



Idaho

Summary of State Firearms Law

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Overview

In its publication [*Gun Laws Matter: A Comparison of State Firearms Laws and Statistics*](#), LCAV ranked each state based on a review of state laws in 25 different firearms-related policy areas. Idaho ranked 49 out of 50, having almost the weakest guns laws in the country.

Idaho does **not**:

- Require a background check prior to the transfer of a firearm [between private parties](#);
- Prohibit the transfer or possession of [assault weapons](#), [50 caliber rifles](#), or [large capacity ammunition magazines](#);
- License or significantly regulate [firearms dealers](#);
- Limit the number of firearms that may be [purchased at one time](#);
- Regulate [unsafe handguns](#);
- Afford local law enforcement discretion in issuing [concealed carry licenses](#);
- Require the [licensing of gun owners](#); or
- Impose [registration requirements](#) on firearms.

Local governments in Idaho generally [lack authority](#) to regulate firearms and ammunition.

Statistics

Gun Deaths in Idaho

Idaho ranks 18th among the states in number of gun deaths per capita. In 2007, 187 people died from firearm-related injuries in Idaho.¹

Crime Guns in Idaho

Mayors Against Illegal Guns recently developed web pages detailing [data about each state's crime gun imports and exports](#). Compared with other states, in 2009, [Idaho](#) supplied the 18th highest number of crime guns to other states per capita. Idaho exports more crime guns than it imports.²

Number of Federally Licensed Firearms Dealers in Idaho

There are 768 federally licensed firearms dealers and pawnbrokers in Idaho.³

¹ National Center for Injury Prevention and Control, U.S. Centers for Disease Control and Prevention, *WISQARS Injury Mortality Reports, 1999-2007*, at http://webappa.cdc.gov/sasweb/ncipc/mortrate10_sy.html.

² For a more comprehensive discussion regarding the patterns of gun trafficking across the states, see Mayors Against Illegal Guns, *Trace the Guns: The Link Between Gun Laws and Interstate Gun Trafficking* (Sept. 2010), at <http://www.tracetheguns.org/report.pdf>.

³ U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, *List of Federal Firearms Licensees* (Mar. 2011), at <http://www.atf.gov/about/foia/ffl-list.html>.

State “Right to Bear Arms”

The Idaho Constitution provides for the keeping and bearing of arms, but permits some firearm-related regulation. See [LCAV’s State Right to Bear Arms Provisions](#) for more-detailed information.

Local Authority to Regulate Firearms

Idaho has preempted most areas of local firearms regulation. See the [Idaho State Preemption/Local Authority to Regulate Firearms summary](#) for further information.

State Firearms Policies

To view the sections of the Idaho Statutes provided in the summary below, search for the citation using the [Idaho Code](#).

Please note that many firearm-related laws have exceptions for military and law enforcement personnel.

Persons Prohibited from Firearm Possession

Prohibited Purchasers Generally

[Federal law prohibits certain persons from purchasing or possessing firearms](#), such as felons, certain domestic abusers, and certain people with a history of mental illness.

Idaho has adopted other classes of prohibited persons, and incorporated some of the federal prohibitions as state offenses. Idaho prohibits any person who has been convicted of a felony from purchasing, owning, possessing or having under his or her custody or control any firearm.⁴ In addition, a person under age 18 generally cannot possess a firearm.⁵

See [Regulating Guns in America: Prohibited Purchasers](#) for a comprehensive discussion of this issue.

⁴ Idaho Code Ann. § 18-3316(1).

⁵ Idaho Code Ann. §§ 18-3302E(1), 18-3302F(1).

Minimum Age to Purchase / Possess

Idaho prohibits any person under age 18 from possessing any handgun.⁶ In addition, anyone under age 18 is prohibited from possessing a weapon (defined under state law to include any "pistol, revolver or gun") unless he or she: 1) has the written permission of his or her parent or guardian to possess the weapon; or 2) is accompanied by his or her parent or guardian while he or she possesses the weapon.⁷ Any person under age 12 in possession of a weapon must be accompanied by an adult.⁸

The possession prohibitions concerning minors do not apply to any:

- Patron firing at a lawfully operated target concession at an amusement park or similar location, provided that the firearm to be used is firmly chained or affixed to the counter;
- Person in attendance at a hunter's safety course or a firearms safety course, including while traveling to or from these activities with an unloaded firearm;
- 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, including while traveling to or from these locations with an unloaded firearm;
- Person engaging in an organized competition involving the use of a firearm, or participating in or practicing for such competition, including while traveling to or from these activities with an unloaded firearm;
- Minor under age 18 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, including while traveling to or from the location with an unloaded firearm; or
- Resident or non-resident hunters with a valid hunting license or other persons who are lawfully engaged in hunting, including while traveling to or from such hunting activities with an unloaded firearm.⁹

In addition, no person under age 12 shall have in his or her possession any shotgun, rifle or other firearm while in the fields or forests or in any tent, camp, auto or any other vehicle in the state of Idaho, except that the holder of a youth small game license or youth hunter education graduate license, if accompanied by an adult licensed to hunt in Idaho, may possess a firearm for hunting while in the fields or forests.¹⁰

⁶ Idaho Code Ann. § 18-3302F(1).

