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LEGISLATURE OF THE STATE OF IDAHO
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1 AN ACT
2 RELATING TO FIREARMS; AMENDING SECTION 18-3302C, IDAHO CODE, TO REMOVE A
3 PROVISION REGARDING SCHOOLS; AMENDING SECTION 18-3302D, IDAHO CODE, TO
4 DEFINE A TERM, TO PROVIDE THAT CERTAIN PERSONS SHALL NOT BE PROHIBITED
5 FROM POSSESSING WEAPONS ON SCHOOL PROPERTY, AND TO PROVIDE THAT CERTAIN
6 PERSONS SHALL NOT BE COMPELLED TO DISCLOSE CERTAIN INFORMATION OR DIS-
7 CIPLINED FOR CERTAIN ACTIONS.

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

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

11 18-3302C. PROHIBITED CONDUCT. Any person obtaining a license under
12 the provisions of section 18-3302, Idaho Code, or carrying a concealed
13 deadly weapon pursuant to the provisions of section 18-3302(4)(f), Idaho
14 Code, shall not:

15 (1) Carry a concealed weapon in a courthouse; juvenile detention fa-
16 cility or jail; ~~public or private school, except as provided in subsection~~
17 ~~(4)(g) of section 18-3302D, Idaho Code;~~ provided that this subsection shall
18 not apply to:

19 (a) Peace officers while acting within the scope of their employment;
20 (b) Security personnel while actually engaged in their employment; or
21 (c) Any person who is authorized to carry a weapon by a person, board or
22 other entity having authority over the building or facility; or
23 (2) Provide information on the application for a permit to carry a con-
24 cealed weapon knowing the same to be untrue.

25 Any person violating the provisions of this section shall be guilty of a
26 misdemeanor.

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

29 18-3302D. POSSESSING WEAPONS OR FIREARMS ON SCHOOL PROPERTY.

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

36 (b) The provisions of this section regarding the possession of a
37 firearm or other deadly or dangerous weapon on school property shall
38 also apply to students of schools while attending or participating in
39 any school-sponsored activity, program or event regardless of loca-
40 tion.

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(2) Definitions. As used in this section:

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

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

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

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

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

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

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

(4) The provisions of this section shall not apply to the following persons:

(a) A peace officer;

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

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

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

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

(f) A person who lawfully possesses a firearm or other deadly or dangerous weapon in a private vehicle while delivering minor children, students or school employees to and from school or a school activity; ~~or~~

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

(h) A person who, with or without permission from a board listed in paragraph (g) of this subsection, possesses a valid enhanced license to carry concealed weapons issued pursuant to section 18-3302J, Idaho Code, so long as the firearm or deadly weapon is concealed and that person maintains immediate control over the firearm or deadly weapon.

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

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

7 (b) Be disciplined by any Idaho school or school district for posses-
8 sion of a firearm if such person is an employee of that school or school
9 district, unless said employee fails to comply with the provisions of
10 this section or other Idaho firearms laws.

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