

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 192

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO LICENSES TO CARRY CONCEALED WEAPONS; AMENDING SECTION 18-3302, IDAHO CODE, TO REVISE RENEWAL AND FEE PROVISIONS FOR LICENSES TO CARRY CONCEALED WEAPONS; AMENDING CHAPTER 33, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-3302K, IDAHO CODE, TO PROVIDE FOR THE ISSUANCE OF ENHANCED LICENSES TO CARRY CONCEALED WEAPONS, TO PROVIDE FEES, TO PROVIDE PROCEDURES, TO PROVIDE DUTIES OF THE IDAHO STATE POLICE AND THE ATTORNEY GENERAL AND TO PROVIDE APPLICATION; AMENDING SECTION 9-340B, IDAHO CODE, TO PROVIDE REFERENCE TO ADDITIONAL RECORDS THAT ARE EXEMPT FROM DISCLOSURE WITH EXCEPTIONS; AND PROVIDING SEVERABILITY.

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

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

18-3302. ISSUANCE OF LICENSES TO CARRY CONCEALED WEAPONS. (1) The sheriff of a county, on behalf of the state of Idaho, shall, within ninety (90) days after the filing of an application by any person who is not disqualified from possessing or receiving a firearm under state or federal law, issue a license to the person to carry a weapon concealed on his person within this state. For licenses issued before July 1, 2006, a license shall be valid for four (4) years from the date of issue. For licenses issued on or after July 1, 2006, a license shall be valid for five (5) years from the date of issue. The citizen's constitutional right to bear arms shall not be denied to him, unless one (1) of the following applies. He:

(a) Is ineligible to own, possess or receive a firearm under the provisions of state or federal law;

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

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

(d) Is a fugitive from justice;

(e) Is an unlawful user of, or addicted to, marijuana or any depressant, stimulant or narcotic drug, or any other controlled substance as defined in 21 U.S.C. 802;

(f) Is currently suffering or has been adjudicated as follows, based on substantial evidence:

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

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

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

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

1 (g) Is or has been discharged from the armed forces under dishonorable
2 conditions;

3 (h) Is or has been adjudicated guilty of or received a withheld judgment
4 or suspended sentence for one (1) or more crimes of violence constitut-
5 ing a misdemeanor, unless three (3) years have elapsed since disposi-
6 tion or pardon has occurred prior to the date on which the application is
7 submitted;

8 (i) Has had entry of a withheld judgment for a criminal offense which
9 would disqualify him from obtaining a concealed weapon license;

10 (j) Is an alien illegally in the United States;

11 (k) Is a person who having been a citizen of the United States, has re-
12 nounced his or her citizenship;

13 (l) Is under twenty-one (21) years of age;

14 (m) Is free on bond or personal recognizance pending trial, appeal or
15 sentencing for a crime which would disqualify him from obtaining a con-
16 cealed weapon license; or

17 (n) Is subject to a protection order issued under chapter 63, title
18 39, Idaho Code, that restrains the person from harassing, stalking or
19 threatening an intimate partner of the person or child of the intimate
20 partner or person, or engaging in other conduct that would place an
21 intimate partner in reasonable fear of bodily injury to the partner or
22 child.

23 The license application shall be in a form to be prescribed by the
24 director of the Idaho state police, and shall ask the name, address, de-
25 scription and signature of the licensee, date of birth, place of birth,
26 social security number, military status, citizenship and the driver's
27 license number or state identification card number of the licensee if
28 used for identification in applying for the license. The application
29 shall indicate that provision of the social security number is op-
30 tional. The license application shall contain a warning substantially
31 as follows:

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

36 The sheriff shall require any person who is applying for original is-
37 suance of a license to submit his fingerprints in addition to the other
38 information required in this subsection. Within five (5) days after the
39 filing of an application, the sheriff shall forward the application and
40 fingerprints to the Idaho state police for a records check of state and
41 national files. The Idaho state police shall conduct a national finger-
42 print-based records check and return the results to the sheriff within
43 seventy-five (75) days. The sheriff shall not issue a license before
44 receiving the results of the records check and must deny a license if
45 the applicant is disqualified under any of the criteria listed in para-
46 graphs (a) through (n) of this subsection.

