

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 203

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO FIREARMS; AMENDING SECTION 18-3302C, IDAHO CODE, TO REVISE A
2 PROVISION REGARDING PROHIBITED CONDUCT; AMENDING SECTION 18-3302D,
3 IDAHO CODE, TO DEFINE A TERM, TO REVISE A DEFINITION, TO PROVIDE THAT
4 CERTAIN PERSONS SHALL NOT BE PROHIBITED FROM POSSESSING WEAPONS ON
5 SCHOOL PROPERTY, TO PROVIDE THAT CERTAIN PERSONS SHALL NOT BE COMPELLED
6 TO DISCLOSE CERTAIN INFORMATION OR DISCIPLINED FOR CERTAIN ACTIONS, TO
7 PROVIDE THAT PRIVATE PROPERTY OWNERS SHALL RETAIN CERTAIN RIGHTS, TO
8 PROVIDE IMMUNITY FROM CERTAIN LIABILITY, AND TO MAKE TECHNICAL CORREC-
9 TIONS.
10

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

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

14 18-3302C. PROHIBITED CONDUCT. Any person obtaining a license under
15 the provisions of section 18-3302, Idaho Code, or carrying a concealed
16 deadly weapon pursuant to the provisions of section 18-3302(4)(f), Idaho
17 Code, shall not:

18 (1) Carry a concealed weapon in a courthouse, juvenile detention
19 facility, or jail; public or private in a school, except as provided in
20 subsection (4)(g) of section 18-3302D(4)(g) or (h), Idaho Code; provided
21 that this subsection shall not apply to:

- 22 (a) Peace officers while acting within the scope of their employment;
23 (b) Security personnel while actually engaged in their employment; or
24 (c) Any person who is authorized to carry a weapon by a person, board or
25 other entity having authority over the building or facility; or

26 (2) Provide information on the application for a permit to carry a con-
27 cealed weapon knowing the same to be untrue.

28 Any person violating the provisions of this section shall be guilty of a
29 misdemeanor.

30 SECTION 2. That Section 18-3302D, Idaho Code, be, and the same is hereby
31 amended to read as follows:

32 18-3302D. POSSESSING WEAPONS OR FIREARMS ON SCHOOL PROPERTY.

33 (1) (a) It shall be unlawful and is a misdemeanor for any person to pos-
34 sess a firearm or other deadly or dangerous weapon while on the property
35 of a school or in those portions of any building, stadium or other struc-
36 ture on school grounds which that, at the time of the violation, were be-
37 ing used for an activity sponsored by or through a school in this state
38 or while riding school-provided transportation.

39 (b) The provisions of this section regarding the possession of a
40 firearm or other deadly or dangerous weapon on school property shall

1 also apply to students of schools while attending or participating in
 2 any school-sponsored activity, program or event regardless of loca-
 3 tion.

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

5 (a) "Deadly or dangerous weapon" means any weapon as defined in 18
 6 U.S.C. 930;

7 (b) "Firearm" means any firearm as defined in 18 U.S.C. 921;

8 (c) "Immediate control" means to possess on or within one's own cloth-
 9 ing or in a manner so that no other person may easily gain control;

10 (d) "Minor" means a person under the age of eighteen (18) years;

11 ~~(e)~~ "Possess" means to bring an object, or to cause it to be brought,
 12 onto the property of a public or private elementary or secondary school,
 13 or onto a vehicle being used for school-provided transportation, or to
 14 exercise dominion and control over an object located anywhere on such
 15 property or vehicle. For purposes of subsection (1) (b) of this section,
 16 "possess" shall also mean to bring an object onto the site of a school-
 17 sponsored activity, program or event, regardless of location, or to ex-
 18 ercise dominion and control over an object located anywhere on such a
 19 site;

20 (ef) "School" means a ~~private or~~ public elementary or secondary school.

