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11.12.01 - Rules Governing Records Checks For Transfers Of Handguns

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**IDAPA 11
TITLE 12
Chapter 01**

**11.12.01 - RULES GOVERNING RECORDS CHECKS
FOR TRANSFERS OF HANDGUNS**

000. LEGAL AUTHORITY.

The Department of Law Enforcement has authority to make rules to implement the records checks for transfers of handguns law pursuant to Chapter 54, Title 19, Idaho Code. (12-7-94)

001. TITLE.

These rules shall be cited as IDAPA 11.12.01, "Rules Governing Records Checks for Transfers of Handguns," Title 12, Chapter 01, Rules of the Department of Law Enforcement. (12-7-94)

002. -- 003. (RESERVED).

004. DEFINITIONS.

As used in this chapter: (12-7-94)

01. Department. "Department" means the Idaho Department of Law Enforcement. (12-7-94)

02. Director. "Director" means the director of the Department of Law Enforcement. (12-7-94)

03. Firearms Dealer. "Firearms dealer" means any person engaged in the business of importing, manufacturing or dealing in firearms and having a license as an importer, manufacturer or dealer of firearms issued by the United States Department of Treasury. (12-7-94)

04. Handgun. "Handgun" means: (12-7-94)

a. A firearm that has a short stock and is designed to be held and fired by the use of a single hand; or (12-7-94)

b. Any combination of parts from which a firearm described in paragraph 004.04.a. of this section can be assembled. (12-7-94)

05. ILETS. "ILETS" means the Idaho Law Enforcement Teletypewriter System. (12-7-94)

06. Transfer. "Transfer" and the various derivatives thereof shall include the sale, delivery or other transfer of a handgun, other than the return of a handgun to the person from whom it was received. (12-7-94)

07. Working Day. "Working day" means each day except Saturday, Sunday or legal state holiday. (12-7-94)

005. DEALER IDENTIFICATION NUMBER--FEE.

01. Fee. (12-7-94)

a. Every firearms dealer who intends to transfer any handgun subject to the provisions of Chapter 54, Title 19, Idaho Code shall pay a fee to the State of Idaho Instacheck Fund. (12-7-94)

b. The amount of the fee shall be one hundred dollars (\$100). (12-7-94)

c. The fee shall be due annually. (12-7-94)

d. The fee year shall run from June 1 through May 31. (12-7-94)

e. A dealer who has not paid the annual fee will not be authorized to participate in the instacheck system. (12-7-94)

006. TOLL-FREE TELEPHONE NUMBER.

01. Access To Instacheck System. A toll-free number is established for the purpose of responding to requests for criminal history checks under the provisions of Chapter 54, Title 19, Idaho Code. (12-7-94)

02. Hours Of Service. Telephone service will be available Monday through Saturday, between the hours of 10:00 a.m. and 7:00 p.m., and Sunday, between the hours of 12:00 noon and 5:00 p.m., excepting Easter, Thanksgiving and Christmas days. (12-7-94)

007. REVIEW OF DISAPPROVAL.

01. Review. A person who is denied the right to receive or purchase a handgun because the firearms dealer received a disapproval number as the result of a department record check may request a review by the director. (12-7-94)

02. Applications For Review. All pleadings requesting a right, license, award, or authority from the department are called "applications for review". (12-7-94)

03. Form And Content. Applications for review shall be in writing and should: (12-7-94)

a. Fully state the facts upon which they are based; (12-7-94)

b. Refer to the particular provisions of the statute, rule, order, or other controlling law upon which they are based; and (12-7-94)

c. State the right, license, award, or authority sought. (12-7-94)

04. Review And Response. The director shall conduct a review of the disapproval process and shall make a determination to approve or disapprove the handgun transfer. The director's decision shall be in writing and shall include a statement of the information relied upon or the basis for the decision. (12-7-94)

05. Time For Response. The director shall respond to an application for review within ten (10) working days of its receipt. (12-7-94)

008. CONFIDENTIALITY AND SECURITY.

01. Guidelines. In order to insure the confidentiality and security of information contained in criminal history files and information provided pursuant to Chapter 54, Title 19, Idaho Code, the provisions applicable to system security, outlined in the ILETS Operating Manual, shall be followed. These guidelines include: (12-7-94)

a. Limiting access to the ILETS terminal to authorized personnel only; (12-7-94)

b. Locating the terminal in such a way as to prevent unauthorized persons from reviewing the data received; (12-7-94)

c. Proper screening and supervision of personnel having access to an ILETS terminal device; (12-7-94)

d. The ILETS terminal shall be secured at all times; (12-7-94)

e. Restricted dissemination to qualified recipients. (12-7-94)

02. Records. All records pertaining to a potential buyer or transferee who is qualified to receive a handgun shall be destroyed within 5 (five) working days of receipt, including computer and printed documents. The department shall keep all logs and records as required under state and federal law. (12-7-94)

009. -- 999. (RESERVED).

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