

# State Laws and Published Ordinances – Idaho

Current through 2022 Regular Session.

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**Section 18-3302. Concealed weapons.**

(2) As used in this chapter:

(a) **"Concealed weapon"** means any deadly weapon carried on or about the person in a manner not discernible by ordinary observation;

(b) **"Deadly weapon"** means:

(i) Any dirk, dirk knife, bowie knife, dagger or firearm;

(ii) Any other weapon, device, instrument, material or substance that is designed and manufactured to be readily capable of causing death or serious bodily injury; or

(iii) Any other weapon, device, instrument, material or substance that is intended by the person to be readily capable of causing death or serious bodily injury.

(c) The term **"deadly weapon"** does not include:

(i) Any knife, cleaver or other instrument that is intended by the person to be used in the processing, preparation or eating of food;

(ii) Any knife with a blade six (6) inches or less; or

(iii) Any taser, stun-gun, pepper spray or mace;

(d) **"Firearm"** means any weapon that will, is designed to, or may readily be converted to, expel a projectile by the action of an explosive;

(e) **"Loaded"** means:

(i) For a firearm capable of using fixed ammunition, that live ammunition is present in:

1. The chamber or chambers of the firearm;
2. Any internal magazine of the firearm; or
3. A detachable magazine inserted in the firearm;

(ii) For a firearm that is not capable of using fixed ammunition, that the firearm contains:

1. A propellant charge; and
2. A priming cap or primer cap.

(7) The sheriff of a county, on behalf of the state of Idaho, must, within 90 days after the filing of a license application by any person who is not disqualified as provided herein from possessing or receiving a firearm under state or federal law, issue a license to the person to carry concealed weapons on his person within this state. Such license shall be valid for 5 years from the date of issuance.

(8) The sheriff must make license applications readily available at the office of the sheriff, at other public offices in his or her jurisdiction and on the website of the Idaho state police. The license application shall be in a form to be prescribed by the director of the Idaho state police and must meet the following requirements:

(a) The license application shall require the applicant's name, address, description, signature, date of birth, place of birth, military status, citizenship and the driver's license number or state identification card number if used for identification in applying for the license. Provided however, that if the applicant is not a United States citizen and is legally in the United States, the application must also require any alien or admission number issued to the applicant by United States immigration and customs enforcement or any successor agency;

(b) The license application may ask the applicant to disclose his social security number but must indicate that disclosure of the applicant's social security number is optional; and

(c) The license application must contain a warning that substantially reads as follows:

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

(9) The sheriff may require the applicant to demonstrate familiarity with a firearm and must accept any 1 of the following as evidence of the applicant's familiarity with a firearm:

- (a)** Completion of any hunter education or hunter safety course approved by the department of fish and game or a similar agency of another state;
- (b)** Completion of any national rifle association firearms safety or training course or any national rifle association hunter education course or any equivalent course;
- (c)** 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;
- (d)** Completion of any law enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or offered for any division or subdivision of a law enforcement agency or security enforcement agency;
- (e)** Evidence of equivalent experience with a firearm through participation in organized shooting competition or military service;
- (f)** A current license to carry concealed weapons pursuant to this section, unless the license has been revoked for cause;
- (g)** Completion of any firearms training or safety course or class conducted by a state certified or national rifle association certified firearms instructor; or
- (h)** Other training that the sheriff deems appropriate.

**(10)** Any person applying for original issuance of a license to carry concealed weapons must submit his fingerprints with the completed license application. Within five (5) days after the filing of an application, the sheriff must forward the applicant's completed license application and fingerprints to the Idaho state police. The Idaho state police must conduct a national fingerprint-based records check, an inquiry through the national instant criminal background check system and a check of any applicable state database, including a check for any mental health records for conditions or commitments that would disqualify a person from possessing a firearm under state or federal law, and return the results to the sheriff within 60 days. If the applicant is not a United States citizen, an immigration alien query must also be conducted through United States immigration and customs enforcement or any successor agency. The sheriff shall not issue a license 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 (11) of this section. The sheriff may deny a license to carry concealed weapons to an alien if background information is not attainable or verifiable.