21 (3) Right to search students or minors. For purposes of enforcing the
 22 provisions of this section, employees of a school district shall have the
 23 right to search all students or minors, including their belongings and lock-
 24 ers, that are reasonably believed to be in violation of the provisions of
 25 this section, or in violation of applicable school rule or district policy,
 26 regarding the possessing of a firearm or other deadly or dangerous weapon.

27 (4) The provisions of this section shall not apply to the following per-
 28 sons:

29 (a) A peace officer;

30 (b) A qualified retired law enforcement officer licensed under section
 31 18-3302H, Idaho Code;

32 (c) A person who lawfully possesses a firearm or deadly or dangerous
 33 weapon as an appropriate part of a program, an event, activity or other
 34 circumstance approved by the board of trustees or governing board;

35 (d) A person or persons complying with the provisions of section
 36 19-202A, Idaho Code;

37 (e) Any adult over eighteen (18) years of age and not enrolled in a pub-
 38 lic or private elementary or secondary school who has lawful possession
 39 of a firearm or other deadly or dangerous weapon, secured and locked in
 40 his vehicle in an unobtrusive, nonthreatening manner;

41 (f) A person who lawfully possesses a firearm or other deadly or danger-
 42 ous weapon in a private vehicle while delivering minor children, stu-
 43 dents or school employees to and from school or a school activity; ~~or~~

44 (g) Notwithstanding the provisions of section 18-3302C, Idaho Code, a
 45 person or an employee of the school or school district who is authorized
 46 to carry a firearm with the permission of the board of trustees of the
 47 school district or the governing board; or

48 (h) A person who, with or without permission from a board listed in
 49 paragraph (g) of this subsection, possesses a valid enhanced license
 50 to carry concealed weapons issued pursuant to section 18-3302K, Idaho

1 Code, as long as the firearm or deadly weapon is concealed and that per-
2 son maintains immediate control over the firearm or deadly weapon.

3 (5) No person who lawfully carries a concealed firearm or other deadly
4 weapon under the provisions of subsection (4) of this section shall:

5 (a) Be compelled to disclose the possession or presence of any firearm
6 or deadly weapon, except to an Idaho peace officer who is conducting an
7 investigation when such information is reasonably related to the inves-
8 tigation; or

9 (b) Be subject to any disciplinary action, retaliation, or adverse work
10 conditions by any Idaho school or school district for possession of a
11 firearm if such person is an employee of that school or school district,
12 unless said employee fails to comply with the provisions of this section
13 or other Idaho firearms laws.

14 (6) Nothing in subsection (4) of this section shall limit the right of
15 an owner of private property, including a private school, from permitting or
16 prohibiting the carrying of a concealed firearm or other deadly weapon on his
17 property. Any person who fails to abide by the prohibition of a concealed
18 firearm or other deadly weapon may be subject to a criminal trespass viola-
19 tion.

20 (7) No action shall lie or be maintained for civil damages in any court
21 of this state against a school or school district where the claim arises out
22 of the lawful concealment of a firearm or other deadly weapon by a person on
23 the school's premises.

24 (58) Penalties. Persons who are found guilty of violating the provi-
25 sions of this section may be sentenced to a jail term of not more than one
26 (1) year or fined an amount not in excess of one thousand dollars (\$1,000) or
27 both. If a violator is a student and under the age of eighteen (18) years,
28 the court may place the violator on probation and suspend the juvenile deten-
29 tion or fine or both as long as the violator is enrolled in a program of study
30 recognized by the court that, upon successful completion, will grant the vi-
31 olator a general equivalency diploma (GED) or a high school diploma or other
32 educational program authorized by the court. Upon successful completion of
33 the terms imposed by the court, the court shall discharge the offender from
34 serving the remainder of the sentence. If the violator does not complete, is
35 suspended from, or otherwise withdraws from the program of study imposed by
36 the court, the court, upon receiving such information, shall order the vio-
37 lator to commence serving the sentence provided for in this section.