

CHAPTER 91
WEAPONS PERMITS

[Prior to 5/9/07, see rules 661—4.1(724) to 661—4.12(17A,724)]

661—91.1(724) Definitions. The following definitions apply to rules in this chapter:

“Applicant” means a person who is applying for a permit to acquire pistols or revolvers or to carry weapons.

“Approved handgun training program” means a handgun safety training program which includes qualifying on a firing range and which is offered or certified by one of the following organizations:

1. Iowa law enforcement academy.
2. National Rifle Association.
3. U.S. military or Iowa national guard.
4. Another organization approved by the commissioner.

“Certified peace officer” means a person who is certified by the Iowa law enforcement academy as having successfully completed a course of instruction for a peace officer that included a firearms training program and who is currently employed by an Iowa law enforcement agency which requires current certification.

“Commissioner” means the commissioner of the Iowa department of public safety or, as applicable, the commissioner’s designee.

“Completed fingerprint card” means a standard fingerprint card with two sets (every existing finger and thumb) of fully rolled fingerprint impressions and all information required to check Federal Bureau of Investigation (FBI) and Iowa division of criminal investigation (DCI) records for any disqualifying criminal conviction.

“Identification documentation for an Iowa resident” means any of the following:

1. A driver’s license or nonoperator identification card that contains a photograph of the person and that has been issued by the Iowa department of transportation; or
2. A motor vehicle license or nonoperator identification card that contains a photograph of the person and that has been issued by a state other than Iowa and at least one current document indicating Iowa residency including a residential lease agreement, utility bill, voter registration, tuition receipt for a college or university in Iowa, or other documentation that is acceptable to the issuing officer and that indicates the intent of the person’s presence in Iowa is something other than merely transitory in nature; or
3. A document which contains the name, place of residence, date of birth and photograph of the holder issued by or under the authority of the United States, a state or a political subdivision of a state and which is of a type intended or commonly accepted for the purpose of identification of individuals and at least one current document indicating Iowa residency including a residential lease agreement, utility bill, voter registration, tuition receipt for a college or university in Iowa, or other documentation that is acceptable to the issuing officer and that indicates the intent of the person’s presence in Iowa is something other than merely transitory in nature; or
4. A motor vehicle license or nonoperator identification card that contains a photograph of the person and that has been issued by a state other than Iowa and a document indicating that the person is a member of the United States armed forces on active duty and whose permanent duty station is located in Iowa; or
5. A driver’s license or nonoperator identification card that contains a photograph of the person and that has been issued by the Iowa department of transportation and an immigration document containing the alien registration number (ARN) of a permanent resident alien or nonimmigrant alien and documentation indicating that the person has continuously resided in the state for at least 90 days prior to making application. A nonimmigrant alien shall also be required to display a valid hunting license issued in any state.

“Identification documentation for a nonresident” means a motor vehicle license or nonoperator identification card which has been issued by a state other than Iowa and which contains a photograph of the person to whom it was issued.

“*IOWA system*” means the Iowa on-line warrants and articles criminal justice information system operated by the Iowa department of public safety for use by law enforcement and criminal justice agencies in the exchange of criminal history and other criminal justice information.

“*NICS*” means the National Instant Criminal Background Check System established by the Federal Bureau of Investigation for the purpose of determining whether the transfer of a firearm to any person or the issuance of a firearms-related permit would be in violation of federal or state law. A NICS check shall include inquiries to the Iowa computerized criminal history database and the persons file of the Iowa on-line warrants and articles (IOWA) system.

“*Qualify on a firing range*” means to demonstrate proficiency with a handgun on a course of fire as part of an approved handgun training program.

“*State employee*” means a person whose need to go armed arises out of employment by the state of Iowa. “State employee” includes a railroad special agent as described in Iowa Code chapter 80.

661—91.2(724) Forms. The following forms, the use of which is required by provisions of this chapter, are provided by the commissioner and are available from the department of public safety or a sheriff:

1. Form WP0. For enrollment in a training program and for certification of the successful completion of the training program.
2. Form WP1. Professional permit to carry weapons.
3. Form WP2. Nonprofessional permit to carry weapons.
4. Form WP3. Application for annual permit to acquire pistols or revolvers.
5. Form WP4. Annual permit to acquire pistols or revolvers.
6. Form WP5. Application for permit to carry weapons.
7. Form WP6. Notification to a person holding a permit to carry weapons or an annual permit to acquire pistols or revolvers that the permit has been revoked.
8. Form WP7. Certified peace officer permit to carry weapons.
9. Form WP8. Wallet-size permit to carry weapons which includes, at a minimum, the name and date of birth of the permit holder and the type of permit. A professional permit to carry weapons shall state the nature of employment requiring the holder to go armed. A nonprofessional permit to carry weapons shall state the reason for issuance and any restrictions or limitations of the authority granted by the permit.
10. Form WP10. Reserve peace officer permit to carry weapons.

661—91.3(724) Training programs.