**(11)** A license to carry concealed weapons shall not be issued to any person who:

- (a)** Is under 21 years of age, except as otherwise provided in this section;
- (b)** Is formally charged with a crime punishable by imprisonment for a term exceeding 1 year;
- (c)** Has been adjudicated guilty in any court of a crime punishable by imprisonment for a term exceeding 1 year;
- (d)** Is a fugitive from justice;
- (e)** Is an unlawful user of marijuana or any depressant, stimulant or narcotic drug, or any controlled substance as defined in 21 U.S.C. 802;
- (f)** Is currently suffering from or has been adjudicated as having suffered from any of the following conditions, 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, Idaho Code.
- (g)** Has been discharged from the armed forces under dishonorable conditions;
- (h)** Has received a withheld judgment or suspended sentence for a crime punishable by imprisonment for a term exceeding 1 year, unless the person has successfully completed probation;
- (i)** Has received a period of probation after having been adjudicated guilty of, or received a withheld judgment for, a misdemeanor offense that has as an element the intentional use, attempted use or threatened use of physical force against the person or property of another, unless the person has successfully completed probation;
- (j)** Is an alien illegally in the United States;
- (k)** Is a person who having been a citizen of the United States has renounced his or her citizenship;

**(l)** Is free on bond or personal recognizance pending trial, appeal or sentencing for a crime that would disqualify him from obtaining a concealed weapons license;

**(m)** Is subject to a protection order issued under chapter 63, title 39, Idaho Code, that restrains the person from harassing, stalking or threatening an intimate partner of the person or child of the intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; or

**(n)** Is for any other reason ineligible to own, possess or receive a firearm under the provisions of Idaho or federal law.

**(12)** In making a determination in relation to an applicant's eligibility under subsection (11) of this section, the sheriff shall not consider:

**(a)** A conviction, guilty plea or adjudication that has been nullified by expungement, pardon, setting aside or other comparable procedure by the jurisdiction where the conviction, guilty plea or adjudication occurred or in respect of which conviction, guilty plea or adjudication the applicant's civil right to bear arms either specifically or in combination with other civil rights has been restored under operation of law or legal process; or

**(b)** Except as provided for in subsection (11)(f) of this section, an adjudication of mental defect, incapacity or illness or an involuntary commitment to a mental institution if the applicant's civil right to bear arms has been restored under operation of law or legal process.

**(13)** A license to carry concealed weapons must be in a form substantially similar to that of the Idaho driver's license and must meet the following specifications:

**(a)** The license must provide the licensee's name, address, date of birth and the driver's license number or state identification card number if used for identification in applying for the license;

**(b)** The license must bear the licensee's signature and picture; and

**(c)** The license must provide the date of issuance and the date on which the license expires.

**(14)** Upon issuing a license under the provisions of this section, the sheriff must notify the Idaho state police within three (3) business 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 74-105, Idaho Code.

**(15)** The fee for original issuance of a license shall be \$20, which the sheriff must retain for the purpose of performing the duties required in this section. The sheriff may collect the actual cost of any additional fees necessary to cover the cost of processing fingerprints lawfully required by any state or federal agency or department, and the actual cost of materials for the license lawfully required by any state agency or department, which costs must be paid to the state. The sheriff must provide the applicant with a copy of the results of the fingerprint-based records check upon request of the applicant.

**(16)** The fee for renewal of the license shall be \$15, which the sheriff must retain for the purpose of performing the duties required in this section. The sheriff may collect the actual cost of any additional fees necessary to cover the processing costs lawfully required by any state or federal agency or department, and the actual cost of materials for the license lawfully required by any state agency or department, which costs must be paid to the state.

**(17)** Every license that is not, as provided by law, suspended, revoked or disqualified in this state shall be renewable at any time during the 90 day period before its expiration or within 90 days after the expiration date. The sheriff must mail renewal notices 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 must submit the application to the Idaho state police for a records check of state and national databases. The Idaho state police must conduct the records check and return the results to the sheriff within 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 provided in this section. A renewal license shall be valid for a period of 5 years. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing 91 days to 180 days after the expiration date of the license must pay a late renewal penalty of \$10 in addition to the renewal fee unless waived by the sheriff, 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 91 days to 180 days after the expiration date of the license. After 181 days, the licensee must submit an initial application for a license and pay the fees prescribed in subsection (15) 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 must notify the Idaho state police within 5 days on a form or in a manner prescribed by the Idaho state police.

**(18)** No city, county or other political subdivision of this state shall modify or add to the requirements of this section, nor shall a city, county or political subdivision ask the applicant to voluntarily submit any information not required in this section. A civil action may be brought to enjoin a wrongful refusal to issue a license or a wrongful modification of the requirements of this section. The civil action may be brought in the county in which the application was made or in Ada county at the discretion of the petitioner. Any person who prevails against a public agency in any action in the courts for a

violation of this section must be awarded costs, including reasonable attorney's fees incurred in connection with the legal action.