⁷ Idaho Code Ann. § 18-3302E(1); *see also* Idaho Code Ann. § 18-3302A.

⁸ Idaho Code Ann. § 18-3302E(2).

⁹ Idaho Code Ann. § 18-3302G.

¹⁰ Idaho Code Ann. § 36-1508(b).

State law provides that:

The sheriff of a county may issue a license to carry a concealed weapon to those individuals between the ages of eighteen (18) and twenty-one (21) years who in the judgment of the sheriff warrant the issuance of the license to carry a concealed weapon. Such issuance shall be subject to limitations which the issuing authority deems appropriate. Licenses issued to individuals between the ages of eighteen (18) and twenty-one (21) years shall be easily distinguishable from regular licenses.¹¹

Federal law prohibits the sale by a licensed firearms dealer of a handgun or handgun ammunition to anyone under age 21.¹² This provision does not prohibit private sellers (sellers *not* federally licensed) from selling handguns and handgun ammunition to persons under age 21, however.

For additional information, see the [Idaho Trafficking](#) section.

See [Regulating Guns in America: Minimum Age to Purchase / Possess Firearms](#) for a comprehensive discussion of this issue.

¹¹ Idaho Code Ann. § 18-3302(11).

¹² 18 U.S.C. § 922(b)(1), (c)(1).

Domestic Violence and Firearms

Firearm Prohibitions for Domestic Violence Misdemeanants

There is no law in Idaho prohibiting individuals convicted of domestic violence misdemeanors from purchasing or possessing firearms or ammunition. Federal law prohibits the purchase and possession of firearms and ammunition by persons who have been convicted of a “misdemeanor crime of domestic violence.”¹³ Federal law defines a “misdemeanor crime of domestic violence” as an offense that is a federal, state or tribal law misdemeanor and has the use or attempted use of physical force or threatened use of a deadly weapon as an element, if the offender:

- Was a current or former spouse, parent, or guardian of the victim;
- Shares a child in common with the victim;
- Was a current or former cohabitant with the victim as a spouse, parent or guardian; or
- Was similarly situated to a spouse, parent or guardian of the victim.¹⁴

Firearm Prohibitions for Persons Subject to Domestic Violence Restraining/Protective Orders

There is no law in Idaho prohibiting individuals subject to domestic violence protective orders from possessing firearms or ammunition. Federal law prohibits the purchase and possession of firearms and ammunition by a person subject to a protective order issued after notice to the abuser and a hearing, if the order protects an “intimate partner” of the abuser, or a child of the abuser or intimate partner.¹⁵ Federal law defines an “intimate partner” as a current or former spouse, a parent of a child in common with the abuser, or an individual with whom the abuser does or has cohabited.¹⁶

For general information on the background check process and categories of prohibited purchasers or possessors, see the [Idaho Background Checks](#) and [Idaho Prohibited Purchasers Generally](#) sections.

¹³ 18 U.S.C. § 922(g)(9).

¹⁴ 18 U.S.C. § 921(a)(33).

¹⁵ 18 U.S.C. § 922(g)(8).

¹⁶ 18 U.S.C. § 921(a)(32).

Disarming Prohibited Persons

Idaho has no laws requiring the disarming of prohibited persons.

Sales & Transfers

Background Checks

[Federal law requires federally licensed firearms dealers \(but not private sellers\) to initiate a background check on the purchaser prior to sale of a firearm.](#) Federal law provides states with the option of serving as a state “point of contact” and conducting their own background checks using state, as well as federal, records and databases, or having the checks performed by the FBI using only the [National Instant Criminal Background Check System \(“NICS”\) database](#). (Note that state files are not always included in the federal database.)

Idaho is not a point of contact state for NICS. Idaho has no law requiring firearms dealers to initiate a background check prior to transferring a firearm. In Idaho, all firearms transfers by licensed dealers are processed directly through the FBI, which enforces the federal purchaser prohibitions referenced above.¹⁷

Firearms transfers by private sellers (non-firearms dealers) are not subject to background checks in Idaho, although federal and state purchaser prohibitions still apply. See the [Idaho Private Sales](#) section.

