

ATTORNEY GENERAL
STATE OF MONTANA

Tim Fox
Attorney General



Department of Justice
215 North Sanders
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Helena, MT 59620-1401

July 9, 2014

Attorney General Lawrence G. Wasden
State of Idaho
Idaho State Police
700 South Stratford Drive
Meridian, ID 83642-6202

Re: Idaho Concealed Weapons Permits

Dear General Wasden,

I am writing in response to your staff's letter of July 1, 2014 to my office regarding Montana's recognition of Idaho's Concealed Weapons License and Enhanced Concealed Weapons License (hereinafter CWL). I am pleased to inform you that Montana recognizes both categories of Idaho's CWLs and does not require a reciprocity agreement.

Under Mont. Code Ann. § 45-8-329(1), Montana will recognize another state's CWL if it meets the following conditions:

- (a) the person issued the permit has the permit in the person's immediate possession;
- (b) the person bearing the permit is also in possession of an official photo identification of the person, whether on the permit or on other identification; and
- (c) the state that issued the permit requires a criminal records background check of permit applicants prior to issuance of a permit.

I have reviewed the current Idaho Code §§ 18-3302, et. seq., which governs issuance of CWLs, and this Code clearly contains all of these requirements. Under my responsibilities in Mont. Code Ann. § 45-8-329(2) to maintain a list of states from which CWLs are recognized, I have included Idaho as a recognized state.

Idaho residents are not required to obtain a declaration from any Montana official before exercising their privilege of carrying a concealed weapon with a valid Idaho CWL. Mont. Code Ann. § 45-8-329(3). Montana law does not contain a provision for entering into a reciprocity agreement with any state; if Idaho's CWLs meet our requirements, no agreement is necessary.

So long as Idaho residents carrying a concealed weapon maintain a valid CWL in their immediate possession, and I note these CWLs include photo identification, then they can validly carry a concealed weapon in Montana. Keep in mind that possession of a CWL does not entitle anyone, whether a Montana or Idaho resident, to carry the weapon in all locations. There are some restrictions, such as government buildings, where weapons are not allowed except by law enforcement personnel.

I recommend you direct Idaho residents to the Montana Department of Justice web site in order for them to understand the details of Montana's gun laws. The address is: <https://doj.mt.gov/featuredemp/frequently-asked-firearms-questions/> .

As always, my office is available to assist and answer any needed questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Fox', with a stylized flourish extending to the right.

TIM FOX
Montana Attorney General