**(19)** A county sheriff, deputy sheriff or county employee who issues a license to carry a concealed weapon under this section shall not incur any civil or criminal liability as the result of the performance of his duties in compliance with this section.

**(20)** The sheriff of a county shall issue a license to carry a concealed weapon to those individuals between the ages of 18 and 21 years who, except for the age requirement contained in section 18-3302K(4), Idaho Code, would otherwise meet the requirements for issuance of a license under section 18-3302K, Idaho Code. Licenses issued to individuals between the ages of 18 and 21 years under this subsection shall be easily distinguishable from licenses issued pursuant to subsection (7) of this section. A license issued pursuant to this subsection after July 1, 2016, shall expire on the twenty-first birthday of the licensee. A licensee, upon attaining the age of 21, shall be allowed to renew the license under the procedure contained in section 18-3302K(9), Idaho Code. Such renewal license shall be issued as an enhanced license pursuant to the provisions of section 18-3302K, Idaho Code.

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

**(22)** The sheriff of the county where the license was issued or the sheriff of the county where the person resides shall have the power to revoke a license subsequent to a hearing in accordance with the provisions of chapter 52, title 67, Idaho Code, for any of the following reasons:

- (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 terms 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.

**(23)** A person 21 years of age or older who presents a valid license to carry concealed weapons is exempt from any requirement to undergo a records check at the time of purchase or transfer of a firearm from a federally licensed firearms dealer. Provided however, a temporary emergency license issued pursuant to subsection (6) of this section shall not exempt the holder of the license from any records check requirement.

**(24)** The attorney general must contact the appropriate officials in other states for the purpose of establishing, to the extent possible, recognition and reciprocity of the license to carry concealed weapons by other states, whether by formal agreement or otherwise. The Idaho state police must keep a copy and maintain a record of all such agreements and reciprocity recognitions, which must be made available to the public.

**(25)** Nothing in subsection (3) or (4) of this section shall be construed to limit the existing rights of a private property owner, private tenant, private employer or private business entity.

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

#### **Section 18-3302A. Sale of weapons to minors.**

It shall be unlawful to directly or indirectly sell to any minor under the age of 18 years any weapon without the written consent of the parent or guardian of the minor. Any person violating the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine not in excess of \$1,000, by imprisonment in the county jail for a term not in excess of 6 months, or by both such fine and imprisonment. As used in this section, "**weapon**" shall mean any ... pistol, revolver or gun.

## **Section 18-3302D. Possessing weapons or firearms on school property.**

**(1)**

**(a)** It shall be unlawful and is a misdemeanor for any person to possess a firearm or other deadly or dangerous weapon while on the property of a school or in those portions of any building, stadium or other structure on school grounds which, at the time of the violation, were being used for an activity sponsored by or through a school in this state or while riding school provided transportation.

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

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

**(d)** "**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;

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

**(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 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.

**(5)** Penalties. Persons who are found guilty of violating the provisions of this section may be sentenced to a jail term of not more than 1 year or fined an amount not in excess of \$1,000 or both. If a violator is a student and under the age of 18 years, the court may place the violator on probation and suspend the juvenile detention or fine or both as long as the violator is enrolled in a program of study recognized by the court that, upon successful completion, will grant the violator a general equivalency diploma (GED) or a high school diploma or other educational program authorized by the court. Upon successful completion of the terms imposed by the court, the court shall discharge the offender from serving the remainder of the sentence. If the violator does not complete, is suspended from, or otherwise withdraws from the program of study imposed by the court, the court, upon receiving such information, shall order the violator to commence serving the sentence provided for in this section.

## **Section 18-3302E. Possession of a weapon by a minor.**

**(1)** It shall be unlawful for any person under the age of 18 years to possess or have in possession any weapon, as defined in section 18-3302A, Idaho Code, unless he:

**(a)** Has the written permission of his parent or guardian to possess the weapon; or

**(b)** Is accompanied by his parent or guardian while he has the weapon in his possession.

**(2)** Any minor under the age of 12 years in possession of a weapon shall be accompanied by an adult.

**(3)** Any person who violates the provisions of this section is guilty of a misdemeanor.

**Section 18-3302F. Prohibition of possession of certain weapons by a minor.**

(1) It shall be unlawful for any person under the age of 18 years to possess or have in possession any handgun.

