

House Amendment 1184

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1 1 Amend House File 746 as follows:
1 2 ~~#1.~~ By striking everything after the enacting
1 3 clause and inserting the following:
1 4 <Section 1. Section 80A.13, Code 2009, is amended
1 5 to read as follows:
1 6 80A.13 CAMPUS WEAPON REQUIREMENTS.
1 7 An individual employed by a college or university,
1 8 or by a private security business holding a contract
1 9 with a college or university, who performs private
1 10 security duties on a college or university campus and
1 11 who carries a weapon while performing these duties
1 12 shall ~~meet all of the following requirements:~~
1 13 ~~1. File with the sheriff of the county in which
1 14 the campus is located evidence that the individual has
1 15 successfully completed an approved firearms training
1 16 program under section 724.9. This requirement does
1 17 not apply to armored car personnel.
1 18 2. Possess a permit to carry weapons issued by the
1 19 sheriff of the county in which the campus is located
1 20 under sections 724.6 through 724.11. This requirement
1 21 does not apply to armored car personnel.
1 22 3. File file with the sheriff of the county in
1 23 which the campus is located a sworn affidavit from the
1 24 employer outlining the nature of the duties to be
1 25 performed and justification of the need to go armed.
1 26 Sec. 2. Section 724.4, Code 2009, is amended to
1 27 read as follows:
1 28 724.4 CARRYING WEAPONS.
1 29 1. ~~Except as otherwise provided in this section, a
1 30 person who goes armed with a dangerous weapon
1 31 concealed on or about the person, or who, within the
1 32 limits of any city, goes armed with a pistol or
1 33 revolver, or any loaded firearm of any kind, whether
1 34 concealed or not, or who knowingly carries or
1 35 transports in a vehicle a pistol or revolver, commits
1 36 an aggravated misdemeanor. A person who goes armed
1 37 with a dangerous weapon with the intent to commit a
1 38 crime of violence commits a class "D" felony. This
1 39 subsection applies regardless of whether the dangerous
1 40 weapon is concealed or not concealed on or about the
1 41 person and regardless of whether the dangerous weapon
1 42 is transported in a vehicle. For purposes of this
1 43 subsection, "crime of violence" means a felony which
1 44 has, as an element of the offense, the use of physical
1 45 force by one person against another person.~~
1 46 2. A person who goes armed with a knife concealed
1 47 on or about the person, if the person uses the knife
1 48 in the commission of a crime, commits an aggravated
1 49 misdemeanor.
1 50 3. A person who goes armed with a knife concealed
2 1 on or about the person, if the person does not use the
2 2 knife in the commission of a crime:
2 3 a. If the knife has a blade exceeding eight inches
2 4 in length, commits an aggravated misdemeanor.
2 5 b. If the knife has a blade exceeding five inches
2 6 but not exceeding eight inches in length, commits a
2 7 serious misdemeanor.
2 8 4. ~~Subsections 1 through 3 do~~ Subsection 3 does
2 9 not apply to any of the following:
2 10 a. A person who goes armed with a dangerous weapon
2 11 in the person's own dwelling or place of business, or
2 12 on land owned or possessed by the person.
2 13 b. A peace officer, when the officer's duties
2 14 require the person to carry such weapons.
2 15 ~~c. A member of the armed forces of the United
2 16 States or of the national guard or person in the
2 17 service of the United States, when the weapons are
2 18 carried in connection with the person's duties as
2 19 such.
2 20 d. A correctional officer, when the officer's
2 21 duties require, serving under the authority of the
2 22 Iowa department of corrections.
2 23 e. ~~c.~~ A person who for any lawful purpose carries
2 24 an unloaded pistol, revolver, or other dangerous~~~~

2 25 weapon inside a closed and fastened container or
2 26 securely wrapped package which is too large to be
2 27 concealed on the person.

~~2 28 f. A person who for any lawful purpose carries or
2 29 transports an unloaded pistol or revolver in a vehicle
2 30 inside a closed and fastened container or securely
2 31 wrapped package which is too large to be concealed on
2 32 the person or inside a cargo or luggage compartment
2 33 where the pistol or revolver will not be readily
2 34 accessible to any person riding in the vehicle or
2 35 common carrier.~~

~~2 36 g. A person while the person is lawfully engaged
2 37 in target practice on a range designed for that
2 38 purpose or while actually engaged in lawful hunting.~~

2 39 h. ~~d.~~ A person who carries a knife used in
2 40 hunting or fishing, while actually engaged in lawful
2 41 hunting or fishing.

