

Senate File 162 - Introduced

SENATE FILE 162

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(COMPANION TO LSB 1527HH BY
PEARSON)

A BILL FOR

1 An Act relating to the carrying of weapons including provisions
2 relating to permits to carry weapons and providing a
3 penalty.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 80A.13, Code 2011, is amended to read as
2 follows:

3 **80A.13 Campus weapon requirements.**

4 An individual employed by a college or university, or by a
5 private security business holding a contract with a college or
6 university, who performs private security duties on a college
7 or university campus and who carries a weapon while performing
8 these duties shall ~~meet all of the following requirements:~~

9 ~~1. File with the sheriff of the county in which the campus~~
10 ~~is located evidence that the individual has successfully~~
11 ~~completed an approved firearms training program under section~~
12 ~~724.9. This requirement does not apply to armored car~~
13 ~~personnel.~~

14 ~~2. Possess a permit to carry weapons issued by the sheriff~~
15 ~~of the county in which the campus is located under sections~~
16 ~~724.6 through 724.11. This requirement does not apply to~~
17 ~~armored car personnel.~~

18 ~~3. File file with the sheriff of the county in which the~~
19 ~~campus is located a sworn affidavit from the employer outlining~~
20 ~~the nature of the duties to be performed and justification of~~
21 ~~the need to go armed.~~

22 Sec. 2. Section 724.4, Code 2011, is amended to read as
23 follows:

24 **724.4 Carrying weapons.**

25 ~~1. Except as otherwise provided in this section, a person~~
26 ~~who goes armed with a dangerous weapon concealed on or about~~
27 ~~the person, or who, within the limits of any city, goes~~
28 ~~armed with a pistol or revolver, or any loaded firearm of~~
29 ~~any kind, whether concealed or not, or who knowingly carries~~
30 ~~or transports in a vehicle a pistol or revolver, commits~~
31 ~~an aggravated misdemeanor. A person who goes armed with a~~
32 ~~dangerous weapon with the intent to commit a crime of violence~~
33 ~~commits a class "D" felony. This subsection applies regardless~~
34 ~~of whether the dangerous weapon is concealed or not concealed~~
35 ~~on or about the person and regardless of whether the dangerous~~

1 weapon is transported in a vehicle. For purposes of this
2 subsection, "crime of violence" means a felony which has, as an
3 element of the offense, the use of physical force by one person
4 against another person.

5 2. A person who goes armed with a knife concealed on
6 or about the person, if the person uses the knife in the
7 commission of a crime, commits an aggravated misdemeanor.

8 3. A person who goes armed with a knife concealed on or
9 about the person, if the person does not use the knife in the
10 commission of a crime:

11 a. If the knife has a blade exceeding eight inches in
12 length, commits an aggravated misdemeanor.

13 b. If the knife has a blade exceeding five inches but
14 not exceeding eight inches in length, commits a serious
15 misdemeanor.

16 4. Subsections 1 through 3 do not apply to any of the
17 following:

18 a. A person who for any lawful purpose goes armed with
19 a dangerous weapon in the person's own dwelling or place of
20 business, or on land owned or possessed by the person.

21 b. A peace officer, when the officer's duties require the
22 person to carry such weapons.

23 ~~c. A member of the armed forces of the United States or~~
24 ~~of the national guard or person in the service of the United~~
25 ~~States, when the weapons are carried in connection with the~~
26 ~~person's duties as such.~~

27 ~~d. A correctional officer, when the officer's duties~~
28 ~~require, serving under the authority of the Iowa department of~~
29 ~~corrections.~~

30 ~~e.~~ c. A person who for any lawful purpose carries an
31 unloaded pistol, revolver, or other dangerous weapon inside a
32 closed and fastened container or securely wrapped package which
33 is too large to be concealed on the person.

34 ~~f. A person who for any lawful purpose carries or transports~~
35 ~~an unloaded pistol or revolver in a vehicle inside a closed~~

1 ~~and fastened container or securely wrapped package which is~~
2 ~~too large to be concealed on the person or inside a cargo~~
3 ~~or luggage compartment where the pistol or revolver will not~~
4 ~~be readily accessible to any person riding in the vehicle or~~
5 ~~common carrier.~~

6 ~~g. A person while the person is lawfully engaged in target~~
7 ~~practice on a range designed for that purpose or while actually~~
8 ~~engaged in lawful hunting.~~

9 ~~h. d.~~ A person who carries a knife used in hunting or
10 fishing, while actually engaged in lawful hunting or fishing.