47 The license will be in a form substantially similar to that of the
48 Idaho driver's license. It will bear the signature, name, address, date

of birth, picture of the licensee, expiration date and the driver's license number or state identification card number of the licensee if used for identification in applying for the license. Upon issuing a license under the provisions of this section, the sheriff will notify the Idaho state police on a form or in a manner prescribed by the state police. Information relating to an applicant or licensee received or maintained pursuant to this section by the sheriff or Idaho state police is confidential and exempt from disclosure under section 9-338, Idaho Code.

(2) The fee for original issuance of a license shall be twenty dollars (\$20.00) paid to the sheriff for the purpose of enforcing the provisions of this chapter. The sheriff may collect any additional fees necessary to cover the cost of processing fingerprints lawfully required by any state or federal agency or department, and the cost of materials for the license lawfully required by any state agency or department, which costs shall be paid to the state.

(3) The fee for renewal of the license shall be fifteen dollars (\$15.00). The sheriff may collect any additional fees necessary to cover the processing costs lawfully required by any state or federal agency or department, and the cost of materials for the license lawfully required by any state agency or department, which costs shall be paid to the state. If a licensee applying for renewal has not previously been required to submit fingerprints, the sheriff shall require the licensee to do so and may collect any additional fees necessary to cover the cost of processing fingerprints lawfully required by any state or federal agency or department.

(4) Every license that is not, as provided by law, suspended, revoked or disqualified in this state shall be renewable at any time during the ninety (90) day period before its expiration or within ninety (90) days after the expiration date. Renewal notices shall be mailed out ninety (90) days prior to the expiration date of the license. The sheriff shall require the licensee applying for renewal to complete an application. The sheriff shall submit the application to the Idaho state police for a records check of state and national databases. The Idaho state police shall conduct the records check and return the results to the sheriff within thirty (30) days. The sheriff shall not issue a renewal before receiving the results of the records check and must deny a license if the applicant is disqualified under any of the criteria listed in subsection (1), paragraphs (a) through (n) of this section. A renewal license shall be valid for a period of five (5) years. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing ninety-one (91) days ~~or more~~ to one hundred eighty (180) days after the expiration date of the license shall pay a late renewal penalty of ten dollars (\$10.00) in addition to the renewal fee, except that any licensee serving on active duty in the armed forces of the United States during the renewal period shall not be required to pay a late renewal penalty upon renewing ninety-one (91) days ~~or more~~ to one hundred eighty (180) days after the expiration date of the license. After one hundred eighty-one (181) days, the licensee shall be required to submit an initial application for a license and to pay the fees prescribed in subsection (2) of this section. The renewal fee and any penalty shall be paid to the sheriff for the purpose of enforcing the provisions of this chapter. Upon renewing a license under the provisions of this section, the sheriff shall

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

3 (5) Notwithstanding the requirements of this section, the sheriff of
4 the county of the applicant's residence may issue a temporary emergency li-
5 cense for good cause pending review under subsection (1) of this section.

6 (6) A city, county or other political subdivision of this state shall
7 not modify the requirements of this section, nor may a political subdivi-
8 sion ask the applicant to voluntarily submit any information not required in
9 this section. A civil action may be brought to enjoin a wrongful refusal to
10 issue a license or a wrongful modification of the requirements of this sec-
11 tion. The civil action may be brought in the county in which the application
12 was made or in Ada county at the discretion of the petitioner. Any person who
13 prevails against a public agency in any action in the courts for a violation
14 of subsections (1) through (5) of this section, shall be awarded costs, in-
15 cluding reasonable attorney's fees incurred in connection with the legal ac-
16 tion.

17 (7) Except in the person's place of abode or fixed place of business, or
18 on property in which the person has any ownership or leasehold interest, a
19 person shall not carry a concealed weapon without a license to carry a con-
20 cealed weapon. For the purposes of this section, a concealed weapon means
21 any dirk, dirk knife, bowie knife, dagger, pistol, revolver or any other
22 deadly or dangerous weapon. The provisions of this section shall not apply
23 to any lawfully possessed shotgun or rifle.

24 (8) A county sheriff, deputy sheriff or county employee who issues a
25 license to carry a concealed weapon under this section shall not incur any
26 civil or criminal liability as the result of the performance of his duties
27 under this section.

