

Senate File 427

S-3079

1 Amend Senate File 427 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. Section 724.1, subsection 1, paragraph
5 h, Code 2015, is amended by striking the paragraph.

6 Sec. 2. NEW SECTION. 724.1A Firearm suppressors
7 — certification.

8 1. As used in this section, unless the context
9 otherwise requires:

10 a. "*Certification*" means the participation and
11 assent of the chief law enforcement officer of the
12 jurisdiction where the applicant resides, that is
13 necessary under federal law for the approval of an
14 application to make or transfer a firearm suppressor.

15 b. "*Chief law enforcement officer*" means the county
16 sheriff, chief of police, or the designee of such
17 official, that the federal bureau of alcohol, tobacco,
18 firearms and explosives, or any successor agency, has
19 identified by regulation or has determined is otherwise
20 eligible to provide any required certification for
21 making or transferring a firearm suppressor.

22 c. "*Firearm suppressor*" means a mechanical device
23 specifically constructed and designed so that when
24 attached to a firearm silences, muffles, or suppresses
25 the sound when fired that is considered a "*firearm*
26 *silencer*" or "*firearm muffler*" as defined in 18 U.S.C.
27 §921.

28 2. a. A chief law enforcement officer is not
29 required to make any certification under this section
30 the chief law enforcement officer knows to be false,
31 but the chief law enforcement officer shall not
32 refuse, based on a generalized objection, to issue a
33 certification to make or transfer a firearm suppressor.

34 b. When the certification of the chief law
35 enforcement officer is required by federal law or
36 regulation for making or transferring a firearm
37 suppressor, the chief law enforcement officer
38 shall, within thirty days of receipt of a request
39 for certification, issue such certification if the
40 applicant is not prohibited by law from making or
41 transferring a firearm suppressor or is not the subject
42 of a proceeding that could result in the applicant
43 being prohibited by law from making or transferring
44 the firearm suppressor. If the chief law enforcement
45 officer does not issue a certification as required by
46 this section, the chief law enforcement officer shall
47 provide the applicant with a written notification of
48 the denial and the reason for the denial.

49 3. An applicant whose request for certification
50 is denied may appeal the decision of the chief law

1 enforcement officer to the district court for the
2 county in which the applicant resides. The court
3 shall review the decision of the chief law enforcement
4 officer to deny the certification de novo. If the
5 court finds that the applicant is not prohibited by law
6 from making or transferring the firearm suppressor,
7 or is not the subject of a proceeding that could
8 result in such prohibition, or that no substantial
9 evidence supports the decision of the chief law
10 enforcement officer, the court shall order the chief
11 law enforcement officer to issue the certification and
12 award court costs and reasonable attorney fees to the
13 applicant. If the court determines the applicant is
14 not eligible to be issued a certification, the court
15 shall award court costs and reasonable attorney fees to
16 the political subdivision of the state representing the
17 chief law enforcement officer.

18 4. In making a determination about whether to
19 issue a certification under subsection 2, a chief law
20 enforcement officer may conduct a criminal background
21 check, but shall only require the applicant provide
22 as much information as is necessary to identify
23 the applicant for this purpose or to determine the
24 disposition of an arrest or proceeding relevant to the
25 eligibility of the applicant to lawfully possess or
26 receive a firearm suppressor. A chief law enforcement
27 officer shall not require access to or consent
28 to inspect any private premises as a condition of
29 providing a certification under this section.

30 5. A chief law enforcement officer and employees
31 of the chief law enforcement officer who act in good
32 faith are immune from liability arising from any act or
33 omission in making a certification as required by this
34 section.

35 **Sec. 3. NEW SECTION. 724.1B Firearm suppressors**
36 **— penalty.**

37 1. A person shall not possess a firearm suppressor
38 in this state unless authorized by federal law.

39 2. A person who possesses a firearm suppressor in
40 violation of subsection 1 commits a class "D" felony.