11 ~~i. A person who has in the person's possession and who~~
12 ~~displays to a peace officer on demand a valid permit to carry~~
13 ~~weapons which has been issued to the person, and whose conduct~~
14 ~~is within the limits of that permit. A person shall not be~~
15 ~~convicted of a violation of this section if the person produces~~
16 ~~at the person's trial a permit to carry weapons which was valid~~
17 ~~at the time of the alleged offense and which would have brought~~
18 ~~the person's conduct within this exception if the permit had~~
19 ~~been produced at the time of the alleged offense.~~

20 ~~j. e.~~ A law enforcement officer from another state when the
21 officer's duties require the officer to carry the weapon and
22 the officer is in this state for any of the following reasons:

23 (1) The extradition or other lawful removal of a prisoner
24 from this state.

25 (2) Pursuit of a suspect in compliance with chapter 806.

26 (3) Activities in the capacity of a law enforcement officer
27 with the knowledge and consent of the chief of police of the
28 city or the sheriff of the county in which the activities occur
29 or of the commissioner of public safety.

30 ~~k. f.~~ A person engaged in the business of transporting
31 prisoners under a contract with the Iowa department of
32 corrections or a county sheriff, a similar agency from another
33 state, or the federal government.

34 Sec. 3. Section 724.4B, subsection 2, paragraph a, Code
35 2011, is amended to read as follows:

1 a. A person listed under section 724.4, subsection 4,
2 ~~paragraphs paragraph "b" through "f", "c", or "j" "e".~~

3 Sec. 4. Section 724.6, Code 2011, is amended to read as
4 follows:

5 **724.6 Professional permit to carry weapons.**

6 ~~1. A person may be issued a permit to carry weapons~~
7 ~~when the person's employment~~ who is employed in a private
8 investigation business or private security business licensed
9 under chapter 80A, or a person's employment as a peace officer,
10 correctional officer, security guard, bank messenger or other
11 person transporting property of a value requiring security,
12 or in police work, whose employment reasonably justifies that
13 person going armed, shall not, as a condition of employment,
14 be required to obtain a permit to carry weapons under this
15 section but shall be issued a permit to carry weapons under
16 this section if the person chooses to apply for the permit
17 and meets the requirements of sections 724.8 through 724.10.
18 The permit shall be on a form prescribed and published by the
19 commissioner of public safety, shall identify the holder,
20 and shall state the nature of the employment requiring the
21 holder to go armed. A permit so issued, other than to a peace
22 officer, shall authorize state that the person to whom it is
23 issued is authorized to go armed anywhere in the state, ~~only~~
24 while engaged in the employment, and while going to and from
25 the place of the employment. A permit issued to a certified
26 peace officer shall authorize state that the peace officer is
27 authorized to go armed anywhere in the state at all times.
28 Permits shall expire ~~twelve months~~ five years after the date
29 when issued except that permits issued to peace officers and
30 correctional officers are valid through the officer's period of
31 employment unless otherwise canceled. When the employment is
32 terminated, the holder of the permit shall surrender it to the
33 issuing officer for cancellation.

34 ~~2. Notwithstanding subsection 1, fire fighters, as defined~~
35 ~~in section 411.1, subsection 10, airport fire fighters included~~

1 ~~under section 97B.49B, and emergency medical care providers,~~
2 ~~as defined in section 147A.1, shall not, as a condition of~~
3 ~~employment, be required to obtain a permit under this section.~~
4 ~~However, the provisions of this subsection shall not apply to a~~
5 ~~person designated as an arson investigator by the chief fire~~
6 ~~officer of a political subdivision.~~

7 Sec. 5. Section 724.7, subsection 1, Code 2011, is amended
8 to read as follows:

9 1. Any A person who is not disqualified under section 724.8,
10 otherwise prohibited from possessing or transporting a firearm
11 and who satisfies the training requirements of section 724.9,
12 and who files an application in accordance with section 724.10
13 meets the requirements in sections 724.8 through 724.10 shall
14 be issued a nonprofessional permit to carry weapons if the
15 person chooses to apply for such a permit. Such permits shall
16 be on a form prescribed and published by the commissioner of
17 public safety, which shall be readily distinguishable from
18 the professional permit, and shall identify the holder of the
19 permit. ~~Such permits shall not be issued for a particular~~
20 ~~weapon and shall not contain information about a particular~~
21 ~~weapon including the make, model, or serial number of the~~
22 ~~weapon or any ammunition used in that weapon.~~ All permits so
23 issued shall be for a period of five years and shall be valid
24 throughout the state except where the possession or carrying of
25 a firearm is prohibited by state or federal law.

