



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

Does the state of Utah recognize Idaho's Concealed Weapons License?

- Regular: IDAHO CODE § 18-3302
- Enhanced: IDAHO CODE § 18-3302K
- Both
- Neither

Does the state of Utah require a reciprocity agreement?

- No
- Yes

If yes, is a formal agreement, such as a Memorandum of Agreement, required or will a less formal agreement, such as exchange of letters acknowledging reciprocity of our states' Concealed Weapons Licenses suffice?

- Memorandum of Agreement
- Exchange of Letters

Greg Willmore
Name

Captain/Director
Title

08/14/2018
Date

801-281-5073
Telephone

Utah Bureau of Criminal Identification
State Agency Department

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Department of Public Safety

KEITH D. SQUIRES
Commissioner

State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

August 14, 2018

Stephanie A. Altig
Lead Deputy Attorney General
Idaho State Police
700 S. Stratford Dr.
Meridian, ID 83642

Re: Idaho Concealed Weapons Licenses ("CWL")

Dear Ms. Altig:

The Utah Bureau of Criminal Identification (BCI) received your letter dated July 27, 2018. You requested that the State of Utah consider whether our law recognizes either or both Idaho CWL's or if necessary, entering into a reciprocity agreement with the State of Idaho, whereby the State of Utah will recognize either or both Idaho CWL's.

In response to your inquiry, Utah Code Ann. § 76-10-523(2)(b) provides that the state restrictions regarding carrying a concealed weapon "do not apply to any person to whom a permit to carry a concealed firearm has been issued by another state or county." Thus, an Idaho resident may carry a concealed firearm in the State of Utah based upon having a valid Idaho concealed handgun permit pursuant to laws of the State of Utah.

I hope this response is sufficient for your purposes. Should you have further questions, feel free to contact me at (801) 281-5073.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Willmore".

Greg Willmore
Director
Utah Bureau of Criminal Identification

enclosure: Utah Code Ann. § 76-10-503

Effective 5/9/2017

76-10-503 Restrictions on possession, purchase, transfer, and ownership of dangerous weapons by certain persons -- Exceptions.

(1) For purposes of this section:

(a) A Category I restricted person is a person who:

- (i) has been convicted of any violent felony as defined in Section 76-3-203.5;
- (ii) is on probation or parole for any felony;
- (iii) is on parole from a secure facility as defined in Section 62A-7-101;
- (iv) within the last 10 years has been adjudicated delinquent for an offense which if committed by an adult would have been a violent felony as defined in Section 76-3-203.5;
- (v) is an alien who is illegally or unlawfully in the United States; or
- (vi) is on probation for a conviction of possessing:
 - (A) a substance classified in Section 58-37-4 as a Schedule I or II controlled substance;
 - (B) a controlled substance analog; or
 - (C) a substance listed in Section 58-37-4.2.

(b) A Category II restricted person is a person who:

- (i) has been convicted of any felony;
- (ii) within the last seven years has been adjudicated delinquent for an offense which if committed by an adult would have been a felony;
- (iii) is an unlawful user of a controlled substance as defined in Section 58-37-2;
- (iv) is in possession of a dangerous weapon and is knowingly and intentionally in unlawful possession of a Schedule I or II controlled substance as defined in Section 58-37-2;
- (v) has been found not guilty by reason of insanity for a felony offense;
- (vi) has been found mentally incompetent to stand trial for a felony offense;
- (vii) has been adjudicated as mentally defective as provided in the Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993), or has been committed to a mental institution;
- (viii) has been dishonorably discharged from the armed forces;
- (ix) has renounced the individual's citizenship after having been a citizen of the United States;
- (x) is a respondent or defendant subject to a protective order or child protective order that is issued after a hearing for which the respondent or defendant received actual notice and at which the respondent or defendant has an opportunity to participate, that restrains the respondent or defendant from harassing, stalking, threatening, or engaging in other conduct that would place an intimate partner, as defined in 18 U.S.C. Sec. 921, or a child of the intimate partner, in reasonable fear of bodily injury to the intimate partner or child of the intimate partner, and that:
 - (A) includes a finding that the respondent or defendant represents a credible threat to the physical safety of an individual who meets the definition of an intimate partner in 18 U.S.C. Sec. 921 or the child of the individual; or
 - (B) explicitly prohibits the use, attempted use, or threatened use of physical force that would reasonably be expected to cause bodily harm against an intimate partner or the child of an intimate partner; or
- (xi) has been convicted of the commission or attempted commission of assault under Section 76-5-102 or aggravated assault under Section 76-5-103 against a current or former spouse, parent, guardian, individual with whom the restricted person shares a child in common, individual who is cohabitating or has cohabitated with the restricted person as a spouse, parent, or guardian, or against an individual similarly situated to a spouse, parent, or guardian of the restricted person.

