

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 565

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO FIREARMS; AMENDING SECTION 18-3309, IDAHO CODE, TO REMOVE A CODE  
2 REFERENCE, TO PROVIDE THAT RETIRED LAW ENFORCEMENT OFFICERS MAY CARRY  
3 A CONCEALED WEAPON IN CERTAIN PLACES AND TO MAKE TECHNICAL CORRECTIONS;  
4 AMENDING SECTION 18-3302C, IDAHO CODE, TO REVISE A CODE REFERENCE AND TO  
5 MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 18-3302D, IDAHO CODE,  
6 TO PROVIDE AN EXEMPTION FOR CERTAIN QUALIFIED RETIRED LAW ENFORCEMENT  
7 OFFICERS AND TO MAKE TECHNICAL CORRECTIONS.  
8

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

10 SECTION 1. That Section 18-3309, Idaho Code, be, and the same is hereby  
11 amended to read as follows:

12 18-3309. AUTHORITY OF GOVERNING BOARDS OF PUBLIC COLLEGES AND UNIVER-  
13 SITIES REGARDING FIREARMS. (1) The board of regents of the university of  
14 Idaho, the boards of trustees of the state colleges and universities, the  
15 board for career technical education and the boards of trustees of each of  
16 the community colleges established under chapter 21, title 33, Idaho Code,  
17 hereby have the authority to prescribe rules and regulations relating to  
18 firearms.

19 (2) Notwithstanding any other provision of state law, this authority  
20 shall not extend to regulating or prohibiting the otherwise lawful posses-  
21 sion, carrying or transporting of firearms or ammunition by persons licensed  
22 under section 18-3302H or 18-3302K, Idaho Code.

23 (a) However, a person issued a license under the provisions of section  
24 ~~18-3302H or~~ 18-3302K, Idaho Code, shall not carry a concealed weapon:

25 (i) Within a student dormitory or residence hall; or

26 (ii) Within any building of a public entertainment facility, pro-  
27 vided that proper signage is conspicuously posted at each point of  
28 public ingress to the facility notifying attendees of any restric-  
29 tion on the possession of firearms in the facility during the game  
30 or event.

31 (b) As used in this section:

32 (i) "Public entertainment facility" means an arena, stadium, am-  
33 phitheater, auditorium, theater or similar facility with a seat-  
34 ing capacity of at least one thousand (1,000) persons that is owned  
35 or operated by the board of regents of the university of Idaho, a  
36 board of trustees of a state college or university, the state board  
37 for career technical education or a board of trustees of a commu-  
38 nity college established under chapter 21, title 33, Idaho Code,  
39 that is primarily designed and used for artistic, theatrical, cul-  
40 tural, charitable, musical, sporting or entertainment events, but  
41 does not include publicly accessible outdoor grounds or rights-

1 of-way appurtenant to the facility, including parking lots within  
2 the facility used for the parking of motor vehicles.

3 (ii) "Student dormitory or residence hall" means a building owned  
4 or operated by the board of regents of the university of Idaho, a  
5 board of trustees of a state college or university, the state board  
6 for career technical education or a board of trustees of a commu-  
7 nity college established under chapter 21, title 33, Idaho Code,  
8 located on or within the campus area owned by the university or  
9 college to house persons residing on campus as students, but does  
10 not include off-campus housing or publicly accessible outdoor  
11 grounds or rights-of-way appurtenant to the building, including  
12 parking lots within the building used for the parking of motor ve-  
13 hicles.

14 (c) The provisions of subsection (2) (a) of this section shall not apply  
15 to the following persons:

16 (i) A person or persons complying with the provisions of section  
17 19-202A, Idaho Code~~;~~

18 (ii) A person or an employee who is authorized to carry a firearm  
19 by the university or college board of trustees, board of regents,  
20 governing board or a person or entity with authority over the  
21 building or facility~~;~~

22 (iii) A person who possesses a firearm for authorized use in an ap-  
23 proved program, event, activity or other circumstance approved by  
24 a person or entity with authority over the building or facility~~;~~

25 (iv) A person who possesses a firearm in a private vehicle while  
26 delivering students, employees or other persons to and from a uni-  
27 versity, college or public entertainment facility~~;~~

28 (v) An on-duty or off-duty certified peace officer; or

29 (vi) A qualified retired law enforcement officer licensed under  
30 section 18-3302H, Idaho Code.

31 (3) Any rule, regulation or policy that is contrary to this section is  
32 null and void.

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

35 18-3302C. PROHIBITED CONDUCT. Any person obtaining a license under  
36 the provisions of section 18-3302, Idaho Code, or carrying a concealed  
37 deadly weapon pursuant to the provisions of section 18-3302(4)(f), Idaho  
38 Code, shall not:

39 (1) Carry a concealed weapon in a courthouse; juvenile detention fa-  
40 cility or jail; public or private school, except as provided in subsection  
41 (4)(~~fg~~) of section 18-3302D, Idaho Code; provided that~~7~~ this subsection  
42 shall not apply to:

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

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

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

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

1 Any person violating the provisions of this section shall be guilty of a  
2 misdemeanor.

3 SECTION 3. That Section 18-3302D, Idaho Code, be, and the same is hereby  
4 amended to read as follows:

5 18-3302D. POSSESSING WEAPONS OR FIREARMS ON SCHOOL PROPERTY.

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

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

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

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

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

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

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

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

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

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

40 (a) A peace officer;

41 (b) A qualified retired law enforcement officer licensed under section  
42 18-3302H, Idaho Code;

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

46 (ed) A person or persons complying with the provisions of section  
47 19-202A, Idaho Code;

48 (~~de~~) Any adult over eighteen (18) years of age and not enrolled in a pub-  
49 lic or private elementary or secondary school who has lawful possession

1 of a firearm or other deadly or dangerous weapon, secured and locked in  
2 his vehicle in an unobtrusive, nonthreatening manner;

3 (~~ef~~) A person who lawfully possesses a firearm or other deadly or dan-  
4 gerous weapon in a private vehicle while delivering minor children,  
5 students or school employees to and from school or a school activity; or  
6 (~~fg~~) Notwithstanding the provisions of section 18-3302C, Idaho Code, a  
7 person or an employee of the school or school district who is authorized  
8 to carry a firearm with the permission of the board of trustees of the  
9 school district or the governing board.

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