26 Sec. 6. Section 724.8, Code 2011, is amended by striking the
27 section and inserting in lieu thereof the following:

28 **724.8 Persons ineligible for permit to carry weapons.**

29 An applicant for a permit to carry a weapon pursuant to
30 section 724.6 or 724.7 who is otherwise prohibited by state or
31 federal law from possessing or transporting a firearm shall not
32 be eligible for a permit to carry weapons.

33 Sec. 7. Section 724.9, Code 2011, is amended by striking the
34 section and inserting in lieu thereof the following:

35 **724.9 Firearm training program.**

1 A training program to qualify persons in the safe use of
2 firearms shall be provided by the issuing officer of permits,
3 as provided in section 724.11. The county sheriff or the
4 commissioner of public safety conducting the training program
5 within their respective jurisdictions shall contract with a
6 private individual or a professional organization who shall
7 conduct the training consistent with the standards set forth
8 by the national rifle association to provide such training.
9 Any person eligible to be issued a permit to carry weapons
10 may enroll in such course. A fee sufficient to cover the
11 cost of the program may be charged to each person attending.
12 Certificates of completion, on a form prescribed and published
13 by the commissioner of public safety, shall be issued to each
14 person who successfully completes the program. A person shall
15 not be issued either a professional or nonprofessional permit
16 unless the person has received a certificate of completion
17 or is a certified peace officer. An applicant shall not be
18 required to shoot any weapon as a provision of passing a
19 training program pursuant to this section.

20 Sec. 8. Section 724.11, Code 2011, is amended to read as
21 follows:

22 **724.11 Issuance of permit to carry weapons.**

23 1. ~~Applications~~ An application for ~~permits~~ a permit to
24 carry weapons shall, if made, be made to the sheriff of the
25 county in which the applicant resides. Applications for
26 professional permits to carry weapons for persons who are
27 nonresidents of the state, or whose need to go armed arises
28 out of employment by the state, if made, shall be made to the
29 commissioner of public safety. In either case, the sheriff
30 or commissioner, before issuing the permit, shall determine
31 that the requirements of sections 724.6 to 724.10 have been
32 satisfied and the applicant is not otherwise prohibited
33 by state or federal law from possessing or transporting a
34 firearm. ~~However, for renewal of a permit the training program~~
35 ~~requirements in section 724.9, subsection 1, shall apply~~

1 ~~or the renewal applicant may choose to qualify on a firing~~
2 ~~range under the supervision of an instructor certified by the~~
3 ~~national rifle association or the department of public safety~~
4 ~~or another state's department of public safety, state police~~
5 ~~department, or similar certifying body. Such training or~~
6 ~~qualification must occur within the twelve-month period prior~~
7 ~~to the expiration of the applicant's current permit.~~

8 ~~2. Neither the sheriff nor the commissioner shall require an~~
9 ~~applicant for a permit to carry weapons to provide information~~
10 ~~identifying a particular weapon in the application including~~
11 ~~the make, model, or serial number of the weapon or any~~
12 ~~ammunition used in that particular weapon.~~

13 ~~3.~~ 2. The issuing officer shall collect a fee of fifty
14 dollars, except from a duly appointed peace officer or
15 correctional officer, for each permit issued. Renewal permits
16 or duplicate permits shall be issued for a fee of ~~twenty-five~~
17 five dollars, ~~provided the application for such renewal permit~~
18 ~~is received by the issuing officer at least thirty days prior~~
19 ~~to the expiration of the applicant's current permit. The~~
20 issuing officer shall notify the commissioner of public safety
21 of the issuance of any permit at least monthly and forward to
22 the commissioner an amount equal to ~~ten~~ two dollars for each
23 permit issued and ~~five dollars~~ one dollar for each renewal
24 or duplicate permit issued. All such fees received by the
25 commissioner shall be paid to the treasurer of state and
26 deposited in the operating account of the department of public
27 safety to offset the cost of administering this chapter.
28 ~~Notwithstanding section 8.33, any~~ Any unspent balance as of
29 June 30 of each year shall ~~not~~ revert to the general fund of the
30 state as provided in section 8.33.

