

Senate File 456

H-1645

1 Amend Senate File 456, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, before line 1 by inserting:
4 <Section 1. Section 232.52, subsection 2, paragraph
5 a, subparagraph (4), subparagraph division (a),
6 subparagraph subdivision (viii), Code 2011, is amended
7 to read as follows:

8 (viii) Section 724.4, if the child ~~carried the~~
9 ~~dangerous weapon~~ used the knife in the commission of
10 a crime on school grounds.

11 Sec. _____. Section 708.8, Code 2011, is amended to
12 read as follows:

13 **708.8 Going armed with intent.**

14 A person who goes armed with any dangerous weapon
15 with the intent to use without justification such
16 weapon against the person of another commits a class
17 "D" felony. The intent required for a violation
18 of this section shall not be inferred from the mere
19 carrying or concealment of any dangerous weapon itself,
20 whether in a vehicle or on or about a person's body
21 including the carrying of a loaded firearm.

22 Sec. _____. Section 724.4, Code 2011, is amended by
23 striking the section and inserting in lieu thereof the
24 following:

25 **724.4 Use of a knife in the commission of a crime.**

26 A person who goes armed with a knife concealed
27 on or about the person, if the person uses the knife
28 in the commission of a crime, commits an aggravated
29 misdemeanor.

30 Sec. _____. Section 724.4B, Code 2011, is amended by
31 striking the section and inserting in lieu thereof the
32 following:

33 **724.4B Carrying weapons on school grounds — penalty**
34 **— exceptions.**

35 1. A person who goes armed with, carries, or
36 transports a firearm of any kind, whether concealed or
37 not, on the grounds of a school commits a class "D"
38 felony. For the purposes of this section, "school"
39 means a public or nonpublic school as defined in
40 section 280.2.

41 2. Subsection 1 does not apply to the following:

42 a. A person who has been specifically authorized by
43 the school to go armed, carry, or transport a firearm
44 on the school grounds, including for purposes of
45 conducting an instructional program regarding firearms.

46 b. A peace officer, when the officer's duties
47 require the person to carry a firearm.

48 c. A member of the armed forces of the United
49 States or of the national guard or person in the
50 service of the United States, when the firearms are

1 carried in connection with the person's duties as such.

2 *d.* A correctional officer, when the officer's
3 duties require, serving under the authority of the Iowa
4 department of corrections.

5 *e.* A person who for any lawful purpose carries an
6 unloaded pistol, revolver, or other dangerous weapon
7 inside a closed and fastened container or securely
8 wrapped package which is too large to be concealed on
9 the person.

10 *f.* A person who for any lawful purpose carries or
11 transports an unloaded pistol or revolver in a vehicle
12 inside a closed and fastened container or securely
13 wrapped package which is too large to be concealed on
14 the person or inside a cargo or luggage compartment
15 where the pistol or revolver will not be readily
16 accessible to any person riding in the vehicle or
17 common carrier.

18 *g.* A law enforcement officer from another state
19 when the officer's duties require the officer to carry
20 the firearm and the officer is in this state for any
21 of the following reasons:

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

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

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

31 Sec. ____ . Section 724.4C, Code 2011, is amended to
32 read as follows:

33 **724.4C Possession or carrying of firearms while**
34 **under the influence.**

35 1. A permit issued under this chapter is invalid if
36 the person to whom the permit is issued is who carries
37 a dangerous weapon on or about the person while in an
38 intoxicated condition as provided in section 321J.2,
39 subsection 1, commits a simple misdemeanor.

40 2. This section shall not apply to any of the
41 following:

42 a. A person who carries or possesses a dangerous
43 weapon while in the person's own dwelling or place of
44 business or on land owned or lawfully possessed by the
45 person.

46 b. The transitory possession or use of a firearm
47 during an act of justified self-defense or justified
48 defense of another, provided that the possession lasts
49 no longer than is immediately necessary to resolve the
50 emergency.