See [Regulating Guns in America: Background Checks](#) for a comprehensive discussion of this issue.

¹⁷ Federal Bureau of Investigation, *National Instant Criminal Background Check System Participation Map*, at <http://www.fbi.gov/about-us/cjis/nics/general-information/participation-map> (last visited Oct. 12, 2011).

Mental Health Reporting

Federal law prohibits any person from selling or otherwise transferring a firearm or ammunition to any person who has been “adjudicated as a mental defective” or involuntarily “committed to any mental institution.”¹⁸ No federal law requires states to report the identities of these individuals to the National Instant Criminal Background Check System (NICS) database, which the FBI uses to perform background checks prior to firearm transfers.

Idaho recently enacted a law that requires mental health records to be sent electronically to NICS.¹⁹ A court making a determination as to an individual’s mental state must also determine whether the individual should be prohibited from purchasing or possessing firearms under federal law when the court does any of the following:

- Orders commitment of the individual to a mental health facility;²⁰
- Orders that the individual submit for mental health treatment;²¹
- Appoints a guardian;²²
- Appoints a conservator;²³ or
- Finds a defendant incompetent to stand trial.²⁴

The clerk of a court that determines that an individual should be prohibited from purchasing or possessing firearms under federal law must forward a copy of the relevant order to the Idaho state police, which will in turn forward it to NICS.²⁵ The individual subject to such an order, however, may submit a petition to the magistrate division of the court that issued the order asking to be removed from the NICS database.²⁶ The petition will be granted if evidence reveals that the petitioner is not likely to act in a manner dangerous to public safety or contrary to public interest.²⁷ Whenever the court grants a petition for relief, the court’s clerk must immediately forward a copy of the order to the Idaho state police, which will in turn forward it to NICS for removal from the database.²⁸

¹⁸ 18 U.S.C. § 922(d)(4).

¹⁹ Idaho Code Ann. §§ 67-3003(1)(i), 66-356.

²⁰ See Idaho Code Ann. § 66-329.

²¹ See Idaho Code Ann. § 66-406.

²² See Idaho Code Ann. §§ 66-322, 15-5-304, 15-5-407

²³ See Idaho Code Ann. §§ 15-5-407(b), 15-5-407.

²⁴ Idaho Code Ann. § 66-356(1); see also Idaho Code Ann. § 16-212; 18 U.S.C. § 922 (d)(4), (g)(4).

²⁵ Idaho Code Ann. § 66-356(1).

²⁶ Idaho Code Ann. § 66-356(2).

²⁷ *Id.*

²⁸ Idaho Code §§ 66-356(3), 67-3003(1)(i).

The following records are generally exempt from disclosure; however, this “shall not apply to the extent that such records or information contained in those records are necessary for a background check on an individual that is required by federal law regulating the sale of firearms, guns or ammunition.”

- Records contained in court files of judicial proceedings, the disclosure of which is prohibited by or under rules adopted by the Idaho Supreme Court;
- Records related to the provision of statutory services to the mentally handicapped;
- Records of hospital care;
- Medical records;
- Records of psychiatric care or treatment; and
- Professional counseling records.²⁹

For general information on the background check process and categories of prohibited purchasers or possessors, see the [Idaho Background Checks](#) and [Idaho Prohibited Purchasers Generally](#) sections.

See [Regulating Guns in America: Mental Health Reporting](#) for a comprehensive discussion of this issue.

²⁹ Idaho Code Ann. §§ 9-340A(2), 9-340C(6), (13).

Multiple Purchases / Sales of Firearms

Idaho has no law limiting the number of firearms that may be purchased or sold.

See [Regulating Guns in America: Restrictions on Multiple Purchases or Sales of Firearms](#) for a comprehensive discussion of this issue.

Retention of Sales / Background Check Records

Idaho has no law requiring the retention of sales records or background check records.

See [Regulating Guns in America: Retention of Firearm Sales and Background Check Records](#) for a comprehensive discussion of this issue.

Waiting Periods

Idaho has no law imposing a waiting period prior to the purchase of a firearm.

See [Regulating Guns in America: Waiting Periods](#) for a comprehensive discussion of this issue.

Gun Dealers & Other Sellers

Dealer Regulations

Idaho does not license firearms dealers. However, firearms dealers are subject to state laws governing gun sales generally. See the [Idaho Private Sales](#) section for further information.

Pursuant to the [Brady Act](#), federally licensed firearms dealers must conduct background checks on prospective purchasers each time the dealer transfers a firearm. See the [Idaho Background Checks](#) section.

See [Regulating Guns in America: Dealer Regulations](#) for a comprehensive discussion of this issue.

