



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

BRAD D. SCHIMEL
ATTORNEY GENERAL

Andrew C. Cook
Deputy Attorney General

17 W. Main Street
P.O. Box 7857
Madison, WI 53707-7857
www.doj.state.wi.us

Thomas C. Bellavia
Assistant Attorney General
608/266-8690
bellaviatc@doj.state.wi.us
FAX 608/267-2223

October 27, 2015

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



Dear Ms. Altig:

I am writing in response to your July 1, 2014, letter to Brian O'Keefe, Administrator of the Wisconsin Department of Justice's Division of Law Enforcement Services, in which you inquired regarding the reciprocal recognition by Wisconsin and Idaho of each state's licenses authorizing the carrying of concealed weapons. I apologize for the delay in getting this response to you.

You have asked, first, whether Wisconsin recognizes regular Idaho Concealed Weapons Licenses issued pursuant to Idaho Code § 18-3302 and Enhanced Idaho Concealed Weapons Licenses issued pursuant to Idaho Code § 18-3302K. The answer for both categories of Idaho licenses is yes.

Under Wisconsin law, an individual who is not a Wisconsin resident and who has been issued a concealed carry license by another state may go armed with a concealed weapon in Wisconsin if the law of the other state, as a prerequisite to obtaining a concealed carry license, expressly requires a background check that is comparable to the background check required for a Wisconsin concealed carry license, or if the other state, through the office of its attorney general or another appropriate state agency or official, has informed the Wisconsin Department of Justice in writing that the state, as a matter of policy, requires a comparable background check as a prerequisite to obtaining a concealed carry license. Wis. Stat. §§ 165.25(12m); 175.60(1)(ac), (f), and (g), (3)(a), (b), and (c); and 941.23(2)(d) and Wis. Admin. Code § Jus 17.13. Another state's background check is considered comparable to the background check required for a Wisconsin concealed carry

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license if it includes a search in the National Instant Criminal Background Check System (NICS) to determine whether the license applicant is legally prohibited from possessing a firearm. Wis. Admin. Code § Jus 17.13.

On August 1, 2011, you informed the Wisconsin Department of Justice in writing that Idaho requires a NICS check as part of the background check that is conducted on all concealed carry license applicants to meet the requirements of Idaho Code § 18-3302. Based on that representation, Wisconsin recognizes regular Idaho Concealed Weapons Licenses issued pursuant to Idaho Code § 18-3302.

According to your letter of July 1, 2014, the Idaho Legislature in 2013 enacted Idaho Code § 18-3302K, which created the Enhanced Idaho Concealed Weapons License. According to Idaho Code § 18-3302K(3), each applicant for an Enhanced Idaho Concealed Weapons License must undergo a background check that includes a NICS inquiry for any conditions that would disqualify the applicant from possessing a firearm under state or federal law. Based on that statutory requirement, Wisconsin recognizes Enhanced Idaho Concealed Weapons Licenses issued pursuant to Idaho Code § 18-3302K.

Second, you ask whether Wisconsin requires a reciprocity agreement for the mutual recognition of concealed carry licenses. The answer is no. *See* Wis. Stat. § 175.60(1)(f) and (g) and (2g), Wis. Stat. § 165.25(16), and Wis. Admin. Code § Jus 17.13. Under those provisions of Wisconsin law, without regard to the existence or non-existence of a reciprocity agreement, Wisconsin currently recognizes both regular and Enhanced Idaho Concealed Weapons Licenses for the reasons discussed above.

Third, you ask whether Wisconsin would be interested in entering into a concealed carry license reciprocity agreement with Idaho. The Wisconsin Department of Justice is authorized to enter into such agreements under Wis. Stat. § 175.60(18). It appears, however, that a reciprocity agreement between Wisconsin and Idaho is not necessary.

As discussed above, Wisconsin already recognizes both regular and Enhanced Idaho Concealed Weapons Licenses. In addition, under Idaho Code § 18-3302(12)(g), Idaho recognizes a valid concealed carry permit issued by a state or local law enforcement agency in another state, as long as the permit is in the licensee's physical possession. It appears, therefore, that Idaho already recognizes a valid

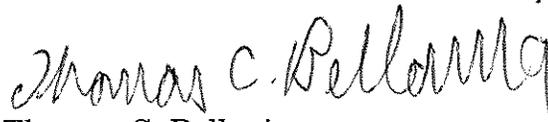
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Wisconsin concealed carry permit issued by the Wisconsin Department of Justice, as long as the permit is in the holder's physical possession.

Because Wisconsin and Idaho, as a matter of law, already recognize each other's concealed carry licenses, a written reciprocity agreement appears to be unnecessary.

I hope that this information is helpful to you. Please feel free to contact me, if you have any further inquiries.

Sincerely,

A handwritten signature in cursive script that reads "Thomas C. Bellavia". The signature is written in dark ink and is positioned above the printed name and title.

Thomas C. Bellavia
Assistant Attorney General

TCB:jrs