1 Sec. _____. **NEW SECTION. 724.5A Availability of**
2 **permit not to be construed as prohibition on unlicensed**
3 **carrying of weapons.**

4 The availability of a professional or
5 nonprofessional permit to carry weapons under
6 this chapter shall not be construed to impose a general
7 prohibition on the unlicensed carrying, whether openly
8 or concealed, of a deadly weapon, including a loaded
9 firearm.

10 Sec. _____. Section 724.7, Code 2011, is amended to
11 read as follows:

12 **724.7 Nonprofessional permit to carry weapons.**

13 1. Any person who is not disqualified under
14 section 724.8, who satisfies the training requirements
15 of section 724.9, and who files an application in
16 accordance with section 724.10 shall be issued a
17 nonprofessional permit to carry weapons. Such permits
18 shall be on a form prescribed and published by the
19 commissioner of public safety, which shall be readily
20 distinguishable from the professional permit, and shall
21 identify the holder of the permit. Such permits shall
22 not be issued for a particular weapon and shall not
23 contain information about a particular weapon including
24 the make, model, or serial number of the weapon or any
25 ammunition used in that weapon. All permits so issued
26 shall be for a period of five years ~~and shall be valid~~
27 ~~throughout the state except where the possession or~~
28 ~~carrying of a firearm is prohibited by state or federal~~
29 ~~law except as provided in subsection 2.~~

30 2. The commissioner of public safety shall
31 develop a process to allow service members deployed
32 for military service to submit a renewal of a
33 nonprofessional permit to carry weapons early and by
34 mail. In addition, a permit issued to a service member
35 who is deployed for military service, as defined in
36 section 29A.90, that would otherwise expire during the
37 period of deployment shall remain valid for ninety days
38 after the end of the service member's deployment.

39 3. Notwithstanding section 321G.13, subsection
40 2, section 321I.14, subsection 2, sections 461A.42
41 and 481A.7, section 481A.93, subsection 1, or any
42 regulation issued pursuant to chapter 481A, a permit
43 issued under this section or recognized under section
44 724.11A shall be valid throughout the state. This
45 section shall not be construed to authorize the
46 carrying of a weapon where prohibited by federal law
47 or to authorize the taking of a game animal or the
48 discharge of a weapon in violation of any law of this
49 state, except where justified in accordance with the
50 provisions of chapter 704.

1 Sec. _____. Section 724.8, subsections 2 and 3, Code
2 2011, are amended by striking the subsections.

3 Sec. _____. Section 724.9, subsection 1, Code 2011,
4 is amended by adding the following new paragraphs:

5 NEW PARAGRAPH. f. Holding or having previously
6 held a license or permit to carry a firearm in any
7 state or a locality thereof, unless such license or
8 permit has been suspended or revoked for cause.

9 NEW PARAGRAPH. g. Completion of any firearms
10 training or safety course or class, including an
11 electronic, video, or internet course, conducted by a
12 state certified or national rifle association certified
13 firearms instructor.

14 NEW PARAGRAPH. h. Completion of a hunter education
15 or hunter safety course approved by the department of
16 natural resources or a similar agency of another state.

17 Sec. _____. Section 724.9, subsection 2, Code 2011,
18 is amended by adding the following new paragraph:

19 NEW PARAGRAPH. d. A current or expired license
20 or permit to carry firearms, issued by any state or a
21 locality thereof, except one that has been suspended
22 or revoked for cause.

23 Sec. _____. Section 724.10, subsection 1, Code 2011,
24 is amended to read as follows:

25 1. A person shall not be issued a permit to carry
26 weapons unless the person has completed and signed an
27 application on a form to be prescribed and published
28 by the commissioner of public safety. The Except as
29 provided in subsection 724.11, subsection 2, paragraph
30 "b", the application shall require only the full name,
31 driver's license or nonoperator's identification card
32 number, residence, place of birth, and date of birth of
33 the applicant, and shall state whether the applicant
34 meets the criteria specified in sections 724.8 and
35 724.9. An applicant may provide the applicant's
36 social security number if the applicant so chooses.
37 The applicant shall also display an identification
38 card that bears a distinguishing number assigned to
39 the cardholder, the full name, date of birth, sex,
40 residence address, and a brief description and colored
41 photograph of the cardholder.