41 **Sec. 4. Section 724.4, subsection 4, paragraph i,**
42 **Code 2015, is amended to read as follows:**

43 *i.* (1) A person who has in the person's immediate
44 possession and who displays to a peace officer on
45 demand a valid permit to carry weapons which has been
46 issued to the person, and whose conduct is within the
47 limits of that permit. A peace officer shall verify
48 through electronic means, if possible, the validity of
49 the person's permit to carry weapons.

50 (2) A person commits a simple misdemeanor

1 punishable as a scheduled violation pursuant to section
2 805.8C, subsection 11, if the person does not have in
3 the person's immediate possession a valid permit to
4 carry weapons which has been issued to the person.

5 (3) A Except as provided in subparagraph (2), a
6 person shall not be convicted of a violation of this
7 section if the person produces at the person's trial a
8 permit to carry weapons which was valid at the time of
9 the alleged offense and which would have brought the
10 person's conduct within this exception if the permit
11 had been produced at the time of the alleged offense.

12 Sec. 5. Section 724.4B, subsection 2, paragraph a,
13 Code 2015, is amended to read as follows:

14 a. A person listed under section 724.4, subsection
15 4, paragraphs "b" through "f" or "j", or a certified
16 peace officer as specified in section 724.6, subsection
17 1.

18 Sec. 6. Section 724.5, Code 2015, is amended to
19 read as follows:

20 **724.5 Duty to carry or verify permit to carry**
21 **weapons.**

22 1. A person armed with a revolver, pistol, or
23 pocket billy concealed upon the person shall have in
24 the person's immediate possession the permit provided
25 for in section 724.4, subsection 4, paragraph "i", and
26 shall produce the permit for inspection at the request
27 of a peace officer.

28 2. A peace officer shall verify through electronic
29 means, if possible, the validity of the person's permit
30 to carry weapons.

31 3. Failure to so produce a permit is a simple
32 misdemeanor, punishable as a scheduled violation
33 pursuant to section 805.8C, subsection 12.

34 Sec. 7. Section 724.6, subsection 1, Code 2015, is
35 amended to read as follows:

36 1. A person may be issued a permit to carry weapons
37 when the person's employment in a private investigation
38 business or private security business licensed under
39 chapter 80A, or a person's employment as a peace
40 officer, correctional officer, security guard, bank
41 messenger or other person transporting property of a
42 value requiring security, or in police work, reasonably
43 justifies that person going armed. The permit shall be
44 on a form prescribed and published by the commissioner
45 of public safety, shall identify the holder, and
46 shall state the nature of the employment requiring the
47 holder to go armed. A permit so issued, other than to
48 a peace officer, shall authorize the person to whom
49 it is issued to go armed anywhere in the state, only
50 while engaged in the employment, and while going to and

1 from the place of the employment. A permit issued to
2 a certified peace officer shall authorize that peace
3 officer to go armed anywhere in the state, including
4 a school as provided in section 724.4B, at all times.
5 Permits shall expire twelve months after the date when
6 issued except that permits issued to peace officers and
7 correctional officers are valid through the officer's
8 period of employment unless otherwise canceled. When
9 the employment is terminated, the holder of the
10 permit shall surrender it to the issuing officer for
11 cancellation.

12 Sec. 8. Section 724.7, subsection 1, Code 2015, is
13 amended to read as follows:

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

31 Sec. 9. Section 724.9, Code 2015, is amended to
32 read as follows:

33 **724.9 Firearm training program.**

34 1. An applicant for an initial permit to carry
35 weapons shall demonstrate knowledge of firearm safety
36 by any of the following means:

37 a. Completion of any national rifle association
38 handgun safety training course.

39 b. Completion of any handgun safety training course
40 available to the general public offered by a law
41 enforcement agency, community college, college, private
42 or public institution or organization, or firearms
43 training school, utilizing instructors certified by the
44 national rifle association or the department of public
45 safety or another state's department of public safety,
46 state police department, or similar certifying body.