~~2 42 i. A person who has in the person's possession and
2 43 who displays to a peace officer on demand a valid
2 44 permit to carry weapons which has been issued to the
2 45 person, and whose conduct is within the limits of that
2 46 permit. A person shall not be convicted of a
2 47 violation of this section if the person produces at
2 48 the person's trial a permit to carry weapons which was
2 49 valid at the time of the alleged offense and which
2 50 would have brought the person's conduct within this
3 1 exception if the permit had been produced at the time
3 2 of the alleged offense.~~

3 3 j. ~~e.~~ A law enforcement officer from another
3 4 state when the officer's duties require the officer to
3 5 carry the weapon and the officer is in this state for
3 6 any of the following reasons:

3 7 (1) The extradition or other lawful removal of a
3 8 prisoner from this state.

3 9 (2) Pursuit of a suspect in compliance with
3 10 chapter 806.

3 11 (3) Activities in the capacity of a law
3 12 enforcement officer with the knowledge and consent of
3 13 the chief of police of the city or the sheriff of the
3 14 county in which the activities occur or of the
3 15 commissioner of public safety.

3 16 ~~k.~~ ~~f.~~ A person engaged in the business of
3 17 transporting prisoners under a contract with the Iowa
3 18 department of corrections or a county sheriff, a
3 19 similar agency from another state, or the federal
3 20 government.

3 21 Sec. 3. Section 724.4B, subsection 2, paragraph a,
3 22 Code 2009, is amended to read as follows:

3 23 a. A person listed under section 724.4, subsection
3 24 4, ~~paragraphs~~ paragraph "b" ~~through "f", "c", or "j"~~
3 25 "e".

3 26 Sec. 4. Section 724.6, subsection 1, Code 2009, is
3 27 amended to read as follows:

~~3 28 1. A person may be issued a permit to carry
3 29 weapons when the person's employment who is employed
3 30 in a private investigation business or private
3 31 security business licensed under chapter 80A, or a
3 32 person's employment as a peace officer, correctional
3 33 officer, security guard, bank messenger or other
3 34 person transporting property of a value requiring
3 35 security, or in police work, whose employment
3 36 reasonably justifies that person going armed, shall be
3 37 issued a professional permit to carry weapons if the
3 38 person applies for the permit and meets the
3 39 requirements of sections 724.8 through 724.10.~~ The

3 40 permit shall be on a form prescribed and published by
3 41 the commissioner of public safety, shall identify the
3 42 holder, and shall state the nature of the employment
3 43 requiring the holder to go armed. A permit so issued,
3 44 other than to a peace officer, shall authorize the
3 45 person to whom it is issued to go armed anywhere in
3 46 the state, ~~only~~ while engaged in the employment, and
3 47 while going to and from the place of the employment.
3 48 A permit issued to a certified peace officer shall
3 49 authorize that peace officer to go armed anywhere in
3 50 the state at all times. Permits shall expire ~~twelve~~
4 1 months ~~five years~~ after the date when issued except
4 2 that permits issued to peace officers and correctional
4 3 officers are valid through the officer's period of
4 4 employment unless otherwise canceled. When the
4 5 employment is terminated, the holder of the permit

4 6 shall surrender it to the issuing officer for
4 7 cancellation.

4 8 Sec. 5. Section 724.7, Code 2009, is amended to
4 9 read as follows:

4 10 724.7 NONPROFESSIONAL PERMIT TO CARRY WEAPONS.

4 11 Any person ~~who can reasonably justify going armed~~
~~4 12 may not otherwise prohibited from possessing or~~
~~4 13 transporting a firearm and who meets the requirements~~
~~4 14 in sections 724.8 through 724.10 shall be issued a~~
4 15 nonprofessional permit to carry weapons if the person
4 16 applies for such permit. Such permits shall be on a
4 17 form prescribed and published by the commissioner of
4 18 public safety, which shall be readily distinguishable
4 19 from the professional permit, and shall identify the
4 20 holder thereof, and state the reason for the issuance
4 21 of the permit, ~~and the limits of the authority granted~~
~~4 22 by such permit.~~ All permits so issued shall be for a
4 23 definite five-year period as established by the
~~4 24 issuing officer, but in no event shall exceed a period~~
~~4 25 of twelve months.~~

4 26 Sec. 6. Section 724.8, subsection 5, Code 2009, is
4 27 amended to read as follows:

4 28 5. ~~The issuing officer reasonably determines that~~
~~4 29 the applicant does not constitute a danger to any~~
~~4 30 person person is not otherwise prohibited by state or~~
~~4 31 federal law from possessing or transporting a firearm.~~

4 32 Sec. 7. Section 724.9, Code 2009, is amended to
4 33 read as follows:

4 34 724.9 FIREARM TRAINING PROGRAM.