42 Sec. _____. Section 724.11, Code 2011, is amended to
43 read as follows:

44 **724.11 Issuance of permit to carry weapons.**

45 1. Applications for permits to carry weapons
46 shall be made to the sheriff of the county in which
47 the applicant resides. Applications for professional
48 permits to carry weapons for persons who are
49 nonresidents of the state, or whose need to go armed
50 arises out of employment by the state, shall be made

1 to the commissioner of public safety. In either case,
2 the sheriff or commissioner, before issuing the permit,
3 shall determine that the applicable requirements
4 of sections 724.6 to 724.10 have been satisfied,
5 except that the training requirements of section
6 724.9 shall not apply to a renewal application for a
7 nonprofessional permit to carry weapons. However, for
8 renewal of a permit the training program requirements
9 in section 724.9, subsection 1, shall apply or the
10 renewal applicant may choose to qualify on a firing
11 range under the supervision of an instructor certified
12 by the national rifle association or the department of
13 public safety or another state's department of public
14 safety, state police department, or similar certifying
15 body. Such training or qualification must occur within
16 the twelve-month period prior to the expiration of the
17 applicant's current permit.

18 2. a. Neither the sheriff nor the commissioner
19 shall require an applicant for a permit to carry
20 weapons to provide information identifying a particular
21 weapon in the application including the make, model,
22 or serial number of the weapon or any ammunition used
23 in that particular weapon.

24 b. The sheriff shall not require an applicant for
25 a nonprofessional permit to carry weapons to provide
26 any information, documentation, or evidence of identity
27 beyond that specified in sections 724.9 and 724.10,
28 except that an alien who has been admitted to the
29 United States under a nonimmigrant visa may be required
30 to demonstrate eligibility to receive or possess a
31 firearm under the provisions of 18 U.S.C. § 922(y).

32 3. The issuing officer shall collect a fee of fifty
33 dollars, except from a duly appointed peace officer
34 or correctional officer, for each nonprofessional
35 permit issued. Renewal permits Nonprofessional
36 renewal or duplicate permits shall be issued for a
37 fee of twenty-five dollars, provided the application
38 for such renewal permit is received by the issuing
39 officer at least thirty days prior to the expiration of
40 the applicant's current permit. The issuing officer
41 shall collect a fee of ten dollars for the issuance,
42 renewal, or duplication of a professional permit.

43 The issuing officer shall notify the commissioner of
44 public safety of the issuance of any permit at least
45 monthly and forward to the commissioner an amount
46 equal to ten dollars for each permit issued and five
47 dollars for each renewal or duplicate permit issued.
48 All such fees received by the commissioner shall be
49 paid to the treasurer of state and deposited in the
50 operating account of the department of public safety

1 to offset the cost of administering this chapter.
2 Notwithstanding section 8.33, any unspent balance
3 as of June 30 of each year shall not revert to the
4 general fund of the state, but shall be maintained in
5 a separate fund for the sole purpose of administering
6 this chapter.

