

WHAT FEDERALLY PROHIBITS SOMEONE FROM PURCHASING /POSSESSING A FIREARM?

- Convicted of a crime punishable by imprisonment for a term exceeding one year;
- Fugitives from Justice - the subject of an active warrant;
- Unlawful Users of or Addicted to any controlled substance;
- Adjudicated as a Mental Defective or involuntarily committed to any mental institution;
- Illegal or Unlawful Alien;
- Dishonorable Discharge from U.S. Armed Forces;
- Renunciation of U.S. Citizenship;
- Subjects of Protection/Restraining Orders;
- Misdemeanor Crimes of Domestic Violence conviction;
- Under information or indictment for a crime punishable by imprisonment for a term exceeding one year.

IDAHO CONCEALED WEAPONS LAW

Allows a valid permit-holder to purchase/transfer firearms without going through the NICS check process at the point of sale.

DOES AN ARREST RECORD ALONE DISQUALIFY SOMEONE FEDERALLY FROM POSSESSION OF A FIREARM?

No,
a denial must be based on record information showing a final disposition or resolution to the arrest(convicted or under indictment/information for a felony).

IDAHO CODE § 67-3001(4)(D)

- ... (4) "Criminal history records" means physical and automated information on individuals collected and maintained by the Idaho State Police as a result of arrest or the initiation of a criminal proceeding by felony summons or information...

(d) Information relating to the disposition of cases by courts;

IDAHO CODE § 67-3005

Records and reporting -- Duties of other criminal justice agencies and the court.

- (1) Each criminal justice agency shall:
 - (a) Transmit to the department, when and in the manner prescribed by this chapter or any rules adopted pursuant thereto, all information required by section 67-3001(4), Idaho Code, for inclusion in the criminal history records;...
- (3) The clerk of the court exercising jurisdiction over a case relating to a retainable offense shall report the court disposition of the case to the department, in a manner and format determined by the department after consultation with and approval by the Idaho supreme court.

If the FBI does not receive a final disposition within three business days and the FBI does not respond to the FFL, the FFL may transfer the firearm to someone who could possibly be prohibited.

Each time final disposition information is obtained and posted to a criminal history record,

Public and national safety is enhanced.

FUGITIVE FROM JUSTICE

A Wanted entry is not mandatory, it is recommended, as any criminal warrant is one of the federal gun rights disqualifiers, and there may be a liability issue if a person or agency chooses not to enter them into a database accessible by other states and federal entities charged with issuing gun permits or returning weapons to an individual.

WARRANTS

18 USC 922(G)(8)

- Persons subject to a qualifying protection order under federal law are generally prohibited from possessing any firearm or ammunition in or affecting commerce (or shipping or transporting any firearm or ammunition in interstate or foreign commerce, or receiving any such firearm or ammunition).

BRADY CHECKLIST

BRADY YES

- CIVIL PROTECTION ORDER** (If No Contact Order, enter into NCOE File)
- FINDING THAT THE SUBJECT REPRESENTS A CREDIBLE THREAT** to the physical safety of an intimate partner or child of the order or **EXPLICITLY PROHIBITS THE USE, ATTEMPTED USE, OR THREATENED USE** of physical force against an intimate partner or child that would reasonably be expected to cause bodily injury.
- PERMANENT PROTECTION ORDER**
Subject received notice, and at which he/she had an opportunity to participate
- INTIMATE PARTNER** (check one)
 - Spouse
 - Former Spouse
 - Parent of the Subject's Child
 - Cohabitates or has Cohabitated with the Subject.
 - Child of an Intimate Partner

PROTECTION ORDER

- ORI/ID0200000 NAM/PUBLIC,CARL C SEX/M RAC/W POB/FL
- DOB/19560524 HGT/509 WGT/153 EYE/HAZ HAI/BLN FBI/9003300
- SMT/TAT LF ARM
- FPC/CIP0121713161121314 SOC/099999991
- QLN/TS100007C OLS/ID OLY/2005
- SVC/1 - SERVED SVD/20131002
- PNO/2013TEST BRD/Y ISD/20131001 EXP/20141001
- PPN/PUBLIC,CARLA PSX/F PPR/W PPB/19570115
- PCO/01 - THE SUBJECT IS RESTRAINED FROM ASSAULTING, THREATENING, ABUSING,
- PCO/HARASSING, FOLLOWING, INTERFERING, OR STALKING THE PROTECTED PERSON AND/OR
- PCO/THE CHILD OF THE PROTECTED PERSON.
- MIS/THE SUBJECT IS PROHIBITED FROM PURCHASING OR POSSESSING A FOLDING KNIFE WITH A BLADE LONGER THAN 4 INCHES
- DNA/N
- ORI IS ELMORE CO SO MOUNTAIN HOME 208 587-2121
- PCO/02 - THE SUBJECT MAY NOT THREATEN A MEMBER OF THE PROTECTED PERSON'S FAMILY
- PCO/OR HOUSEHOLD.
- PCO/04 - THE SUBJECT IS REQUIRED TO STAY AWAY FROM THE RESIDENCE, PROPERTY,
- PCO/SCHOOL, OR PLACE OF EMPLOYMENT OF THE PROTECTED PERSON OR OTHER FAMILY OR
- PCO/HOUSEHOLD MEMBER.
- PCO/07 - THE SUBJECT IS PROHIBITED FROM POSSESSING AND/OR PURCHASING A FIREARM
- PCO/OR OTHER WEAPONS AS IDENTIFIED IN THE MISCELLANEOUS FIELD.
- NIC/H141965234 DTE/20131011 1154 EDT DLLU/20131011 1157 EDT

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