4 35 A training program to qualify persons in the safe
4 36 use of firearms shall be provided by the issuing
4 37 officer of permits, as provided in section 724.11.
4 38 ~~The commissioner of public safety shall approve the~~
~~4 39 training program, and the county sheriff or the~~
4 40 commissioner of public safety conducting the training
4 41 program within their respective jurisdictions may
4 42 shall contract with a private organization or use the
~~4 43 services of other agencies, or may use a combination~~
~~4 44 of the two, a private individual or a professional~~
~~4 45 organization who shall conduct the training consistent~~
~~4 46 with the standards set forth by the national rifle~~
~~4 47 association to provide such training.~~ Any person
4 48 eligible to be issued a permit to carry weapons may
4 49 enroll in such course. A fee sufficient to cover the
4 50 cost of the program may be charged each person
5 1 attending. Certificates of completion, on a form
5 2 prescribed and published by the commissioner of public
5 3 safety, shall be issued to each person who
5 4 successfully completes the program. ~~No~~ A person shall
5 5 not be issued either a professional or nonprofessional
5 6 permit unless the person has received a certificate of
5 7 completion or is a certified peace officer. ~~No peace~~
~~5 8 officer or correctional officer, except a certified~~
~~5 9 peace officer, shall go armed with a pistol or~~
~~5 10 revolver unless the officer has received a certificate~~
~~5 11 of completion, provided that this requirement shall~~
~~5 12 not apply to persons who are employed in this state as~~
~~5 13 peace officers on January 1, 1978 until July 1, 1978,~~
~~5 14 or to peace officers of other jurisdictions exercising~~
~~5 15 their legal duties within this state.~~

5 16 Sec. 8. Section 724.11, Code 2009, is amended to
5 17 read as follows:

5 18 724.11 ISSUANCE OF PERMIT TO CARRY WEAPONS.

5 19 ~~Applications for permits~~ An application for a
~~5 20 permit to carry weapons, if made, shall be made to the~~
5 21 sheriff of the county in which the applicant resides.
5 22 Applications from persons who are nonresidents of the
5 23 state, or whose need to go armed arises out of
5 24 employment by the state, shall be made to the
5 25 commissioner of public safety. In either case, the
5 26 issuance of the permit shall be by ~~and at the~~
~~5 27 discretion of the sheriff or commissioner, who shall,~~
5 28 before issuing the permit, determine that the
5 29 requirements of sections ~~724.6 to 724.8 through~~ 724.10
5 30 have been satisfied and the person is not otherwise
~~5 31 prohibited by state or federal law from possessing or~~
~~5 32 transporting a firearm.~~ However, ~~the training program~~
~~5 33 requirements in section 724.9 may be waived for~~
~~5 34 renewal permits.~~ The issuing officer shall collect a
5 35 fee of ten fifty dollars, except from a duly appointed
5 36 peace officer or correctional officer, for each permit

5 37 issued. Renewal permits or duplicate permits shall be
5 38 issued for a fee of five dollars. The issuing officer
5 39 shall notify the commissioner of public safety of the
5 40 issuance of any permit at least monthly and forward to
5 41 the commissioner an amount equal to two dollars for
5 42 each permit issued and one dollar for each renewal or
5 43 duplicate permit issued. All such fees received by
5 44 the commissioner shall be paid to the treasurer of
5 45 state and deposited in the operating account of the
5 46 department of public safety to offset the cost of
5 47 administering this chapter. Any unspent balance as of
5 48 June 30 of each year shall revert to the general fund
5 49 as provided by section 8.33.

5 50 Sec. 9. Section 724.5, Code 2009, is repealed.>

6 1 #2. Title page, by striking lines 1 and 2 and
6 2 inserting the following: <An Act relating to the
6 3 carrying of weapons>.

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6 6

6 7 SCHULTZ of Crawford

6 8 HF 746.201 83

6 9 rh/rj/22780