Private Sales

Private firearms transfers (*i.e.*, transfers by non-firearms dealers) are not subject to a background check requirement in Idaho, although federal and state purchaser prohibitions still apply. See the [Idaho Background Checks](#) section.

Idaho prohibits any person from selling to any minor under age 18 any weapon (defined to include any pistol, revolver or gun) without the written consent of the parent or guardian of the minor.³⁰

Idaho also prohibits any person, firm, association or corporation from selling or giving to any minor under the age of 16 any firearms of any description or any shells or fixed ammunition of any kind, except shells loaded for use in shotguns and for use in rifles 22 caliber or smaller, without first obtaining the written consent of the minor's parent or guardian.³¹

Idaho prohibits supplying, selling, or giving possession or control of any firearm to any person who the transferor knows is a gang member.³²

See [Regulating Guns in America: Private Sales](#) for a comprehensive discussion of this issue.

³⁰ Idaho Code Ann. § 18-3302A.

³¹ Idaho Code Ann. § 18-3308.

³² Idaho Code Ann. § 18-8505.

Gun Shows

Idaho does not regulate gun shows.

See the [Idaho Private Sales](#) section for state laws that apply at gun shows.

See [Regulating Guns in America: Gun Shows](#) for a comprehensive discussion of this issue.

Immunity Statutes

A governmental unit (defined by state law as a political subdivision of the state, including a municipality or county, or any other governmental agency whose authority is derived from the laws or constitution of Idaho) may not bring suit against a firearms or ammunition manufacturer, trade association or seller for recovery of damages resulting from, or injunctive relief or abatement of a nuisance relating to, the lawful design, manufacture, marketing or sale of firearms or ammunition to the public.³³

However, a governmental unit on behalf of the state or any other governmental unit may bring a suit against a firearms or ammunition manufacturer, trade association or seller if the suit is approved in advance by the legislature by adoption of a concurrent resolution or by enactment of a statute.³⁴ In addition, the state attorney general may bring a suit against a firearms or ammunition manufacturer, trade association or seller on behalf of the state or any other governmental unit.³⁵

A governmental unit may bring an action against a firearms manufacturer, trade association or seller for recovery of damages for:

- Breach of contract or warranty as to firearms or ammunition purchased by a governmental unit;
- Damage or harm to property owned or leased by the governmental unit caused by a defective firearm or ammunition; or
- Injunctive relief to enforce a valid ordinance, statute or rule.³⁶

State law provides that in a products liability action, no firearm or ammunition shall be deemed defective in design on the basis that the benefits of the product do not outweigh the risk of injury posed by its potential to cause serious injury, damage, or death when discharged.³⁷

The Idaho Legislature has also declared that, in product liability actions, the potential of a firearm or ammunition to cause serious injury, damage, or death when discharged does not make the product defective in design.³⁸ Furthermore, the legislature deems that injuries or damages resulting from the discharge of a firearm or ammunition are not proximately caused by the potential of a firearm or ammunition to cause serious injury, damage, or death, but are proximately caused by the actual discharge of the product.³⁹

³³ Idaho Code Ann. §§ 5-247(2), 5-247(1).

³⁴ Idaho Code Ann. § 5-247(3).

³⁵ Idaho Code Ann. § 5-247(5).

³⁶ Idaho Code Ann. § 5-247(4).

³⁷ Idaho Code Ann. § 6-1410(1).

³⁸ Idaho Code Ann. § 6-1410(2)(a).

³⁹ Idaho Code Ann. § 6-1410(2)(b).

Nevertheless, Idaho law does not foreclose a products liability cause of action based upon the improper selection of design alternatives.⁴⁰

For information about limitations on the liability of sport shooting ranges, see the [Idaho State Preemption/Local Authority to Regulate Firearms summary](#).

For detailed information about government and private party lawsuits against the gun industry, the status of litigation involving gun industry immunity statutes in various states, or pending gun industry immunity legislation, visit the [Brady Center's Legal Action Project](#) and the [Coalition to Stop Gun Violence's Gun Industry Immunity page](#).

See [LCAV's policy page on Immunity Statutes / Manufacturer Litigation](#) for further information.

⁴⁰ Idaho Code Ann. § 6-1410(3).

Gun Owner Responsibilities

Licensing of Gun Owners or Purchasers

[Article I, § 11 of the Idaho Constitution](#) provides that no law shall impose licensure on the ownership or possession of firearms or ammunition.

See [Regulating Guns in America: Licensing of Gun Owners or Purchasers](#) for a comprehensive discussion of this issue.

Registration of Firearms

[Article I, § 11 of the Idaho Constitution](#) provides that no law shall impose registration on the ownership or possession of firearms or ammunition.