47 c. Completion of any handgun safety training course
48 offered for security guards, investigators, special
49 deputies, or any division or subdivision of a law
50 enforcement or security enforcement agency approved by

1 the department of public safety.

2 ~~d. Completion of small arms training while serving~~
3 ~~with the armed forces of the United States as evidenced~~
4 ~~by any of the following.~~

5 ~~(1) For personnel released or retired from active~~
6 ~~duty, possession of an honorable discharge or general~~
7 ~~discharge under honorable conditions.~~

8 ~~(2) For personnel on active duty or serving in~~
9 ~~one of the national guard or reserve components of~~
10 ~~the armed forces of the United States, possession of~~
11 ~~a certificate of completion of basic training with a~~
12 ~~service record of successful completion of small arms~~
13 ~~training and qualification.~~

14 ~~e. Completion of a law enforcement agency firearms~~
15 ~~training course that qualifies a peace officer to carry~~
16 ~~a firearm in the normal course of the peace officer's~~
17 ~~duties.~~

18 2. a. Beginning with the first renewal of a permit
19 issued after the calendar year 2010, and alternating
20 renewals thereafter, training is not required unless
21 the applicant applies outside of the time periods
22 specified for a renewal in section 724.11.

23 b. Beginning with the second renewal of a permit
24 issued after the calendar year 2010, and alternating
25 renewals thereafter, an applicant is required to
26 complete training or shall qualify under either of the
27 following:

28 (1) Any training option specified in subsection 1.

29 (2) On a firing range under the supervision of an
30 instructor certified by the national rifle association
31 or the department of public safety or another state's
32 department of public safety, state police department,
33 or similar certifying body.

34 2. 3. Evidence If training or qualification is
35 required under this section, evidence of such training
36 or qualification under this section may be documented
37 by any of the following:

38 a. A photocopy of a certificate of completion or
39 any similar document indicating completion of any
40 course or class identified in subsection 1 that was
41 completed within twenty-four months prior to the date
42 of the application.

43 b. An affidavit from the instructor, school,
44 organization, or group that conducted or taught a
45 course or class identified in subsection 1 that was
46 completed within twenty-four months prior to the date
47 of the application attesting to the completion of the
48 course or class by the applicant.

49 ~~c. A copy of any document indicating participation~~
50 ~~in any firearms shooting competition.~~

1 c. Possession of an honorable discharge or general
2 discharge under honorable conditions issued any time
3 prior to the date of the application for personnel
4 released or retired from active duty in the armed
5 forces of the United States.

6 d. Possession of a certificate of completion of
7 basic training with a service record of successful
8 completion of small arms training and qualification
9 issued prior to the date of the application, or other
10 official documentation satisfactory to the issuing
11 officer that was issued prior to the date of the
12 application for personnel on active duty or serving in
13 one of the national guard or reserve components of the
14 armed forces of the United States.

15 e. A qualification certificate, qualification
16 card, or affidavit from an instructor certified by the
17 national rifle association or the department of public
18 safety or another state's department of public safety,
19 state police department, or similar certifying body
20 attesting that the applicant for renewal has qualified
21 on a firing range within twenty-four months prior to
22 the date of the application.

23 3- 4. An issuing officer shall not condition the
24 issuance of a permit on training requirements that are
25 not specified in or that exceed the requirements of
26 this section.

27 5. The handgun safety training course required
28 in subsection 1 may be conducted over the internet
29 in a live or web-based format, if completion of the
30 course is verified by the instructor or provider of the
31 course.

32 Sec. 10. Section 724.10, subsections 1 and 2, Code
33 2015, are amended to read as follows:

34 1. a. A person shall not be issued a permit to
35 carry weapons unless the person has completed and
36 signed an application on a form to be prescribed and
37 published by the commissioner of public safety. The
38 application shall require only the full name, driver's
39 license or nonoperator's identification card number,
40 residence, place of birth, and date of birth of the
41 applicant, and shall state whether the applicant meets
42 the criteria specified in sections 724.8 and 724.9. An
43 applicant may provide the applicant's social security
44 number if the applicant so chooses. The applicant
45 shall also display an identification card that bears
46 a distinguishing number assigned to the cardholder,
47 the full name, date of birth, sex, residence address,
48 and a brief description and ~~colored~~ photograph of the
49 cardholder.

