or add to the requirements of this section, nor shall a city,  
39 county or political subdivision ask the applicant to voluntarily submit any  
40 information not required in this section. A civil action may be brought to  
41 enjoin a wrongful refusal to issue a license or a wrongful modification of  
42 the requirements of this section. The civil action may be brought in the  
43 county in which the application was made or in Ada county at the discretion  
44 of the petitioner. Any person who prevails against a public agency in any  
45 action in the courts for a violation of this section must be awarded costs,  
46 including reasonable attorney's fees incurred in connection with the legal  
47 action.

48 (186) A county sheriff, deputy sheriff or county employee who issues a  
49 license to carry a concealed weapon under this section shall not incur any

1 civil or criminal liability as the result of the performance of his duties in  
2 compliance with this section.

3 (197) The sheriff of a county may issue a license to carry a concealed  
4 weapon to those individuals between the ages of eighteen (18) and twenty-one  
5 (21) years who in the judgment of the sheriff warrant the issuance of the li-  
6 cense. Such issuance shall be subject to limitations which the issuing au-  
7 thority deems appropriate. Licenses issued to individuals between the ages  
8 of eighteen (18) and twenty-one (21) years shall be easily distinguishable  
9 from licenses issued pursuant to subsection (75) of this section.

10 (2018) A person carrying a concealed weapon in violation of the provi-  
11 sions of this section shall be guilty of a misdemeanor.

12 (2119) The sheriff of the county where the license was issued or the  
13 sheriff of the county where the person resides shall have the power to revoke  
14 a license subsequent to a hearing in accordance with the provisions of chap-  
15 ter 52, title 67, Idaho Code, for any of the following reasons:

16 (a) Fraud or intentional misrepresentation in the obtaining of a li-  
17 cense;

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

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

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

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

27 (220) A person twenty-one (21) years of age or older who presents a valid  
28 license to carry concealed weapons is exempt from any requirement to undergo  
29 a records check at the time of purchase or transfer of a firearm from a feder-  
30 ally licensed firearms dealer. ~~Provided however, a temporary emergency li-~~  
31 ~~icense issued pursuant to subsection (6) of this section shall not exempt the~~  
32 ~~holder of the license from any records check requirement.~~

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

39 (242) Nothing in subsection (3) ~~or (4)~~ of this section shall be con-  
40 strued to limit the existing rights of a private property owner, private  
41 tenant, private employer or private business entity.

42 (253) The provisions of this section are hereby declared to be severable  
43 and if any provision of this section or the application of such provision to  
44 any person or circumstance is declared invalid for any reason, such declara-  
45 tion shall not affect the validity of remaining portions of this section.

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

48 18-3302K. ISSUANCE OF ENHANCED LICENSES TO CARRY CONCEALED  
49 WEAPONS. (1) The sheriff of a county, on behalf of the state of Idaho, must,

1 within ninety (90) days after the filing of an application by any person  
2 who is not disqualified from possessing or receiving a firearm under state  
3 or federal law and has otherwise complied with the requirements of this  
4 section, issue an enhanced license to the person to carry concealed weapons  
5 on his person. Licenses issued under this section shall be valid for five (5)  
6 years from the date of issue.

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

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

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

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

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

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

42 (4) The sheriff must deny an enhanced license to carry a concealed  
43 weapon if the applicant is disqualified under any of the criteria listed  
44 in section 18-3302(~~419~~), Idaho Code, or does not meet all of the following  
45 qualifications:

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

47 (b) Has been a legal resident of the state of Idaho for at least six (6)  
48 consecutive months before filing an application under this section or

1 holds a current license or permit to carry concealed weapons issued by  
2 his state of residence; and

3 (c) Has successfully completed within the twelve (12) months immedi-  
4 ately preceding filing an application, a qualifying handgun course as  
5 specified in this paragraph and taught by a certified instructor who is  
6 not prohibited from possessing firearms under state or federal law. A  
7 copy of the certificate of successful completion of the handgun course,  
8 in a form to be prescribed by the director of the Idaho state police and  
9 signed by the course instructor, must be submitted to the sheriff at the  
10 time of filing an application under this section. Certified instruc-  
11 tors of handgun courses when filing an application under this section  
12 shall not be required to submit such certificates but must submit a copy  
13 of their current instructor's credential. The sheriff must accept as a  
14 qualifying handgun course a personal protection course offered by the  
15 national rifle association or an equivalent, provided that all personal  
16 protection or equivalent courses must meet the following requirements:

17 (i) The course instructor is certified by the national rifle as-  
18 sociation, or by another nationally recognized organization that  
19 customarily certifies firearms instructors, as an instructor in  
20 personal protection with handguns, or the course instructor is  
21 certified by the Idaho peace officers standards and training coun-  
22 cil as a firearms instructor;

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

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

26 (iv) The course includes instruction in:

27 1. Idaho law relating to firearms and the use of deadly  
28 force, provided that such instruction is delivered by either  
29 of the following whose name and credential must appear on the  
30 certificate:

31 (A) An active licensed member of the Idaho state bar;  
32 or

33 (B) A law enforcement officer who possesses an inter-  
34 mediate or higher Idaho peace officers standards and  
35 training certificate.

36 2. The basic concepts of the safe and responsible use of  
37 handguns;

38 3. Self-defense principles; and

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

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

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

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

1 (b) The license must bear the licensee's signature and picture;  
2 (c) The license must provide the date of issuance and the date on which  
3 the license expires; and

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

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

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

22 (8) The fee for renewal of the enhanced license shall be fifteen dollars  
23 (\$15.00), which the sheriff must retain for the purpose of performing duties  
24 required in this section. The sheriff may collect the actual cost of any ad-  
25 ditional fees necessary to cover the processing costs lawfully required by  
26 any state or federal agency or department, and the actual cost of materials  
27 for the license lawfully required by any state agency or department, which  
28 costs must be paid to the state.

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

1 an enhanced license and pay the fees prescribed in subsection (7) of this  
2 section. The renewal fee and any penalty shall be paid to the sheriff for the  
3 purpose of enforcing the provisions of this chapter. Upon renewing a license  
4 under the provisions of this section, the sheriff must notify the Idaho state  
5 police within five (5) days on a form or in a manner prescribed by the Idaho  
6 state police.

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

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

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

27 (a) Fraud or intentional misrepresentation in the obtaining of a li-  
28 cense;

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

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

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

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

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

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

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

1           (16) The Idaho state police must maintain a computerized record system  
2 that is accessible to law enforcement agencies in any state for the purpose  
3 of verifying current enhanced licensee status. Information maintained in  
4 the record system shall be confidential and exempt from disclosure under  
5 section 74-105, Idaho Code, except that any law enforcement officer or law  
6 enforcement agency, whether inside or outside the state of Idaho, may access  
7 the record system for the purpose of verifying current enhanced licensee  
8 status.