28 (9) While in any motor vehicle, inside the limits or confines of any
29 city, a person shall not carry a concealed weapon on or about his person
30 without a license to carry a concealed weapon. This shall not apply to any
31 firearm located in plain view whether it is loaded or unloaded. A firearm may
32 be concealed legally in a motor vehicle so long as the weapon is disassembled
33 or unloaded.

34 (10) In implementing the provisions of this section on behalf of the
35 state of Idaho, the sheriff shall make applications readily available at the
36 office of the sheriff or at other public offices in his jurisdiction.

37 (11) The sheriff of a county may issue a license to carry a concealed
38 weapon to those individuals between the ages of eighteen (18) and twenty-one
39 (21) years who in the judgment of the sheriff warrant the issuance of the li-
40 cense to carry a concealed weapon. Such issuance shall be subject to limita-
41 tions which the issuing authority deems appropriate. Licenses issued to in-
42 dividuals between the ages of eighteen (18) and twenty-one (21) years shall
43 be easily distinguishable from regular licenses.

44 (12) The requirement to secure a license to carry a concealed weapon un-
45 der this section shall not apply to the following persons:

46 (a) Officials of a county, city, state of Idaho, the United States,
47 peace officers, guards of any jail, court appointed attendants or any
48 officer of any express company on duty;

1 (b) Employees of the adjutant general and military division of the
2 state where military membership is a condition of employment when on
3 duty;

4 (c) Criminal investigators of the attorney general's office, crimi-
5 nal investigators of a prosecuting attorney's office, prosecutors and
6 their deputies;

7 (d) Any person outside the limits of or confines of any city while en-
8 gaged in lawful hunting, fishing, trapping or other lawful outdoor ac-
9 tivity;

10 (e) Any publicly elected Idaho official;

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

15 (g) Any person who has a valid permit from a state or local law enforce-
16 ment agency or court authorizing him to carry a concealed weapon. A per-
17 mit issued in another state will only be considered valid if the permit
18 is in the licensee's physical possession.

19 (13) When issuing a license pursuant to this section, the sheriff may
20 require the applicant to demonstrate familiarity with a firearm and shall
21 accept any of the following, provided the applicant may select whichever of
22 the following applies:

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

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

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

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

38 (e) Presents evidence or equivalent experience with a firearm through
39 participation in organized shooting competition or military service;

40 (f) Is licensed or has been licensed to carry a firearm in this state or
41 a county or municipality, unless the license has been revoked for cause;
42 or

43 (g) Completion of any firearms training or training or safety course or
44 class conducted by a state certified or national rifle association cer-
45 tified firearms instructor.

46 (14) A person carrying a concealed weapon in violation of the provisions
47 of this section shall be guilty of a misdemeanor.

48 (15) The sheriff of the county where the license was issued or the sher-
49 iff of the county where the person resides shall have the power to revoke a

1 license subsequent to a hearing in accordance with the provisions of chapter
2 52, title 67, Idaho Code, for any of the following reasons:

3 (a) Fraud or intentional misrepresentation in the obtaining of a li-
4 cense;

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

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

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

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

14 (16) A person twenty-one (21) years of age or older issued a license to
15 carry a concealed weapon is exempt from any requirement to undergo a records
16 check at the time of purchase or transfer of a firearm from a federally li-
17 censed firearms dealer. However, a temporary emergency license issued un-
18 der subsection (5) of this section shall not exempt the holder of the license
19 from any records check requirement. Temporary emergency licenses shall be
20 easily distinguishable from regular licenses.

21 (17) The attorney general is authorized to negotiate reciprocal agree-
22 ments with other states related to the recognition of licenses to carry
23 concealed weapons. The Idaho state police shall keep a copy and maintain a
24 record of all such agreements, which shall be made available to the public.

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

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

32 18-3302K. ISSUANCE OF ENHANCED LICENSES TO CARRY CONCEALED
33 WEAPONS. (1) The sheriff of a county shall, within ninety (90) days after
34 the filing of an application by any person who is not disqualified from pos-
35 sessing or receiving a firearm under state or federal law and has otherwise
36 complied with the requirements of this section for an enhanced license,
37 issue an enhanced license to the person to carry a weapon concealed on his
38 person. Licenses issued under this section shall be valid for five (5) years
39 from the date of issue.