50 b. If the applicant is not a United States citizen,

1 the application shall, in addition to the information
2 specified in paragraph "a", require the applicant's
3 country of citizenship, any alien or admission
4 number issued by the United States immigration and
5 customs enforcement or any successor agency, and,
6 if applicable, the basis for any exception claimed
7 pursuant to 18 U.S.C. §922(y).

8 2. The issuing officer, upon receipt of an initial
9 or renewal application under this section, shall
10 immediately conduct a background check concerning
11 each applicant by obtaining criminal history data
12 from the department of public safety which shall
13 include an inquiry of the national instant criminal
14 background check system maintained by the federal
15 bureau of investigation or any successor agency
16 and an immigration alien query through a database
17 maintained by the United States immigration and customs
18 enforcement or any successor agency if the applicant is
19 not a United States citizen.

20 Sec. 11. Section 724.11, subsections 1 and 3, Code
21 2015, are amended to read as follows:

22 1. Applications for permits to carry weapons
23 shall be made to the sheriff of the county in which
24 the applicant resides. Applications for professional
25 permits to carry weapons for persons who are
26 nonresidents of the state, or whose need to go armed
27 arises out of employment by the state, shall be made
28 to the commissioner of public safety. In either case,
29 the sheriff or commissioner, before issuing the permit,
30 shall determine that the requirements of sections
31 724.6 to 724.10 have been satisfied. ~~However, for~~
32 ~~renewal of a permit the training program requirements~~
33 ~~in section 724.9, subsection 1, shall apply or the~~
34 ~~renewal applicant may choose to qualify on a firing~~
35 ~~range under the supervision of an instructor certified~~
36 ~~by the national rifle association or the department of~~
37 ~~public safety or another state's department of public~~
38 ~~safety, state police department, or similar certifying~~
39 ~~body. Such training or qualification must occur within~~
40 ~~the twelve-month period prior to the expiration of the~~
41 ~~applicant's current permit. An applicant for renewal of~~
42 a permit shall apply within thirty days prior to the
43 expiration of the permit or within thirty days after
44 the expiration of the permit; otherwise the applicant
45 shall be considered an applicant for an initial permit
46 under subsection 3 and section 724.9, subsection 1.

47 3. The issuing officer shall collect a fee of
48 fifty dollars for an initial permit, except from a
49 duly appointed peace officer or correctional officer,
50 for each permit issued. Renewal permits or duplicate

1 permits shall be issued for a fee of twenty-five
2 dollars, provided the application for such renewal
3 permit is received by the issuing officer ~~at least~~
4 within thirty days prior to the expiration of the
5 applicant's current permit or within thirty days after
6 such expiration. The issuing officer shall notify the
7 commissioner of public safety of the issuance of any
8 permit at least monthly and forward to the commissioner
9 an amount equal to ten dollars for each permit issued
10 and five dollars for each renewal or duplicate permit
11 issued. All such fees received by the commissioner
12 shall be paid to the treasurer of state and deposited
13 in the operating account of the department of public
14 safety to offset the cost of administering this
15 chapter. Notwithstanding section 8.33, any unspent
16 balance as of June 30 of each year shall not revert to
17 the general fund of the state.

18 Sec. 12. Section 724.11, Code 2015, is amended by
19 adding the following new subsection:

20 NEW SUBSECTION. 5. The initial or renewal permit
21 shall have a uniform appearance, size, and content
22 prescribed and published by the commissioner of public
23 safety. The permit shall contain the name of the
24 permittee and the effective date of the permit, but
25 shall not contain the permittee's social security
26 number. Such a permit shall not be issued for a
27 particular weapon and shall not contain information
28 about a particular weapon including the make, model,
29 or serial number of the weapon, or any ammunition used
30 in that weapon.