91.3(1) The Iowa Code requires any applicant for a permit to carry a weapon to successfully complete a training program designed to qualify persons in the safe use of firearms and requires that the commissioner approve all training programs.

91.3(2) The commissioner recognizes and accepts approved handgun training programs as defined in rule 661—91.1(724). Another program may be approved by the commissioner if it is substantially similar to or exceeds the requirements of an approved handgun training program.

661—91.4(724) Application procedures for a permit to carry a weapon.

91.4(1) A resident of Iowa who wishes to obtain or renew a permit to carry a weapon shall apply to the sheriff of the county of residence. The applicant shall:

- a. Submit a fully and accurately completed application form;
- b. Submit a certificate of completion of an approved handgun training program which includes qualifying on a firing range. This requirement may be waived on an application for renewal of a permit;
- c. If so requested by the sheriff, submit two completed fingerprint cards;
- d. Meet all the applicable requirements enumerated in Iowa Code chapter 724;
- e. Comply with the applicable requirements of the United States Code, including 18 U.S.C. 921, et seq., also known as the Gun Control Act of 1968;
- f. Pay the required fee; and

g. Display identification documentation for an Iowa resident as defined in rule 661—91.1(724). This requirement may be waived on an application for renewal of a permit.

91.4(2) The sheriff may use discretion in determining additional criteria for issuance of a permit pursuant to subrule 91.4(1). The sheriff may restrict or limit the authority granted by nonprofessional permits.

91.4(3) Prior to issuing a permit pursuant to subrule 91.4(1), the sheriff shall conduct a background investigation which includes, at a minimum, a NICS check run through the IOWA system.

91.4(4) A nonresident of Iowa, or a state employee who is required by employment to go armed, who wishes to obtain a permit to carry a weapon shall apply to the commissioner. The applicant shall:

- a.* Submit a fully and accurately completed application form;
- b.* Submit a certificate of completion of an approved handgun training program which includes qualifying on a firing range. This requirement may be waived on an application for renewal of a permit;
- c.* Submit two completed fingerprint cards. This requirement may be waived on an application for renewal of a permit;
- d.* Meet all the applicable requirements enumerated in Iowa Code chapter 724;
- e.* Comply with the applicable requirements of the United States Code, including 18 U.S.C. 921, et seq., also known as the Gun Control Act of 1968;
- f.* Pay the required fee; and
- g.* Display, as applicable, identification documentation for an Iowa resident or identification documentation for a nonresident as defined in rule 661—91.1(724). This requirement may be waived on an application for renewal of a permit.

91.4(5) The commissioner may use discretion in determining additional criteria for issuance of a permit pursuant to subrule 91.4(4). The commissioner may restrict or limit the authority granted by nonprofessional permits.

91.4(6) Prior to issuing a permit pursuant to subrule 91.4(4), the commissioner shall conduct a background investigation which includes, at a minimum, a NICS check run through the IOWA system.

661—91.5(724) Firearm purchase or transfer—permit to acquire pistols or revolvers.

91.5(1) The application for an annual permit to acquire pistols or revolvers shall be made to the sheriff of the county of the applicant's residence. The applicant shall:

- a.* Submit a fully and accurately completed application form;
- b.* If so requested by the sheriff, submit two completed fingerprint cards;
- c.* Meet all of the applicable requirements of Iowa Code chapter 724;
- d.* Comply with the applicable requirements of the United States Code, including 18 U.S.C. 921, et seq., also known as the Gun Control Act of 1968; and
- e.* Display identification documentation for an Iowa resident as defined in rule 661—91.1(724).

91.5(2) Prior to issuing a permit pursuant to subrule 91.5(1), the sheriff shall conduct a background investigation which includes, at a minimum, a NICS check run through the IOWA system.

91.5(3) An annual permit to acquire pistols or revolvers shall be issued to the applicant immediately upon determination by the sheriff that the applicant complies with statutory requirements.

661—91.6(724) Reports and remittance to the state.

91.6(1) Each sheriff shall remit to the commissioner, by the seventh working day of the month which follows the month in which one or more permits to carry a weapon were issued, information about such permits, including the permit holder's name, date of birth, NICS transaction number, type of permit issued and the portion of the fee to be remitted to the department as required by the Iowa Code. The reporting of issued permits to carry a weapon shall be on a form designated for that purpose.

91.6(2) Fees for each reporting period shall be remitted by the sheriff in the form of a check made payable to: Iowa Department of Public Safety.

91.6(3) A copy of the form revoking a permit to carry a weapon shall be sent to the commissioner by the sheriff within seven working days from the date the permit holder received notification of the permit revocation.

661—91.7(724) Offensive weapons as collector's items—method of classification. An offensive weapon, other than a machine gun, shall be classified by the commissioner as a collector's item when the firearm is so defined as a curio or relic in 27 CFR 478.11 as published April 1, 2006, in the Code of Federal Regulations.

These rules are intended to implement Iowa Code chapter 724.

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