40 (2) A person may file an application with the sheriff of the county in
41 which he resides or, if not an Idaho resident, with the sheriff of any county
42 in Idaho. The license application shall be in a form to be prescribed by the
43 director of the Idaho state police, and shall ask the name, address, descrip-
44 tion and signature of the licensee, date of birth, place of birth, social se-
45 curity number, military status, citizenship and the driver's license number
46 or state identification card number of the licensee if used for identifica-
47 tion in applying for the license. If the applicant is not a U.S. citizen,
48 the application shall also require any alien or admission number issued to
49 the applicant by U.S. immigration and customs enforcement, or any successor

1 agency. The application shall indicate that the provision of the social se-
2 curity number is optional. The sheriff shall make such applications readily
3 available at the office of the sheriff or at other public offices in his ju-
4 risdiction. The license application shall contain a warning substantially
5 as follows:

6 CAUTION: Federal law and state law on the possession of weapons and firearms
7 differ. If you are prohibited by federal law from possessing a weapon or a
8 firearm, you may be prosecuted in federal court. A state permit is not a de-
9 fense to a federal prosecution.

10 (3) The sheriff shall require any person who is applying for original
11 issuance of a license to submit his fingerprints in addition to the other
12 information required in this section. Within five (5) days after the fil-
13 ing of an application, the sheriff shall forward the application and finger-
14 prints to the Idaho state police. The Idaho state police shall conduct a na-
15 tional fingerprint-based records check, an inquiry through the national in-
16 stant criminal background check system, and a check of any applicable state
17 database, including a check for any mental health records that would dis-
18 qualify a person from possessing a firearm under state or federal law, and
19 shall return the results to the sheriff within seventy-five (75) days. If
20 the applicant is not a U.S. citizen, an immigration alien query shall also be
21 conducted through U.S. immigration and customs enforcement or any successor
22 agency. The sheriff shall not issue a license before receiving and reviewing
23 the results of the records check.

24 (4) The sheriff shall deny an enhanced license to carry a concealed
25 weapon if the applicant is disqualified under any of the criteria listed in
26 section 18-3302(1)(a) through (n), Idaho Code, or does not meet all of the
27 following qualifications:

28 (a) Has been a legal resident of the state of Idaho for at least six (6)
29 consecutive months before filing an application under this section or
30 holds a current license or permit to carry concealed firearms issued by
31 his state of residence; and

32 (b) Has successfully completed within twelve (12) months immediately
33 preceding filing an application, a qualifying handgun course as spec-
34 ified in this paragraph and taught by a certified instructor who is not
35 prohibited from possessing firearms under state or federal law. A copy
36 of the certificate of successful completion of the handgun course, in
37 a form to be prescribed by the director of the Idaho state police and
38 signed by the course instructor, shall be submitted to the sheriff at
39 the time of filing an application under this section. Certified in-
40 structors of handgun courses when filing an application under this
41 section shall not be required to submit such certificates but shall sub-
42 mit a copy of their current instructor's credential. The sheriff shall
43 accept as a qualifying handgun course a personal protection course of-
44 fered by the national rifle association or an equivalent course meeting
45 the following requirements:

46 (i) The course instructor is certified by the national rifle as-
47 sociation, or by another nationally recognized organization that
48 customarily certifies firearms instructors, as an instructor in

personal protection with handguns, or the course instructor is certified by the Idaho peace officers standards and training council as a firearms instructor;

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

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

(iv) The course includes instruction in:

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

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

(B) A law enforcement officer who possesses an intermediate or higher Idaho peace officers standards and training certificate.

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

3. Self-defense principles; and

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

(5) The license will be in a form substantially similar to that of the Idaho driver's license. It will bear the signature, name, address, date of birth, picture of the licensee, expiration date and the driver's license number or state identification card number of the licensee if used for identification in applying for the license. The license shall be clearly distinguishable from a license issued pursuant to section 18-3302, Idaho Code, and shall be marked "Idaho enhanced concealed weapons license" on its face. Upon issuing a license under the provisions of this section, the sheriff shall notify the Idaho state police within three (3) days on a form or in a manner prescribed by the Idaho state police. Information relating to an applicant or licensee received or maintained pursuant to this section by the sheriff or Idaho state police is confidential and exempt from disclosure under section 9-340B, Idaho Code.