31 Sec. 13. Section 724.11A, Code 2015, is amended to
32 read as follows:

33 **724.11A Recognition.**

34 A valid permit or license issued by another state to
35 any nonresident of this state shall be considered to
36 be a valid permit or license to carry weapons issued
37 pursuant to this chapter, except that such permit or
38 license shall not be considered to be a substitute for
39 ~~an annual~~ a permit to acquire pistols or revolvers
40 issued pursuant to section 724.15.

41 Sec. 14. Section 724.15, subsections 1, 2, and 3,
42 Code 2015, are amended to read as follows:

43 1. Any person who desires to acquire ownership of
44 any pistol or revolver shall first obtain ~~an annual~~
45 a permit. ~~An annual~~ A permit shall be issued upon
46 request to any resident of this state unless the person
47 is subject to any of the following:

- 48 a. Is less than twenty-one years of age.
- 49 b. Is subject to the provisions of section 724.26.
- 50 c. Is prohibited by federal law from shipping,

1 transporting, possessing, or receiving a firearm.

2 2. Any person who acquires ownership of a pistol or
3 revolver shall not be required to obtain ~~an annual~~ a
4 permit if any of the following apply:

5 a. The person transferring the pistol or revolver
6 and the person acquiring the pistol or revolver are
7 licensed firearms dealers under federal law.

8 b. The pistol or revolver acquired is an antique
9 firearm, a collector's item, a device which is not
10 designed or redesigned for use as a weapon, a device
11 which is designed solely for use as a signaling,
12 pyrotechnic, line-throwing, safety, or similar device,
13 or a firearm which is unserviceable by reason of being
14 unable to discharge a shot by means of an explosive
15 and is incapable of being readily restored to a firing
16 condition.

17 c. The person acquiring the pistol or revolver is
18 authorized to do so on behalf of a law enforcement
19 agency.

20 d. The person has obtained a valid permit to carry
21 weapons, as provided in section 724.11.

22 e. The person transferring the pistol or revolver
23 and the person acquiring the pistol or revolver
24 are related to one another within the second degree
25 of consanguinity or affinity unless the person
26 transferring the pistol or revolver knows that the
27 person acquiring the pistol or revolver would be
28 disqualified from obtaining a permit.

29 3. The ~~annual~~ permit to acquire pistols or
30 revolvers shall authorize the permit holder to acquire
31 one or more pistols or revolvers during the period
32 that the permit remains valid. If the issuing officer
33 determines that the applicant has become disqualified
34 under the provisions of subsection 1, the issuing
35 officer may immediately revoke the permit and shall
36 provide a written statement of the reasons for
37 revocation, and the applicant shall have the right to
38 appeal the revocation as provided in section 724.21A.

39 Sec. 15. Section 724.16, Code 2015, is amended to
40 read as follows:

41 **724.16 ~~Annual permit~~ Permit to acquire required —**
42 **transfer prohibited.**

43 1. Except as otherwise provided in section 724.15,
44 subsection 2, a person who acquires ownership of a
45 pistol or revolver without a valid ~~annual~~ permit to
46 acquire pistols or revolvers or a person who transfers
47 ownership of a pistol or revolver to a person who does
48 not have in the person's possession a valid ~~annual~~
49 permit to acquire pistols or revolvers is guilty of an
50 aggravated misdemeanor.

1 2. A person who transfers ownership of a pistol
2 or revolver to a person that the transferor knows is
3 prohibited by section 724.15 from acquiring ownership
4 of a pistol or revolver commits a class "D" felony.

5 Sec. 16. Section 724.17, Code 2015, is amended to
6 read as follows:

7 **724.17 Application for ~~annual~~ permit to acquire —**
8 **criminal history check required.**

9 1. The application for ~~an annual~~ a permit to
10 acquire pistols or revolvers may be made to the sheriff
11 of the county of the applicant's residence and shall be
12 on a form prescribed and published by the commissioner
13 of public safety.