- (c) As used in this section, a conviction of a felony or adjudication of delinquency for an offense which would be a felony if committed by an adult does not include:
 - (i) a conviction or adjudication of delinquency for an offense pertaining to antitrust violations, unfair trade practices, restraint of trade, or other similar offenses relating to the regulation of business practices not involving theft or fraud; or
 - (ii) a conviction or adjudication of delinquency which, according to the law of the jurisdiction in which it occurred, has been expunged, set aside, reduced to a misdemeanor by court order, pardoned or regarding which the person's civil rights have been restored unless the pardon, reduction, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.
- (d) It is the burden of the defendant in a criminal case to provide evidence that a conviction or adjudication of delinquency is subject to an exception provided in Subsection (1)(c), after which it is the burden of the state to prove beyond a reasonable doubt that the conviction or adjudication of delinquency is not subject to that exception.
- (2) A Category I restricted person who intentionally or knowingly agrees, consents, offers, or arranges to purchase, transfer, possess, use, or have under the person's custody or control, or who intentionally or knowingly purchases, transfers, possesses, uses, or has under the person's custody or control:
 - (a) any firearm is guilty of a second degree felony; or
 - (b) any dangerous weapon other than a firearm is guilty of a third degree felony.
- (3) A Category II restricted person who intentionally or knowingly purchases, transfers, possesses, uses, or has under the person's custody or control:
 - (a) any firearm is guilty of a third degree felony; or
 - (b) any dangerous weapon other than a firearm is guilty of a class A misdemeanor.
- (4) A person may be subject to the restrictions of both categories at the same time.
- (5) If a higher penalty than is prescribed in this section is provided in another section for one who purchases, transfers, possesses, uses, or has under this custody or control any dangerous weapon, the penalties of that section control.
- (6) It is an affirmative defense to a charge based on the definition in Subsection (1)(b)(iv) that the person was:
 - (a) in possession of a controlled substance pursuant to a lawful order of a practitioner for use of a member of the person's household or for administration to an animal owned by the person or a member of the person's household; or
 - (b) otherwise authorized by law to possess the substance.
- (7)
 - (a) It is an affirmative defense to transferring a firearm or other dangerous weapon by a person restricted under Subsection (2) or (3) that the firearm or dangerous weapon:
 - (i) was possessed by the person or was under the person's custody or control before the person became a restricted person;
 - (ii) was not used in or possessed during the commission of a crime or subject to disposition under Section 24-3-103;
 - (iii) is not being held as evidence by a court or law enforcement agency;
 - (iv) was transferred to a person not legally prohibited from possessing the weapon; and
 - (v) unless a different time is ordered by the court, was transferred within 10 days of the person becoming a restricted person.
 - (b) Subsection (7)(a) is not a defense to the use, purchase, or possession on the person of a firearm or other dangerous weapon by a restricted person.
- (8)

- (a) A person may not sell, transfer, or otherwise dispose of any firearm or dangerous weapon to any person, knowing that the recipient is a person described in Subsection (1)(a) or (b).
- (b) A person who violates Subsection (8)(a) when the recipient is:
 - (i) a person described in Subsection (1)(a) and the transaction involves a firearm, is guilty of a second degree felony;
 - (ii) a person described in Subsection (1)(a) and the transaction involves any dangerous weapon other than a firearm, and the transferor has knowledge that the recipient intends to use the weapon for any unlawful purpose, is guilty of a third degree felony;
 - (iii) a person described in Subsection (1)(b) and the transaction involves a firearm, is guilty of a third degree felony; or
 - (iv) a person described in Subsection (1)(b) and the transaction involves any dangerous weapon other than a firearm, and the transferor has knowledge that the recipient intends to use the weapon for any unlawful purpose, is guilty of a class A misdemeanor.
- (9)
 - (a) A person may not knowingly solicit, persuade, encourage or entice a dealer or other person to sell, transfer or otherwise dispose of a firearm or dangerous weapon under circumstances which the person knows would be a violation of the law.
 - (b) A person may not provide to a dealer or other person any information that the person knows to be materially false information with intent to deceive the dealer or other person about the legality of a sale, transfer or other disposition of a firearm or dangerous weapon.
 - (c) "Materially false information" means information that portrays an illegal transaction as legal or a legal transaction as illegal.
 - (d) A person who violates this Subsection (9) is guilty of:
 - (i) a third degree felony if the transaction involved a firearm; or
 - (ii) a class A misdemeanor if the transaction involved a dangerous weapon other than a firearm.

Amended by Chapter 288, 2017 General Session