(6) The fee for original issuance of a license shall be twenty dollars (\$20.00), which the sheriff shall retain for the purpose of performing the duties required in this section. The sheriff may collect any additional fees necessary to cover the processing costs lawfully required by any state or federal agency or department, and the cost of materials for the license lawfully required by any state agency or department, which costs shall be paid to the state.

(7) The fee for renewal of the enhanced license shall be fifteen dollars (\$15.00), which the sheriff shall retain for the purpose of performing duties required in this section. The sheriff may collect any additional fees necessary to cover the processing costs lawfully required by any state or federal agency or department, and the cost of materials for the license lawfully required by any state agency or department, which costs shall be paid to the state.

(8) Every license that is not, as provided by law, suspended, revoked or disqualified in this state shall be renewable at any time during the

ninety (90) day period before its expiration or within ninety (90) days after the expiration date. Renewal notices shall be mailed out ninety (90) days prior to the expiration date of the license. The sheriff shall require the licensee applying for renewal to complete an application. The sheriff shall submit the application to the Idaho state police. The Idaho state police shall conduct the same records checks as required for an initial license under subsection (3) of this section and shall return the results to the sheriff within thirty (30) days. The sheriff shall not issue a renewal before receiving and reviewing the results of the records check and must deny a license if the applicant is disqualified under any of the criteria provided in this section. A renewal license shall be valid for a period of five (5) years. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing ninety-one (91) days to one hundred eighty (180) days after the expiration date of the license shall pay a late renewal penalty of ten dollars (\$10.00) in addition to the renewal fee, except that any licensee serving on active duty in the armed forces of the United States during the renewal period shall not be required to pay a late renewal penalty upon renewing ninety-one (91) days to one hundred eighty (180) days after the expiration date of the license. After one hundred eighty-one (181) days, the licensee shall be required to submit an initial application for an enhanced license and to pay the fees prescribed in subsection (6) of this section. The renewal fee and any penalty shall be paid to the sheriff for the purpose of enforcing the provisions of this chapter. Upon renewing a license under the provisions of this section, the sheriff shall notify the Idaho state police within five (5) days on a form or in a manner prescribed by the Idaho state police.

(9) The sheriff shall have the power to revoke a license issued pursuant to this section subsequent to a hearing in accordance with the provisions of chapter 52, title 67, Idaho Code, for any of the following reasons, provided that the sheriff shall notify the Idaho state police within three (3) days on a form or in a manner prescribed by the Idaho state police of any such revocation:

- (a) Fraud or intentional misrepresentation in the obtaining of a license;
- (b) Misuse of a license, including lending or giving a license to another person, duplicating a license or using a license with the intent to unlawfully cause harm to a person or property;
- (c) The doing of an act or existence of a condition that would have been grounds for the denial of the license by the sheriff;
- (d) The violation of any of the provisions of this section; or
- (e) The applicant is adjudicated guilty of or receives a withheld judgment for a crime that would have disqualified him from initially receiving a license.

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

(11) The attorney general shall contact the appropriate officials in other states for the purpose of establishing, to the extent possible, recognition and reciprocity of the enhanced license to carry a concealed weapon by other states, whether by formal agreement or otherwise.

1 (12) Any license issued pursuant to this section is valid throughout
2 the state of Idaho and shall be considered an authorized state license.

3 (13) The Idaho state police shall maintain a computerized record sys-
4 tem that is accessible to law enforcement agencies in any state for the pur-
5 pose of verifying current enhanced licensee status. Information maintained
6 in the record system shall be confidential and exempt from disclosure un-
7 der section 9-340B, Idaho Code, except that any law enforcement officer or
8 law enforcement agency, whether inside or outside the state of Idaho, may
9 access the record system for the purpose of verifying current enhanced li-
10 censee status.

11 SECTION 3. That Section 9-340B, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 9-340B. RECORDS EXEMPT FROM DISCLOSURE -- LAW ENFORCEMENT RECORDS,
14 INVESTIGATORY RECORDS OF AGENCIES, EVACUATION AND EMERGENCY RESPONSE PLANS,
15 WORKER'S COMPENSATION. The following records are exempt from disclosure:

16 (1) Investigatory records of a law enforcement agency, as defined in
17 section 9-337(7), Idaho Code, under the conditions set forth in section
18 9-335, Idaho Code.