14 a. The If an applicant is a United States citizen,
15 the application shall require only the full name of
16 the applicant, the driver's license or nonoperator's
17 identification card number of the applicant, the
18 residence of the applicant, and the date and place of
19 birth of the applicant.

20 b. If the applicant is not a United States citizen,
21 the application shall, in addition to the information
22 specified in paragraph "a", require the applicant's
23 country of citizenship, any alien or admission
24 number issued by the United States immigration and
25 customs enforcement or any successor agency, and,
26 if applicable, the basis for any exception claimed
27 pursuant to 18 U.S.C. §922(y).

28 c. The applicant shall also display an
29 identification card that bears a distinguishing number
30 assigned to the cardholder, the full name, date of
31 birth, sex, residence address, and brief description
32 and colored photograph of the cardholder, or other
33 identification as specified by rule of the department
34 of public safety.

35 2. The sheriff shall conduct a criminal history
36 check concerning each applicant by obtaining criminal
37 history data from the department of public safety
38 which shall include an inquiry of the national instant
39 criminal background check system maintained by the
40 federal bureau of investigation or any successor agency
41 and an immigration alien query through a database
42 maintained by the United States immigration and customs
43 enforcement or any successor agency if the applicant is
44 not a United States citizen.

45 3. A person who makes what the person knows to be
46 a false statement of material fact on an application
47 submitted under this section or who submits what the
48 person knows to be any materially falsified or forged
49 documentation in connection with such an application
50 commits a class "D" felony.

1 Sec. 17. Section 724.18, Code 2015, is amended to
2 read as follows:

3 **724.18 Procedure for making application for annual**
4 **permit to acquire.**

5 A person may personally request the sheriff to
6 mail an application for ~~an annual~~ a permit to acquire
7 pistols or revolvers, and the sheriff shall immediately
8 forward to such person an application for ~~an annual~~
9 a permit to acquire pistols or revolvers. A person
10 shall upon completion of the application ~~personally~~
11 deliver file such application ~~to~~ with the sheriff who
12 shall note the period of validity on the application
13 and shall immediately issue the ~~annual~~ permit to
14 acquire pistols or revolvers to the applicant. For the
15 purposes of this section the date of application shall
16 be the date on which the sheriff received the completed
17 application.

18 Sec. 18. Section 724.19, Code 2015, is amended to
19 read as follows:

20 **724.19 Issuance of annual permit to acquire.**

21 The ~~annual~~ permit to acquire pistols or revolvers
22 shall be issued to the applicant immediately upon
23 completion of the application unless the applicant is
24 disqualified under the provisions of section 724.15
25 and or 724.17. The permit shall ~~be on a form~~ have a
26 uniform appearance, size, and content prescribed and
27 published by the commissioner of public safety. The
28 permit shall contain the name of the permittee, ~~the~~
29 ~~residence of the permittee,~~ and the effective date
30 of the permit, but shall not contain the permittee's
31 social security number. Such a permit shall not be
32 issued for a particular pistol or revolver and shall
33 not contain information about a particular pistol or
34 revolver including the make, model, or serial number of
35 the pistol or revolver, or any ammunition used in such
36 a pistol or revolver.

37 Sec. 19. Section 724.20, Code 2015, is amended to
38 read as follows:

39 **724.20 Validity of annual permit to acquire pistols**
40 **or revolvers.**

41 The permit shall be valid throughout the state and
42 shall be valid three days after the date of application
43 and shall be invalid ~~one year~~ five years after the date
44 of application.

