



CWP

KEN PAXTON
ATTORNEY GENERAL OF TEXAS

July 28, 2015

Stephanie A. Altig,
Lead Deputy Attorney General
Office of the Attorney General
Idaho State Police
700 S. Stratford Drive
Meridian, ID 83642



Re: Idaho Concealed Weapons Licenses ("CWL")

Dear Ms. Altig:

I am in receipt of your July 1, 2015 letter inquiring whether Texas will continue to recognize concealed weapon licenses issued by the State of Idaho in light of recent changes to Idaho law. Based on my review of those changes and the existing reciprocity agreement between our States, it is my conclusion that Texas will continue to recognize licenses issued by Idaho.

Texas entered a formal reciprocity agreement with Idaho on August 8, 2004. The memorandum of that agreement provides that it "becomes effective on the date of the final signature and shall continue in effect unless modified by mutual written consent, or terminated by either state upon thirty (30) days' written notice."

Texas law regarding concealed carry reciprocity is set out in Texas Government Code § 411.173. More specifically, Texas Government Code § 411.173(b) provides:

The governor shall negotiate an agreement with any other state that provides for the issuance of a license to carry a concealed handgun under which a license issued by the other state is recognized in this state or shall issue a proclamation that a license issued by the other state is recognized in this state if the attorney general of the State of Texas determines that a background check of each applicant for a license issued by that state is initiated by state or local authorities or an agent of the state or local authorities before the license is issued. For purposes of this subsection, "background check" means a search of the National Crime Information Center database and the Interstate Identification Index maintained by the Federal Bureau of Investigation.

As I understand Idaho's concealed carry laws after the most recent changes, applicants for both original and enhanced concealed weapons licenses remain subject to a background check through the National Instant Criminal Background Check System ("NICS") prior to issuance of the license. Idaho Code § 18-3302(10); Idaho Code § 18-3302K(3). Because a NICS check includes a search of the information contained in the

National Criminal Information Center Database and the Interstate Identification Index, I see no reason to believe the previous reciprocity agreement need be disturbed for either license. As such, it is my opinion that Texas will continue to recognize all concealed weapon licenses duly and properly issued by the State of Idaho.

Regards,

A handwritten signature in black ink, reading "John R. Ellis, IV". The signature is written in a cursive style with a horizontal line underlining the name.

John R. Ellis, IV
Assistant Attorney General
General Counsel Division

MEMORANDUM OF AGREEMENT
between
The State of Texas
and
The State of Idaho
concerning Concealed Handgun Permit Reciprocity

WHEREAS, the State of Texas has the authority to issue a Concealed Handgun License pursuant to V.T.C.A. Government Code § 411, Subchapter H; and

WHEREAS, the State of Idaho has the authority to issue a Concealed Weapon License pursuant to Idaho Code § 18-3302; and

WHEREAS, the State of Texas is authorized to recognize the validity of a nonresident Concealed Handgun License if the Texas Attorney General determines that a background check of each applicant for a license issued by the other state is conducted by state or local authorities, or agent thereof, before the license is issued to determine the applicants' eligibility to possess a firearm under the Federal Gun Control Act (18 U.S.C. § 922); and

WHEREAS, the Texas Attorney General has made such affirmative determination with respect to the State of Idaho; and

WHEREAS, the State of Texas is therefore authorized to recognize the validity of Idaho Concealed Weapons Licenses pursuant to V.T.C.A. Government Code § 411.173 (b) except as limited below; and

WHEREAS, the State of Idaho is authorized to recognize a valid permit from a state or local law enforcement agency or court authorizing a licensee to carry a concealed weapon if the permit is in the licensee's physical possession, pursuant to Idaho Code § 18-3302 (12) (g); and

WHEREAS, Concealed Handgun License reciprocity between Texas and Idaho is thus supported by the laws of both states;

NOW, THEREFORE, the parties do hereby agree as follows:

1. The State of Texas shall give full faith and credit to a valid Concealed Weapons License issued by the State of Idaho, except as limited below; and
2. The State of Idaho affirms that Idaho Code § 18-3302 will operate to give full faith and credit to a valid Concealed Handgun License issued by the State of Texas if in the physical possession of the licensee while in Idaho; and

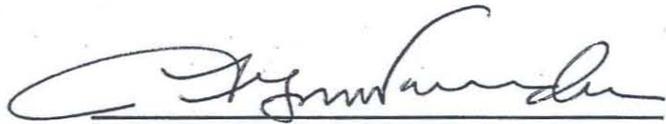
3. The State of Texas and the State of Idaho will inform each other of any changes to their respective concealed carry weapons statutes that may affect the eligibility of the recognition granted by each state.

This Memorandum of Agreement applies only to the carrying of handguns by valid license holders from the respective states and not to any other types of weapons. For purposes of this Agreement, the term "handgun" means any firearm that is designed, made, or adapted to be fired with a single hand.

This Memorandum of Agreement becomes effective on the date of the final signature and shall continue in effect unless modified by mutual written consent, or terminated by either state upon thirty (30) days' written notice. This document is not intended to limit or restrict the statutory authority or jurisdiction of either state.



RICK PERRY
Governor of Texas



LAWRENCE G. WAsDEN
Attorney General of Idaho

DATE 8/6/04

DATE 27/July/2004

I hereby certify that a background check of each applicant for a license issued by the State of Idaho is conducted by Idaho or its local authorities, or an agent of the State of Idaho or its local authorities, before the license is issued to determine the applicants' eligibility to possess a firearm under federal law.



GREG ABBOTT
Attorney General of Texas