See [Regulating Guns in America: Registration of Firearms](#) for a comprehensive discussion of this issue.

Reporting Lost or Stolen Firearms

Idaho does not require firearms owners to report the loss or theft of a firearm.

See [*Regulating Guns in America: Reporting Lost or Stolen Firearms*](#) for a comprehensive discussion of this issue.

Firearms in Public Places

Concealed Weapons Permitting

See [Regulating Guns in America: Carrying Concealed Weapons](#) for a comprehensive discussion of this issue.

Idaho is a “shall issue” state, meaning that a county sheriff must issue a concealed weapons license if the applicant meets certain qualifications. Under state law, a license to carry a concealed weapon shall be issued to an applicant unless he or she:

- Is ineligible to own, possess or receive a firearm under state or federal law;
- Is formally charged with a crime punishable by imprisonment for a term exceeding one year;
- Has been adjudicated guilty in any court of a crime punishable by imprisonment for a term exceeding one year;
- Is a fugitive from justice;
- Is an unlawful user of, or addicted to, marijuana or any depressant, stimulant, or narcotic drug, or any other controlled substance as defined by federal law;⁴¹
- Is, or has been adjudicated as, based on substantial evidence:
 - Lacking mental capacity, per state law;⁴²
 - Mentally ill, per state law;⁴³
 - Gravely disabled, per state law;⁴⁴ or
 - An incapacitated person, per state law;⁴⁵
- Is or has been discharged from the armed forces under dishonorable conditions;
- Is or has been adjudicated guilty of or received a withheld judgment or suspended sentence for one or more crimes of violence constituting a misdemeanor, unless three years have elapsed since disposition, or pardon has occurred prior to the date on which the application is submitted;

⁴¹ See 21 U.S.C. § 802.

⁴² Idaho Code Ann. § 18-210.

⁴³ See Idaho Code Ann. § 66-317.

⁴⁴ See Idaho Code Ann. § 66-317.

⁴⁵ See Idaho Code Ann. § 15-5-101(a).

- Has had entry of a withheld judgment for a criminal offense which would disqualify him or her from obtaining a concealed weapons license;
- Is an alien illegally in the United States;
- Has renounced his or her U.S. citizenship;
- Is under age 21 (for information on the discretionary issuance of a concealed weapons license by law enforcement to persons age 18 or older, see the [Idaho Minimum Age to Purchase/Possess](#) section);
- Is free on bond or personal recognizance pending trial, appeal or sentencing for a crime which would disqualify her or him from obtaining a concealed weapons license; or
- Is subject to a protection order issued under state law 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.⁴⁶

A county sheriff may require an applicant to demonstrate familiarity with a firearm.⁴⁷

In addition, an applicant may meet this requirement if he or she "[i]s licensed or has been licensed to carry a firearm in [Idaho] or a county or municipality, unless the license has been revoked for cause."⁴⁸

The fee for original issuance of a license is \$20.⁴⁹ The fee for renewal of a license is \$15.⁵⁰

A person may not carry a concealed firearm without a license, except in his or her place of abode, fixed place of business or on property in which the person has any ownership or leasehold interest.⁵¹ The requirement to secure a license to carry a concealed weapon also does not apply to any person outside the limits or confines of any city while engaged in lawful hunting, fishing, trapping or other lawful outdoor activity.⁵²

Firearm Safety Training

In Idaho, a county sheriff may require an applicant for a concealed carry permit to demonstrate familiarity with a firearm in any one of the following ways (the applicant may select which one):

⁴⁶ Idaho Code Ann. § 18-3302(1); *see also* Idaho Code, Title 39, Chapter 63

⁴⁷ Idaho Code Ann. § 18-3302(13).

⁴⁸ *Id.*

⁴⁹ Idaho Code Ann. § 18-3302(2).

⁵⁰ Idaho Code Ann. § 18-3302(3). Additional application and background check requirements, as well as permit suspension and disqualification information, are detailed under Idaho Code Ann. § 18-3302.

⁵¹ Idaho Code Ann. § 18-3302(7).

⁵² Idaho Code Ann. § 18-3302(12)(d).