45 Sec. 20. Section 724.21A, subsections 1 and 7, Code
46 2015, are amended to read as follows:

47 1. In any case where the sheriff or the
48 commissioner of public safety denies an application
49 for or suspends or revokes a permit to carry weapons
50 or ~~an annual~~ a permit to acquire pistols or revolvers,

1 the sheriff or commissioner shall provide a written
2 statement of the reasons for the denial, suspension,
3 or revocation and the applicant or permit holder
4 shall have the right to appeal the denial, suspension,
5 or revocation to an administrative law judge in the
6 department of inspections and appeals within thirty
7 days of receiving written notice of the denial,
8 suspension, or revocation.

9 7. In any case where the issuing officer denies an
10 application for, or suspends or revokes a permit to
11 carry weapons or ~~an annual~~ a permit to acquire pistols
12 or revolvers solely because of an adverse determination
13 by the national instant criminal background check
14 system, the applicant or permit holder shall not seek
15 relief under this section but may pursue relief of
16 the national instant criminal background check system
17 determination pursuant to Pub. L. No. 103-159, sections
18 103(f) and (g) and 104 and 28 C.F.R. §25.10, or other
19 applicable law. The outcome of such proceedings shall
20 be binding on the issuing officer.

21 Sec. 21. Section 724.21A, Code 2015, is amended by
22 adding the following new subsection:

23 NEW SUBSECTION. 8. If an applicant appeals the
24 decision by the sheriff or commissioner to deny an
25 application, or suspend or revoke a permit to carry
26 weapons or a permit to acquire, and it is later
27 determined the applicant is eligible to be issued
28 or possess such a permit, the applicant shall be
29 awarded costs related to the administrative proceeding
30 and reasonable attorney fees if applicable. If the
31 decision of the sheriff or commissioner to deny the
32 application, or suspend or revoke the permit is upheld
33 on appeal, the political subdivision of the state
34 representing the sheriff or the commissioner shall be
35 awarded costs related to the administrative proceeding
36 and reasonable attorney fees if applicable.

37 Sec. 22. Section 724.23, Code 2015, is amended to
38 read as follows:

39 **724.23 Records kept by commissioner and issuing**
40 **officers.**

41 1. a. The commissioner of public safety shall
42 maintain a permanent record of all valid permits to
43 carry weapons and of current permit revocations.

44 b. The permanent record shall be kept in a
45 searchable database that is accessible on a statewide
46 basis for the circumstances described in subsection 2,
47 paragraph "b", "c", "d", or "e".

48 2. a. Notwithstanding any other law or rule to
49 the contrary, the commissioner of public safety and
50 any issuing officer shall keep confidential personally

1 identifiable information of holders of permits to
2 carry weapons and permits to acquire, including but not
3 limited to the name, social security number, date of
4 birth, residential or business address, and driver's
5 license or other identification number of the applicant
6 or permit holder.

7 b. This subsection shall not prohibit the
8 release of statistical information relating to the
9 issuance, denial, revocation, or administration of
10 nonprofessional permits to carry weapons and permits to
11 acquire, provided that the release of such information
12 does not reveal the identity of any individual permit
13 holder.

14 c. This subsection shall not prohibit the release
15 of information to any law enforcement agency or any
16 employee or agent thereof when necessary for the
17 purpose of investigating a possible violation of law
18 and when probable cause exists, or to determine the
19 validity of a permit, or for conducting a lawfully
20 authorized background investigation.

21 d. This subsection shall not prohibit the
22 release of information relating to the validity of a
23 professional permit to carry weapons to an employer who
24 requires an employee or an agent of the employer to
25 possess a professional permit to carry weapons as part
26 of the duties of the employee or agent.

27 e. (1) This subsection shall not prohibit the
28 release of the information described in subparagraph
29 (2) to a member of the public if the person, in writing
30 or in person, requests whether another person has a
31 professional or nonprofessional permit to carry weapons
32 or a permit to acquire. The request must include
33 the name of the other person and at least one of the
34 following identifiers pertaining to the other person:

35 (a) The date of birth of the person.

36 (b) The address of the person.

37 (c) The telephone number of the person, including
38 any landline or wireless numbers.