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

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

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

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

41 (ii) Records that contain any identifying information, or any in-
42 formation that would lead to the identification of any victims or
43 witnesses;

44 (iii) Records that reflect future transportation or movement of a
45 prisoner;

46 (iv) Records gathered during the course of the presentence inves-
47 tigation;

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

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

12 (c) Records of the commission of pardons and parole shall be exempt from
13 public disclosure pursuant to section 20-213A, Idaho Code, and section
14 20-223, Idaho Code. Records exempt from disclosure shall also include
15 those containing the names, addresses and written statements of vic-
16 tims.

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

24 (6) Records of the sheriff or Idaho state police received or maintained
25 pursuant to sections 18-3302, ~~and 18-3302H~~ and 18-3302K, Idaho Code, relat-
26 ing to an applicant or licensee except that any law enforcement officer and
27 law enforcement agency, whether inside or outside the state of Idaho, may ac-
28 cess information maintained in the license record system as set forth in sec-
29 tion 18-3302K(13), Idaho Code.

30 (7) Records of investigations prepared by the department of health and
31 welfare pursuant to its statutory responsibilities dealing with the protec-
32 tion of children, the rehabilitation of youth, adoptions and the commitment
33 of mentally ill persons. For reasons of health and safety, best interests of
34 the child or public interest, the department of health and welfare may pro-
35 vide for the disclosure of records of investigations associated with actions
36 pursuant to the provisions of chapter 16, title 16, Idaho Code, prepared by
37 the department of health and welfare pursuant to its statutory responsibili-
38 ties dealing with the protection of children except any such records regard-
39 ing adoptions shall remain exempt from disclosure.

40 (8) Records including, but not limited to, investigative reports,
41 resulting from investigations conducted into complaints of discrimination
42 made to the Idaho human rights commission unless the public interest in
43 allowing inspection and copying of such records outweighs the legitimate
44 public or private interest in maintaining confidentiality of such records.
45 A person may inspect and copy documents from an investigative file to which
46 he or she is a named party if such documents are not otherwise prohibited from
47 disclosure by federal law or regulation or state law. The confidentiality of
48 this subsection will no longer apply to any record used in any judicial pro-
49 ceeding brought by a named party to the complaint or investigation, or by the
50 Idaho human rights commission, relating to the complaint of discrimination.

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

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

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

10 (b) To employers and prospective employers subject to the provisions of
11 the Americans with disabilities act, 42 U.S.C. 12112, or other statu-
12 tory limitations, who certify that the information is being requested
13 with respect to a worker to whom the employer has extended an offer of
14 employment and will be used in accordance with the provisions of the
15 Americans with disabilities act, 42 U.S.C. 12112, or other statutory
16 limitations; or

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

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

25 (e) Although a claimant's records maintained by the industrial commis-
26 sion, including medical and rehabilitation records, are otherwise ex-
27 empt from public disclosure, the quoting or discussing of medical or re-
28 habilitation records contained in the industrial commission's records
29 during a hearing for compensation or in a written decision issued by the
30 industrial commission shall be permitted; provided further, the true
31 identification of the parties shall not be exempt from public disclo-
32 sure in any written decision issued and released to the public by the in-
33 dustrial commission.

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

37 (12) Criminal history records and fingerprints, as defined by section
38 67-3001, Idaho Code, and compiled by the Idaho state police. Such records
39 shall be released only in accordance with chapter 30, title 67, Idaho Code.

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

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

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

49 (16) Records or information identifying a complainant maintained by the
50 department of health and welfare pursuant to section 39-3556, Idaho Code,

1 relating to certified family homes, unless the complainant consents in writ-
2 ing to the disclosure or the disclosure of the complainant's identity is re-
3 quired in any administrative or judicial proceeding.

4 SECTION 4. SEVERABILITY. The provisions of this act are hereby declared
5 to be severable and if any provision of this act or the application of such
6 provision to any person or circumstance is declared invalid for any reason,
7 such declaration shall not affect the validity of the remaining portions of
8 this act.