

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 156

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO FIREARMS; AMENDING SECTION 18-3302H, IDAHO CODE, TO REVISE A
DEFINITION AND TO PROVIDE A CORRECT CODE REFERENCE.

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

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

18-3302H. CARRYING OF CONCEALED FIREARMS BY QUALIFIED RETIRED LAW EN-
FORCEMENT OFFICERS. (1) A county sheriff shall issue a license to carry a
concealed firearm to a qualified retired law enforcement officer provided
that the provisions of this section are met.

(2) As used in this section:

(a) "Firearm" means a handgun and does not include:

(i) Any machine gun, as defined in 26 U.S.C. section 5845(b);

(ii) Any firearm silencer, as defined in 18 U.S.C. section 921; or

(iii) Any destructive device, as defined in 18 U.S.C. section 921.

(b) "Qualified retired law enforcement officer" means an individual
who:

(i) Retired in good standing from service with a public agency as
a law enforcement officer, provided that such retirement was for
reasons other than mental instability;

(ii) Before such retirement, was authorized by law to engage in
or supervise the prevention, detection, investigation or prosecu-
tion of, or the incarceration of any person for, any violation of
law, and had statutory powers of arrest;

(iii) Before such retirement, was regularly employed as a law en-
forcement officer for an aggregate of ~~fifteen~~ ten (150) years or
more, or retired from service with such agency after completing
any applicable probationary period of such service, due to a ser-
vice-connected disability, as determined by such agency;

(iv) Has a nonforfeitable right to benefits under the retirement
plan of the agency;

(v) During the most recent twelve (12) month period has met, at
his own expense, the standards for training and qualification of
this state, as required at the discretion of the sheriff under
paragraph (d) of this subsection or the agency from which he re-
tired for active law enforcement officers, to carry a concealed
firearm;

(vi) Is not chronically under the influence of alcohol, or un-
der the influence of another intoxicating or hallucinatory drug or
substance in violation of any provision of federal or state law;

(vii) Is not prohibited by federal law from receiving a firearm;

(viii) Has a current and valid photographic identification issued by the agency from which the individual retired from service as a law enforcement officer;

(ix) Provides by his affidavit, in triplicate, sworn and signed by him under penalty of perjury, that he meets all of the conditions set forth in this subsection (2);

(x) Pays the fees charged by the sheriff pursuant to this section; and

(xi) Completes the original application or renewal application as provided by this section.

(c) "Retired in good standing" means that at the time of his retirement, he was not under investigation, or subject to discipline, for any violation of this state's law enforcement code of conduct.

(d) "Standards for training and qualification in this state" means that when issuing a license pursuant to this section, the sheriff may require the applicant to demonstrate familiarity with a firearm by any of the following methods, provided the sheriff may require an applicant to complete more than one (1) firearms safety or training course:

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

(ii) Completion of any national rifle association firearms safety or training course, or any national rifle association hunter education course;

(iii) Completion of any firearms safety or training course or class available to the general public offered by a law enforcement agency, community college, college, university, or private or public institution or organization or firearms training school, utilizing instructors certified by the national rifle association or the Idaho state police;

(iv) Completion of any law enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of a law enforcement agency or security enforcement agency;

(v) Presentation of evidence of equivalent experience with a firearm through participation in organized shooting competitions or military service;

(vi) Completion of any firearms training or training or safety course or class conducted by a state certified or national rifle association certified firearms instructor; or

(vii) Any other firearms safety training that the sheriff may deem appropriate.

(3) The original and renewal license applications under this section shall be in triplicate, in a form to be prescribed by the director of the Idaho state police, and shall ask the name, address, description and signature of the licensee, date of birth, social security number, military status, identification of the law enforcement agency from which the applicant retired, and the driver's license number or state identification card number of the licensee if used for identification in applying for the license. The application shall indicate that provision of the social security number is

1 optional. In implementing the provisions of this section, the sheriff shall
2 make applications readily available at the office of the sheriff or at other
3 public offices in his jurisdiction.

4 (4) The fee for original issuance of a license under this section shall
5 be twenty dollars (\$20.00), paid to the sheriff. The sheriff may also col-
6 lect any additional fees necessary to cover the cost of processing and the
7 cost of materials for the license, which shall also be paid to the sheriff.

8 (5) An original or renewed license issued pursuant to this section
9 shall be in a form substantially similar to that of the Idaho driver's li-
10 cense and shall be valid for a period of one (1) year. The license shall
11 bear the signature, name, address, date of birth, picture of the licensee,
12 expiration date, and the driver's license number or state identification
13 card number of the licensee if used for identification in applying for the
14 license, and shall state that the licensee is a qualified retired law en-
15 forcement officer. Upon issuing a license under the provisions of this
16 section, the sheriff shall notify the Idaho state police on a form or in a
17 manner prescribed by the director of the Idaho state police.

18 (6) A qualified retired law enforcement licensee under this section
19 may renew his license if he applies for renewal at any time before or within
20 ninety (90) days after the expiration date of the license. The sheriff shall
21 require the licensee applying for renewal to complete a renewal application
22 pursuant to subsection (3) of this section and an affidavit pursuant to sub-
23 section (2) of this section. A renewed license shall take effect upon the
24 expiration date of the prior license.

25 (7) The fee for renewal of the license, which must be paid on a yearly
26 basis, shall be twelve dollars (\$12.00), paid to the sheriff. The sheriff
27 may also collect any additional fees necessary to cover the processing costs
28 and the cost of materials for the license, which shall also be paid to the
29 sheriff. A licensee renewing after the expiration date of the license shall
30 pay a late renewal penalty of ten dollars (\$10.00) in addition to the renewal
31 fee. The renewal penalty fee, if any, shall be paid to the sheriff.

32 (8) A current and valid photographic identification issued by the
33 agency from which the individual retired from service as a law enforcement
34 officer, together with a license issued by the sheriff pursuant to this sec-
35 tion, shall serve as a license to carry a firearm for a qualified retired law
36 enforcement officer under 18 U.S.C. section 926C.

37 (9) The sheriff of the county where the license was issued or the sher-
38 iff of the county where the person resides shall have the power to revoke
39 a license issued under this section pursuant to the provisions of section
40 18-3302(~~1522~~), Idaho Code.

41 (10) A county sheriff, deputy sheriff, or county employee who issues a
42 license to carry a concealed weapon pursuant to this section shall not incur
43 any civil or criminal liability as the result of the performance of his du-
44 ties under this section.

45 (11) A city, county or other political subdivision of this state shall
46 not modify the requirements of this section, nor shall a political subdivi-
47 sion ask the applicant to voluntarily submit any information not required by
48 this section.

49 (12) A civil action may be brought to enjoin a wrongful refusal to is-
50 sue a license or a wrongful modification of the requirements of this section.

1 The civil action shall be brought in the county in which the application was
2 made.

3 (13) In lieu of or in addition to qualification to carry a concealed
4 firearm under this section, a retired law enforcement officer may apply for a
5 license to carry concealed weapons under section 18-3302, Idaho Code.

6 (14) Information relating to an applicant or licensee received or main-
7 tained pursuant to this section by the sheriff or Idaho state police is con-
8 fidential and exempt from disclosure under section 74-102, Idaho Code.