39 (2) The information released by the department
40 of public safety or issuing officer shall be limited
41 to an acknowledgment as to whether or not the person
42 currently possesses a valid permit to carry weapons or
43 a permit to acquire, the date such permit was issued,
44 and whether the person has ever possessed such a permit
45 that has been revoked or has expired and the date the
46 permit was revoked or expired. No other information
47 shall be released under this paragraph "e".

48 f. Except as provided in paragraphs "b", "c", "d",
49 or "e", the release of any confidential information
50 under this section shall require a court order or the

1 consent of the person whose personally identifiable
2 information is the subject of the information request.

3 **Sec. 23. NEW SECTION. 724.29A Fraudulent purchase**
4 **of firearms or ammunition.**

5 1. For purposes of this section:

6 a. "Ammunition" means any cartridge, shell, or
7 projectile designed for use in a firearm.

8 b. "Licensed firearms dealer" means a person who is
9 licensed pursuant to 18 U.S.C. §923 to engage in the
10 business of dealing in firearms.

11 c. "Materially false information" means information
12 that portrays an illegal transaction as legal or a
13 legal transaction as illegal.

14 d. "Private seller" means a person who sells or
15 offers for sale any firearm or ammunition.

16 2. A person who knowingly solicits, persuades,
17 encourages, or entices a licensed firearms dealer or
18 private seller of firearms or ammunition to transfer
19 a firearm or ammunition under circumstances that the
20 person knows would violate the laws of this state or of
21 the United States commits a class "D" felony.

22 3. A person who knowingly provides materially
23 false information to a licensed firearms dealer or
24 private seller of firearms or ammunition with the
25 intent to deceive the firearms dealer or seller about
26 the legality of a transfer of a firearm or ammunition
27 commits a class "D" felony.

28 4. Any person who willfully procures another to
29 engage in conduct prohibited by this section shall be
30 held accountable as a principal.

31 5. This section does not apply to a law enforcement
32 officer acting in the officer's official capacity
33 or to a person acting at the direction of such law
34 enforcement officer.

35 **Sec. 24. NEW SECTION. 724.32 Rules.**

36 The department of public safety shall adopt rules
37 pursuant to chapter 17A to administer this chapter.

38 **Sec. 25. Section 805.8C, Code 2015, is amended by**
39 **adding the following new subsections:**

40 **NEW SUBSECTION. 11. *Duty to possess permit to carry***
41 ***weapons.*** For violations of section 724.4, subsection
42 4, paragraph "i", subparagraph (2), the scheduled fine
43 is ten dollars.

44 **NEW SUBSECTION. 12. *Failure to produce permit to***
45 ***carry.*** For violations of section 724.5, the scheduled
46 fine is ten dollars.

47 **Sec. 26. EFFECTIVE UPON ENACTMENT. The following**
48 **provision or provisions of this Act, being deemed of**
49 **immediate importance, take effect upon enactment:**

50 1. The section of this Act amending section 724.1,

1 subsection 1, paragraph "h".
2 2. The section of this Act enacting new section
3 724.1A.
4 3. The section of this Act enacting new section
5 724.1B.
6 4. The section of this Act amending section 724.23,
7 subsection 2.
8 5. The applicability section of this Act.
9 Sec. 27. APPLICABILITY. The section of this
10 Act amending section 724.23 applies to holders of
11 nonprofessional and professional permits to carry
12 weapons and permits to acquire pistols or revolvers
13 and to applicants for nonprofessional permits to carry
14 weapons and permits to acquire pistols or revolvers on
15 or after the effective date of that section of this
16 Act.>
17 2. Title page, by striking lines 1 and 2 and
18 inserting <An Act relating to making, transferring, or
19 possessing firearm suppressors, fraudulently purchasing
20 firearms, and issuing and verifying permits to carry
21 or acquire weapons and the confidentiality of such
22 permits, providing penalties, and including effective
23 date and applicability provisions.>

STEVEN J. SODDERS