7 4. The sheriff or commissioner of public safety
8 shall approve or deny an initial or renewal application
9 submitted under this section within ~~thirty seven~~
10 days of receipt of the application. A person whose
11 application for a permit under this chapter is denied
12 may seek review of the denial under section 724.21A.
13 ~~The failure to approve or deny an initial or renewal~~
14 ~~application shall result in a decision of approval. If~~
15 ~~the issuing officer has not received any disqualifying~~
16 ~~information within the requisite seven-day period, the~~
17 ~~issuing officer shall approve the application. An~~
18 ~~issuing officer who refuses to accept or act upon an~~
19 ~~application filed under this chapter shall be subject~~
20 ~~to removal from office pursuant to section 66.1A.~~

21 Sec. _____. Section 724.15, subsection 3, Code 2011,
22 is amended to read as follows:

23 3. The annual permit to acquire pistols or
24 revolvers shall authorize the permit holder to acquire
25 one or more pistols or revolvers during the period
26 that the permit remains valid. ~~If the issuing officer~~
27 ~~determines that the applicant has become disqualified~~
28 ~~under the provisions of subsection 1, the issuing~~
29 ~~officer may immediately revoke the permit and shall~~
30 ~~provide a written statement of the reasons for~~
31 ~~revocation, and the applicant shall have the right to~~
32 ~~appeal the revocation as provided in section 724.21A.~~
33 The issuing officer shall not limit the number of
34 pistols or revolvers that may be acquired.

35 Sec. _____. Section 724.21A, subsection 5, Code 2011,
36 is amended to read as follows:

37 5. The standard of review under this section shall
38 be ~~clear and convincing evidence~~ that the issuing
39 officer's written statement of the reasons for the
40 denial, suspension, or revocation constituted ~~probable~~
41 ~~cause to deny an application or to suspend or revoke~~
42 ~~a permit~~ clear and convincing evidence that, as of
43 the date of the adverse decision, the applicant or
44 permittee was, under the applicable standards set
45 forth in this chapter, subject to prosecution or any
46 other proceeding that could result in the applicant or
47 permittee becoming ineligible for a permit to carry
48 weapons.

49 Sec. _____. Section 724.23, Code 2011, is amended to
50 read as follows:

1 **724.23 Records kept by commissioner.**

2 1. The commissioner of public safety shall maintain
3 a permanent record of all valid permits to carry
4 weapons and of current permit revocations.

5 2. a. Notwithstanding any other law or rule to the
6 contrary, an issuing officer shall keep confidential
7 information that would personally identify applicants
8 for or holders of nonprofessional permits to carry
9 weapons, including but not limited to the applicant's
10 or permit holder's name, social security number, date
11 of birth, driver's license or other identification
12 number, and residential or business address.

13 b. This subsection shall not prohibit the release
14 of any of the following:

15 (1) Numerical statistics pertaining to the
16 issuance, denial, revocation, or administration of
17 applicants for or holders of nonprofessional permits,
18 provided that the release of such information does not
19 reveal the identity of any individual permit holder.

20 (2) The release of information to any law
21 enforcement agency, or an employee or agent thereof,
22 when necessary for an investigation of a possible
23 violation of law or for conducting a lawfully
24 authorized background investigation.

25 Sec. ____ . Section 724.25, subsection 1, Code 2011,
26 is amended to read as follows:

27 1. As used in section 724.26, the word "*felony*"
28 means any offense punishable in the jurisdiction where
29 it occurred by imprisonment for a term exceeding one
30 year, but does not include any offense, ~~other than an~~
31 ~~offense involving a firearm or explosive,~~ classified
32 as a misdemeanor under the laws of the state and
33 punishable by a term of imprisonment of two years or
34 less.>

35 2. Page 2, after line 30 by inserting:

36 <Sec. ____ . REPEAL. Section 724.5, Code 2011, is
37 repealed.>

38 3. Page 3, by striking lines 13 and 14 and
39 inserting:

40 <Sec. ____ . EFFECTIVE UPON ENACTMENT. The section
41 of this Act amending section 724.31, being deemed of
42 immediate importance, takes effect upon enactment.>

43 4. Title page, line 1, after <to> by inserting
44 <acquiring, carrying, and possessing weapons,
45 including>

46 5. Title page, line 4, after <prohibitions,> by
47 inserting <providing a penalty and a fee,>

48 6. By renumbering as necessary.

SHAW of Pocahontas