(2) Except as provided by federal law, a minor under the age of 18 years may not possess the following:

(a) A sawed-off rifle or sawed-off shotgun; or

(b) A full automatic weapon.

(3) Any person who violates the provisions of subsection (2)(a) of this section is guilty of a misdemeanor.

(4) Any person who violates the provisions of subsection (2)(b) of this section is guilty of a felony.

(5) For purposes of this section:

(a) **"Full automatic weapon"** means any firearm which fires, is designed to fire, or can be readily restored to fire, automatically more than 1 bullet, or other missile without reloading, by a single function of the trigger.

(b) **"Handgun"** means a pistol, revolver, or other firearm of any description, loaded or unloaded, from which any shot, bullet, or other missile can be discharged, the length of the barrel of which, not including any revolving, detachable, or magazine breech, does not exceed 12 inches. Excluded from this definition are handguns firing a metallic projectile, such as a BB or pellet, through the force of air pressure, CO2 pressure, or spring action or any spot marker gun.

(6) Any person who provides a handgun to a minor when the possession of the handgun by the minor is a violation of the provisions of this section is guilty of a misdemeanor.

**Section 18-3302G. Exceptions.**

The provisions of section 18-3302E, Idaho Code, regarding the possession of a weapon by a minor or section 18-3302F, Idaho Code, regarding possession of handguns by minors shall not apply to any of the following:

(1) Patrons firing at lawfully operated target concessions at amusement parks and similar locations provided that the firearms to be used are firmly chained or affixed to the counters;

(2) Any person in attendance at a hunter's safety course or a firearm's safety course;

(3) Any person engaging in practice or any other lawful use of a firearm at an established range or any other area where the discharge of a firearm is not prohibited by state or local law;

(4) Any person engaging in an organized competition involving the use of a firearm, or participating in or practicing for such competition;

(5) Any minor under 18 years of age who is on real property with the permission of the owner, licensee, or lessee of the property and who has the permission of a parent or legal guardian or the owner, licensee, or lessee to possess a firearm not otherwise in violation of the law;

(6) Any resident or nonresident hunters with a valid hunting license or other persons who are lawfully engaged in hunting; and

(7) Any person traveling to or from any activity described in subsection (2), (3), (4), (5) or (6) of this section with an unloaded firearm in his possession.

**Section 18-3302J. Preemption of firearms regulation.**

(1) The legislature finds that uniform laws regulating firearms are necessary to protect the individual citizen's right to bear arms guaranteed by amendment 2 of the United States Constitution and section 11, article I of the constitution of the state of Idaho. It is the legislature's intent to wholly occupy the field of firearms regulation within this state.

(2) Except as expressly authorized by state statute, no county, city, agency, board or any other political subdivision of this state may adopt or enforce any law, rule, regulation, or ordinance which regulates in any manner the sale, acquisition, transfer, ownership, possession, transportation, carrying or storage of firearms or any element relating to firearms and components thereof, including ammunition.

(3) A county may adopt ordinances to regulate, restrict or prohibit the discharge of firearms within its boundaries. Ordinances adopted under this subsection may not apply to or affect:

(a) A person discharging a firearm in the lawful defense of person or persons or property;

(b) A person discharging a firearm in the course of lawful hunting;

(c) A landowner and guests of the landowner discharging a firearm, when the discharge will not endanger persons or property;

(d) A person lawfully discharging a firearm on a sport shooting range as defined in section 55-2604, Idaho Code; or

(e) A person discharging a firearm in the course of target shooting on public land if the discharge will not endanger persons or property.

(4) A city may adopt ordinances to regulate, restrict or prohibit the discharge of firearms within its boundaries. Ordinances adopted under this subsection may not apply to or affect:

(a) A person discharging a firearm in the lawful defense of person or persons or property; or

(b) A person lawfully discharging a firearm on a sport shooting range as defined in section 55-2604, Idaho Code.

(5) This section shall not be construed to affect:

(a) The authority of the department of fish and game to make rules or regulations concerning the management of any wildlife of this state, as set forth in section 36-104, Idaho Code; and

(b) The authority of counties and cities to regulate the location and construction of sport shooting ranges, subject to the limitations contained in chapter 26, title 55, Idaho Code.

(6) The provisions of this section are hereby declared to be severable. And if any provision is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this section.