- Completion of any hunter education or hunter safety course approved by the Department of Fish and Game or a similar agency of another state;
- Completion of any National Rifle Association firearms safety or training course, or any National Rifle Association hunter education course;
- 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 (“ISP”);
- Completion of any law enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of a law enforcement agency or security enforcement agency;
- Presentation of evidence or equivalent experience with a firearm through participation in organized shooting competition or military service; or
- Completion of any firearms training or training or safety course or class conducted by a state certified or National Rifle Association certified firearms instructor.⁵³

Duration & Renewal

Concealed weapons licenses issued before July 1, 2006 are valid for four years from the date of issue.⁵⁴ Concealed weapons licenses issued on or after July 1, 2006 are valid for five years from the date of issue.⁵⁵ Licenses may be renewed for five-year periods, and renewal applicants must complete an application and undergo a new background check.⁵⁶

Disclosure or Use of Information

Upon issuing a license under the state law, the county sheriff will notify the ISP on a form or in a manner prescribed by the ISP.⁵⁷ Information relating to an applicant or licensee received or maintained pursuant to state law by the county sheriff or ISP is confidential and exempt from disclosure under state law.⁵⁸

Idaho recently enacted a law that makes confidential any information relating to a retired law enforcement officer that is maintained or received pursuant to a concealed weapon permit or application for a permit.⁵⁹

⁵³ Idaho Code Ann. § 18-3302(13).

⁵⁴ Idaho Code Ann. § 18-3302(1).

⁵⁵ *Id.*

⁵⁶ Idaho Code Ann. § 18-3302(3), (4).

⁵⁷ Idaho Code Ann. § 18-3302(1), *See* Idaho Code Ann. § 18-3302.

⁵⁸ Idaho Code Ann. § 18-3302(1). *See* Idaho Code Ann. §§ 18-3302, 9-338.

⁵⁹ Idaho Code Ann. §§ 18-3302H(14), 9-340B.

Reciprocity

Any person who has a valid permit from a state or local law enforcement agency or court authorizing him or her to carry a concealed weapon in another state does not need to obtain a concealed weapons license under state law.⁶⁰ However, a permit issued in another state will only be considered valid if the permit is in the licensee's physical possession.⁶¹ Under state law, the state attorney general is authorized to negotiate reciprocal agreements with other states in order to recognize out-of-state licenses to carry concealed firearms.⁶²

For a list of states with which Idaho has signed formal reciprocity agreements, see the [Idaho Permit Reciprocity](#) page, maintained by the Idaho Attorney General.

Brady Exemption

Under federal law, persons who have been issued state permits to purchase or possess firearms are exempt from background checks if those permits were issued: 1) within the previous five years in the state in which the transfer is to take place; and 2) after an authorized government official has conducted a background investigation, including a search of the NICS database, to verify that possession of a firearm would not be unlawful.⁶³ Holders of concealed weapons licenses in Idaho are exempt from background checks when purchasing a firearm, according to the [Bureau of Alcohol, Tobacco, Firearms and Explosives \(ATF\) chart](#) that outlines those permits that qualify as alternatives to the federal [Brady Act](#). Please note that ATF's exempt status determination is subject to change without notice.

⁶⁰ Idaho Code Ann. § 18-3302.

⁶¹ *Id.*

⁶² Idaho Code Ann. § 18-3302(17).

⁶³ 18 U.S.C. § 922(t)(3), 27 C.F.R. § 478.102(d).

Open Carrying

Idaho permits the open carrying of handguns on the person with no permit or license. Idaho also allows for the carrying of long guns in public.

Nonetheless, Idaho prohibits a body of men, except as are regularly recognized and provided for by the laws of the state and of the United States, from parading in public with firearms in any city or town, except that:

- Associations wholly composed of honorably discharged soldiers or members of the Sons of Veterans or of the Boy Scouts may parade in public with firearms on Memorial Day and certain other occasions; and
- Students in educational institutions where military science is taught may with the consent of the governor drill and parade with firearms in public under the superintendence of their teachers.⁶⁴

This section shall not be construed to prevent any other organization authorized by law from parading with firearms.⁶⁵

⁶⁴ Idaho Code Ann. § 46-802.

⁶⁵ *Id.*

Location Restrictions

Guns in Vehicles

Idaho permits the open carrying of a long gun in a motor vehicle.⁶⁶ Idaho permits the open carrying of a loaded handgun in a motor vehicle with no license or permit.⁶⁷ Handguns may not be concealed in a motor vehicle within city limits by anyone who does not have a concealed weapons license, unless the handgun is disassembled and unloaded.⁶⁸

⁶⁶ Idaho Code Ann. § 18-3302(9).

⁶⁷ *Id.*

⁶⁸ *Id.*

Guns in Schools

Idaho prohibits any person, including a concealed weapons licensee, from possessing a firearm on the property of a private or public elementary or secondary 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, or while riding school provided transportation.⁶⁹

Exceptions to this prohibition include: 1) a person who lawfully possesses a firearm as part of a program, event, activity or other circumstance approved by the school board of trustees or governing board; 2) any adult not enrolled in a public or private elementary or secondary school who has lawful possession of a firearm secured and locked in his or her vehicle; or 3) a person who lawfully possesses a firearm in a private vehicle while delivering minor children, students or school employees to and from school or a school activity.⁷⁰

In addition, the board of trustees shall expel for a period of not less than one year, or may deny enrollment to, a student who possessed a firearm on school property. The board may modify the expulsion or denial of enrollment order on a case-by-case basis.⁷¹

See [LCAV's policy page on Guns in Schools](#) for further information.

