

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 423

BY SCOTT

AN ACT

1 RELATING TO FIREARMS; AMENDING SECTION 18-3302D, IDAHO CODE, TO PROVIDE EX-
2 EMPTIONS FOR CERTAIN QUALIFIED RETIRED LAW ENFORCEMENT OFFICERS AND TO
3 MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 18-3302C, IDAHO CODE,
4 TO REVISE A CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION.
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6 Be It Enacted by the Legislature of the State of Idaho:

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

9 18-3302D. POSSESSING WEAPONS OR FIREARMS ON SCHOOL PROPERTY.

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

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

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

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

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

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

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

35 (e) "School" means a private or public elementary or secondary school.

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

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

3 (a) An on-duty or off-duty certified peace officer;

4 (b) A qualified retired law enforcement officer licensed under section
5 18-3302H, Idaho Code;

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

9 (ed) A person or persons complying with the provisions of section
10 19-202A, Idaho Code;

11 (~~de~~) Any adult over eighteen (18) years of age and not enrolled in a pub-
12 lic or private elementary or secondary school who has lawful possession
13 of a firearm or other deadly or dangerous weapon, secured and locked in
14 his vehicle in an unobtrusive, nonthreatening manner;

15 (ef) A person who lawfully possesses a firearm or other deadly or dan-
16 gerous weapon in a private vehicle while delivering minor children,
17 students or school employees to and from school or a school activity; or

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

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

36 SECTION 2. That Section 18-3302C, Idaho Code, be, and the same is hereby
37 amended to read as follows:

38 18-3302C. PROHIBITED CONDUCT. Any person obtaining a license under
39 the provisions of section 18-3302, Idaho Code, or carrying a concealed
40 deadly weapon pursuant to the provisions of section 18-3302(4)(f), Idaho
41 Code, shall not:

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

46 (a) Peace officers while acting within the scope of their employment;

47 (b) Security personnel while actually engaged in their employment; or

48 (c) Any person who is authorized to carry a weapon by a person, board or
49 other entity having authority over the building or facility; or

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

3 Any person violating the provisions of this section shall be guilty of a
4 misdemeanor.