#### **Section 18-3308. Selling explosives, ammunition or firearms to minors.**

No person, firm, association or corporation shall sell or give to any minor under the age of 16 years any powder, commonly called gunpowder, of any description, or any dynamite or other explosive, or any shells or fixed ammunition of any kind, except shells loaded for use in shotguns and for use in rifles of 22 caliber or smaller, or any firearms of any description, without the written consent of the parents or guardian of such minor first had and obtained. Any person, firm, association or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor.

#### **Section 18-3310. Shipping loaded firearms.**

Every person who ships, or causes to be shipped, or delivers or causes to be delivered, to any railroad, express or stage company, or to any other common carrier, for shipment as baggage or otherwise, any loaded pistol, revolver, rifle, shotgun or other firearm, is guilty of a misdemeanor.

#### **Section 18-3314. Resident's purchase of firearm out-of-state.**

Residents of the state of Idaho may purchase rifles and shotguns in a state other than Idaho, provided that such residents conform to the applicable provisions of the federal gun control act of 1968, and regulations thereunder, and provided further, that such residents conform to the provisions of law applicable to such a purchase in Idaho and in the state in which the purchase is made.

#### **Section 18-3315. Nonresident – Purchase of firearm in Idaho.**

Residents of a state other than the state of Idaho may purchase rifles and shotguns in Idaho, provided that such residents conform to the applicable provisions of the federal gun control act of 1968, and regulations thereunder, and provided further, that such residents conform to the provisions of law applicable to such purchase in Idaho and in the state in which such persons reside.

#### **Section 18-3316. Unlawful possession of a firearm.**

(1) A person who previously has been convicted of a felony who purchases, owns, possesses, or has under his custody or control any firearm shall be guilty of a felony and shall be imprisoned in the state prison for a period of time not to exceed 5 years and by a fine not to exceed \$5,000.

(2) For the purpose of subsection (1) of this section, "convicted of a felony" shall include a person who has entered a plea of guilty, nolo contendere or has been found guilty of any of the crimes enumerated in section 18-310, Idaho Code, or to a comparable felony crime in another state, territory, commonwealth, or other jurisdiction of the United States.

(3) Subsection (1) of this section shall not apply to a person whose conviction has been nullified by expungement, pardon, setting aside the conviction or other comparable procedure by the jurisdiction where the felony conviction occurred; or whose civil right to bear arms either specifically or in combination with other civil rights has been restored by any other provision of Idaho law.

#### **Section 18-3318. Definitions.**

Definitions as used in sections 18-3319, 18-3319A, 18-3320, 18-3320A and 18-3321, Idaho Code:

(1) "**Bomb**" means any chemical or mixture of chemicals contained in such a manner that it can be made to explode with fire or force, and combined with the method or mechanism intended to cause its explosion. The term includes components of a bomb only when the individual charged has taken steps to place the components in proximity to each other, or has partially assembled components from which a completed bomb can be readily assembled. "Bomb" does not include: rifle,



pistol or shotgun ammunition and their components; fireworks; boating, railroad and other safety flares or propellants used in model rockets or similar hobby activities.

**(2) "Destructive device" means:**

**(a)** Any explosive, incendiary or poisonous gas:

**(i)** Bomb;

**(ii)** Grenade;

**(iii)** Rocket having a propellant charge of more than 4 ounces

**(iv)** Missile having an explosive or incendiary charge of more than 1/4 ounce;

**(v)** Mine;

**(vi)** Similar device.

**(b)** Any type of weapon, by whatever name known, which will, or which may be imminently converted to, expel a projectile by the action of an explosive or other propellant, the barrel or barrels of which have a bore of more than .700 inches in diameter, except rifled and unrifled shotguns or shotgun shells.

**(c)** Components of a destructive device only when the individual charged has taken steps to place the components in proximity to each other, or has partially assembled components from which a completed destructive device can be readily assembled.

**(d)** The term "**destructive device**" shall not include:

**(i)** Any device which is neither designed nor redesigned for use as a weapon;

**(ii)** Any device which, although originally designed for use as a weapon, has been redesigned for use as a signaling, pyrotechnic, line throwing, safety or similar device;

**(iii)** Otherwise lawfully owned surplus military ordnance;

**(iv)** Antiques or reproductions thereof and rifles held for sporting, recreational, investment or display purposes;

**(v)** Rifle, pistol or shotgun ammunition and their components.

#### **Section 18-3319. Unlawful possession of bombs or destructive devices.**

**(1)** Any person who knowingly, intentionally, or recklessly possesses or controls a bomb or destructive device for a purpose unlawful pursuant to title 18, Idaho Code, is guilty of a felony, punishable by up to a \$5,000 fine and 5 years in prison.