⁶⁹ Idaho Code Ann. §§ 18-3302D(1)(a), (b), 18-3302C; *see also* Idaho Code Ann. § 18-3302D(1)(a).

⁷⁰ *See* Idaho Code Ann. § 18-3302D(4).

⁷¹ Idaho Code Ann. § 33-205.

Other Location Restrictions

A hotelkeeper has the right to evict a person, whether or not the person is a guest of the hotel, who seeks to bring a firearm into the hotel.⁷² The hotelkeeper is not required to provide accommodations, facilities or privileges of the hotel to any such person.⁷³

State administrative regulations require any agency that enters into a Medicaid provider agreement with the state for the provision of mental health clinic services to prohibit firearms in the clinic facility.⁷⁴ In addition, firearms are not allowed in:

- A children's residential care facility;⁷⁵
- Children's therapeutic outdoor programs;⁷⁶ and
- State veterans' homes.⁷⁷

Idaho prohibits possession of a firearm in the Capitol Mall area.⁷⁸

Concealed weapons licensees are prohibited from carrying concealed weapons into any courthouse, juvenile detention facility, or jail.⁷⁹ Concealed weapons license holders are also subject to generally applicable location restrictions.

Idaho has no statutes prohibiting firearms in the following places, although administrative regulations may apply:

- Hospitals;
- Sports arenas (other than those related to an elementary or secondary school);
- Gambling facilities;
- Polling places; or
- Establishments that serve alcohol.

⁷² Idaho Code Ann. § 39-1805.

⁷³ Idaho Code Ann. § 39-1809.

⁷⁴ Idaho Admin. Code r. 16.03.09.714.

⁷⁵ Idaho Admin. Code r. 16.06.02.734.

⁷⁶ Idaho Admin. Code r. 16.06.02.848.

⁷⁷ Idaho Admin. Code r. 21.01.01.201.

⁷⁸ Idaho Executive Order No. 2004-07.

⁷⁹ Idaho Code Ann. § 18-3302C; *see also* Idaho Code Ann. § 18-3302D(4)(f).

Consumer & Child Safety

Design Safety Standards for Handguns

Idaho does not specifically regulate junk guns or unsafe firearms. However, according to research conducted by the Center to Prevent Handgun Violence (now Brady Center to Prevent Gun Violence), Idaho's Attorney General may have the authority to regulate junk guns, as well as promulgate other firearm safety standards.⁸⁰

See [*Regulating Guns in America: Design Safety Standards for Handguns*](#) for a comprehensive discussion of this issue.

⁸⁰ See the Idaho Consumer Protection Act, Idaho Code Ann. § 48-601 et seq. For details, see Legal Action Project, Center to Prevent Handgun Violence, *Targeting Safety* (2001), available at <http://www.bradycenter.org/xshare/pdf/reports/targetingsafety.pdf>.

Locking Devices

Idaho does not require a locking device to accompany the sale of a firearm (although [Federal Law](#) applies). Idaho also does not require firearm owners to lock their weapons.

For measures related to safe storage of firearms, see the [Idaho Child Access Prevention](#) section.

See [Regulating Guns in America: Locking Devices](#) for a comprehensive discussion of this issue.

Personalized / Owner-Authorized Firearms

Idaho does not require that firearms be personalized.

See [*Regulating Guns in America: Personalized Firearms*](#) for a comprehensive discussion of this issue.

Child Access Prevention

A state administrative regulation requires firearms at a foster home to be stored:

- Unloaded and equipped with a trigger lock;
- Unassembled and inoperable;
- Locked in a cabinet or storage container inaccessible to children; or
- Locked in a gun safe inaccessible to children.⁸¹

Parents at a children's residential care facility must keep their firearms unloaded and equipped with trigger locks and stored under lock and key and inaccessible to children.⁸² Ammunition must be stored under lock and key separate from firearms and inaccessible to children.⁸³

For age requirements for the purchase or possession of firearms in Idaho, see the [Idaho Minimum Age to Purchase / Possess](#) section.

See [Regulating Guns in America: Child Access Prevention](#) for a comprehensive discussion of this issue.

⁸¹ Idaho Admin. Code r. 16.06.02.435.

⁸² Idaho Admin. Code r. 16.06.02.734.

⁸³ *Id.*

Classes of Weapons / Ammunition

Assault Weapons

Idaho does not regulate assault weapons.