31 ~~4.~~ 3. The sheriff or commissioner of public safety shall
32 approve or deny an initial or renewal application submitted
33 under this section within ~~thirty~~ three business days of
34 receipt of the application and, if approved, shall issue the
35 permit. A person whose application for a permit under this

1 chapter is denied may seek review of the denial under section
2 724.21A. The failure to approve or deny an initial or renewal
3 application shall result in a decision of approval.

4 Sec. 9. REPEAL. Section 724.5, Code 2011, is repealed.

5

EXPLANATION

6 This bill relates to the carrying of weapons and providing
7 a penalty.

8 Current law provides that a person who goes armed with a
9 dangerous weapon concealed on or about the person, or who,
10 within the limits of any city, goes armed with a pistol or
11 revolver, or any loaded firearm of any kind, whether concealed
12 or not, or who knowingly carries or transports in a vehicle a
13 pistol or revolver, commits an aggravated misdemeanor unless
14 certain circumstances apply including if the person has in
15 the person's possession a valid permit to carry weapons. The
16 bill eliminates this provision and provides that a person who
17 goes armed with a dangerous weapon with the intent to commit
18 a crime of violence commits a class "D" felony regardless of
19 whether the dangerous weapon is concealed or not concealed on
20 or about the person and regardless of whether the dangerous
21 weapon is transported in a vehicle. For purposes of the
22 bill, "crime of violence" means a felony which has, as an
23 element of the offense, the use of physical force by one person
24 against another person. A class "D" felony is punishable by
25 confinement for no more than five years and a fine of at least
26 \$750 but not more than \$7,500.

27 The bill eliminates the requirement that a person, including
28 a person employed in a certain occupation whose employment
29 reasonably justifies that person going armed with a dangerous
30 weapon, must have and carry a professional or nonprofessional
31 permit to carry a weapon and makes it optional to apply for and
32 receive such permits. However, if a person applies for either
33 permit, the issuing officer (sheriff or commissioner of public
34 safety) shall issue the permit if certain requirements are met.
35 Such permits shall be issued for a five-year period at a cost

1 of \$50. If a person chooses to apply for a professional or
2 nonprofessional permit to carry weapons, the person is required
3 to complete a firearm training program conducted by a private
4 individual or a professional organization who shall conduct
5 the training consistent with the standards set forth by the
6 national rifle association.

7 The bill makes changes to current requirements relating to a
8 person's eligibility to apply for a permit to carry weapons,
9 firearms training requirements, and the issuance of permits
10 to carry weapons. The bill provides that an applicant for a
11 professional or nonprofessional permit to carry weapons who is
12 otherwise prohibited by state or federal law from possessing
13 or transporting a firearm shall not be eligible for the
14 permit. The bill provides that the issuing officer (county
15 sheriff or the commissioner of public safety) conducting
16 a firearm training program is required to contract with a
17 private individual or a professional organization to conduct
18 the training consistent with the standards set forth by the
19 national rifle association. Any person eligible to be issued
20 a permit to carry weapons may enroll in such course. A fee
21 sufficient to cover the cost of the program may be charged to
22 each person attending. A person shall not be issued either a
23 professional or nonprofessional permit unless the person has
24 received a certificate of completion or is a certified peace
25 officer. An applicant shall not be required to shoot any
26 weapon as a provision of passing such a training program. The
27 bill also reduces fees collected for renewal permits as well
28 as certain processing fees. The bill changes the period of
29 time that an issuing officer has to approve or deny an initial
30 or renewal application from within 30 days of receipt of the
31 application to within three business days of receipt of the
32 application.

33 The bill also repeals Code section 724.5 relating to a
34 person's duty to carry a weapons permit if the person goes
35 armed with a revolver, pistol, or pocket billy concealed upon

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1 the person, currently a simple misdemeanor.