**(2)** Any person who knowingly possesses an assembled bomb or assembled destructive device and who:

**(a)** Has been convicted of a felony; or

**(b)** Has been found guilty of any crime where such conviction results in the person being prohibited from possessing or owning firearms; or

**(c)** Is in possession or control of any substance or paraphernalia in violation of sections 37-2732B, 37-2734A or 37-2734B, Idaho Code, or the felony provisions of sections 37-2732, Idaho Code; is guilty of a felony, punishable by up to a \$5,000 fine and 5 years in prison.

**(3)** Any person who possesses a bomb or destructive device which by its design will propel shrapnel is guilty of a felony, punishable by up to a \$5,000 fine and 5 years in prison.

#### **Section 18-3321. Persons exempt.**

Unless the intent to injure the person or property of another has been established, the provisions in section 18-3319, Idaho Code, shall not apply to:

**(1)** Any public safety officer or member of the armed forces of the United States or national guard while acting in his official capacity;

**(2)** Any person possessing a valid permit issued under the provisions of the international fire code, sections 41-253 and 41-254, Idaho Code, or any employee of such permittee acting within the scope of his employment;

**(3)** Any person possessing a valid license as an importer, wholesaler, or display operator under the provisions of the Idaho fireworks act, sections 39-2602, 39-2606, 39-2607, 39-2608, 39-2609, 39-2610, 39-2611 and 39-2612, Idaho Code;

**(4)** A device which falls within the definition of a bomb or destructive device when used on property owned or otherwise in the control of the person using the device;

**(5)** Those licensed or permitted by the federal government to use or possess a bomb or destructive device.

**(6)** Those persons who possess a destructive device properly registered and taxed under the provisions of the national firearms act, as amended, as to possession of destructive devices properly registered to such persons.

**General Laws**  
**Title 66 – State Charitable Institutions**  
**Chapter 3 – Hospitalization of Mentally Ill**

**Section 66-356. Relief from firearms disabilities.**

**(1)** A court that:

**(a)** Orders commitment pursuant to section 66-329, Idaho Code;

**(b)** Orders commitment or treatment pursuant to section 66-406, Idaho Code;

**(c)** Appoints a guardian pursuant to section 66-322, Idaho Code, or section 15-5-304, Idaho Code;

**(d)** Appoints a conservator pursuant to section 15-5-407(b), Idaho Code;

**(e)** Appoints a guardian or conservator pursuant to section 66-404, Idaho Code; or

**(f)** Finds a defendant incompetent to stand trial pursuant to section 18-212, Idaho Code, shall make a finding as to whether the subject of the proceeding is a person to whom the provisions of 18 U.S.C. 922(d)(4) and (g)(4) apply. If the court so finds, the clerk of the court shall forward a copy of the order to the Idaho state police, which in turn shall forward a copy to the federal bureau of investigation, or its successor agency, for inclusion in the national instant criminal background check system database.

**(2)** A person who is subject to an order, including an appointment or finding described in subsection (1) of this section, may petition the magistrate division of the court that issued such order, or the magistrate division of the district court of the county where the individual resides, to remove the person's firearms-related disabilities as provided in section 105(a) of P.L. 110-180. A copy of the petition for relief shall also be served on the director of the department of health and welfare and the prosecuting attorney of the county in which the original order, appointment or finding occurred, and such department and office may, as it deems appropriate, appear, support, object to and present evidence relevant to the relief sought by the petitioner. The court shall receive and consider evidence, including evidence offered by the petitioner, concerning:

**(a)** The circumstances of the original order, appointment or finding;

**(b)** The petitioner's mental health and criminal history records, if any;

**(c)** The petitioner's reputation; and

**(d)** Changes in the petitioner's condition or circumstances relevant to the relief sought.

The court shall grant the petition for relief if it finds by a preponderance of the evidence that the petitioner will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest. The petitioner may appeal a denial of the requested relief, and review on appeal shall be de novo. A person may file a petition for relief under this section no more than once every two (2) years.

**(3)** When a court issues an order granting a petition for relief under subsection (2) of this section, the clerk of the court shall immediately forward a copy of the order to the Idaho state police, which in turn shall immediately forward a copy to the federal bureau of investigation, or its successor agency, for inclusion in the national instant criminal background check system database.