See [Regulating Guns in America: Assault Weapons](#) for a comprehensive discussion of this issue.

Large Capacity Ammunition Magazines

Idaho does not regulate large capacity ammunition magazines.

See [*Regulating Guns in America: Large Capacity Ammunition Magazines*](#) for a comprehensive discussion of this issue.

Fifty Caliber Rifles

Idaho does not regulate fifty caliber rifles.

See [*Regulating Guns in America: Fifty Caliber Rifles*](#) for a comprehensive discussion of this issue.

Machine Guns/Automatic Firearms

Idaho prohibits minors from possessing automatic weapons.⁸⁴ Idaho does not have other laws regulating machine guns or automatic weapons.

See [LCAV's policy page on Machine Guns](#) for further information.

⁸⁴ Idaho Code Ann. § 18-3302F.

Non-Powder Guns

Idaho does not regulate non-powder guns.

See [Regulating Guns in America: Non-Powder Guns](#) for a comprehensive discussion of this issue.

Ammunition Regulation

Minimum Age to Purchase/Possess

Idaho prohibits any person, firm, association or corporation from selling or giving any minor under the age of 16 any shells or fixed ammunition of any kind, except shells loaded for use in shotguns or for use in rifles of 22 caliber or smaller without the written consent of the parents or guardian of the minor.⁸⁵

However, federal law prohibits firearms dealers from selling or delivering ammunition for a shotgun or rifle to any person the dealer knows or has reasonable cause to believe is under the age of 18, and from selling or delivering handgun ammunition to any person the dealer knows or has reasonable cause to believe is under the age of 21.⁸⁶ Federal law prohibits unlicensed persons generally from selling, delivering or otherwise transferring handgun ammunition to any person the transferor knows or has reasonable cause to believe is under the age of 18.⁸⁷ Federal law also generally prohibits the possession of handgun ammunition by anyone under the age of 18.⁸⁸

Safe Storage of Ammunition

A state administrative regulation requires house parents at a children's residential care facility to store any ammunition under lock and key separate from firearms and inaccessible to children.⁸⁹

Idaho does **not**:

- Require a license for the sale of ammunition;
- Require sellers of ammunition to maintain a record of the purchasers;
- Require a license to purchase or possess ammunition; or
- Prohibit the possession, transfer or use of armor-piercing or other unreasonably dangerous ammunition, although the [federal prohibition on certain kinds of armor-piercing ammunition](#) applies.

For additional information on the regulation of minors in Idaho, see the [Idaho Minimum Age to Purchase / Possess](#) and [Idaho Trafficking](#) sections.

See [Regulating Guns in America: Ammunition Regulation](#) for a comprehensive discussion of this issue.

⁸⁵ Idaho Code Ann. § 18-3308.

⁸⁶ 18 U.S.C. § 922(b)(1), (c)(1).

⁸⁷ 18 U.S.C. § 922(x)(1), (3) and (5).

⁸⁸ 18 U.S.C. § 922(x)(2), (3) and (5).

⁸⁹ Idaho Admin. Code r. 16.06.02.734.

Crime Gun Investigation

Microstamping/Ballistic Identification

Idaho has no laws requiring microstamping or ballistic identification.

See [*Regulating Guns in America: Ballistic Identification*](#) for a comprehensive discussion of this issue.

Trafficking

Idaho prohibits supplying, selling, or giving possession or control of any firearm to any person who the transferor knows is a gang member.⁹⁰

Idaho prohibits the direct or indirect sale of any pistol, revolver, or other gun to any minor under age 18 without the written consent of the minor's parent or guardian.⁹¹ Additionally, any person, firm, association or corporation is prohibiting from selling or giving any firearm, gunpowder, shells, or fixed ammunition – other than shells loaded for use in a shotgun or rifle of 22 caliber or less – to any minor under age 16 without prior written consent of the minor's parent or guardian.⁹²

For additional information, see the [Idaho Minimum Age to Purchase / Possess](#), [Idaho Private Sales](#) and [Idaho Ammunition Regulation](#) sections.

See [LCAV's policy page on Firearms Trafficking](#) for further information on this issue.

⁹⁰ Idaho Code Ann. § 18-8505.

⁹¹ Idaho Code Ann. § 18-3302A.

⁹² Idaho Code Ann. § 18-3308.

State Links

[Bureau of Alcohol, Tobacco, Firearms and Explosives, Seattle Field Division \(AK, HI, ID, OR, WA\)](#)

[State of Idaho Office of the Attorney General](#)

[Idaho Coalition Against Sexual & Domestic Violence](#)

[Idaho Council on Domestic Violence and Victim Assistance](#)