

3/22/95 W. & M.
3/28/95 Amend/Do Pass W)
4/10/95 Referred back Judiciary S-3261
FILED MAR 21 1995

SENATE FILE **451**
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 279)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the criminal history check requirement for
2 noncitizens applying for permits to carry weapons or permits
3 to acquire handguns, the denial of nonprofessional permits to
4 carry weapons, the review of denials of permits to carry
5 weapons, and the duration of and fees charged for permits to
6 carry weapons.

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

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S.F. 451

1 Section 1. Section 724.6, subsection 1, Code 1995, is
2 amended to read as follows:

3 1. A person may be issued a permit to carry weapons when
4 the person's employment in a private investigation business or
5 private security business licensed under chapter 80A, or a
6 person's employment as a peace officer, reserve peace officer,
7 correctional officer, security guard, bank messenger or other
8 person transporting property of a value requiring security, or
9 in police work, reasonably justifies that person going armed.
10 The permit shall be on a form prescribed and published by the
11 commissioner of public safety, shall identify the holder, and
12 shall state the nature of the employment requiring the holder
13 to go armed. A permit so issued, other than to a peace
14 officer, shall authorize the person to whom it is issued to go
15 armed anywhere in the state, only while engaged in the
16 employment, and while going to and from the place of the
17 employment. A permit issued to a certified peace officer
18 shall authorize that peace officer to go armed anywhere in the
19 state at all times. Permits shall expire twelve or twenty-
20 four months after the date when issued except that permits
21 issued to peace officers and correctional officers are valid
22 through the officer's period of employment unless otherwise
23 canceled and permits for reserve peace officers are valid for
24 twenty-four months. When the employment is terminated, the
25 holder of the permit shall surrender it to the issuing officer
26 for cancellation.

27 Sec. 2. Section 724.8, unnumbered paragraph 1, Code 1995,
28 is amended to read as follows:

29 No A person shall not be issued a professional or
30 nonprofessional permit to carry weapons unless all of the
31 following conditions are met:

32 Sec. 3. Section 724.8, Code 1995, is amended by adding the
33 following new subsection:

34 NEW SUBSECTION. 7. For nonprofessional permits to carry
35 weapons only, the person either is a citizen of the United

1 States or has been a legal resident of the United States for
2 at least five years and can document that fact in order for an
3 accurate criminal history check to be accomplished.

4 Sec. 4. Section 724.11, Code 1995, is amended to read as
5 follows:

6 724.11 ISSUANCE OF PERMIT TO CARRY WEAPONS -- REASONS FOR
7 DENIAL STATED -- REVIEW.

8 Applications for permits to carry weapons shall be made to
9 the sheriff of the county in which the applicant resides.
10 Applications from persons who are nonresidents of the state,
11 or whose need to go armed arises out of employment by the
12 state, shall be made to the commissioner of public safety. In
13 either case, the issuance of the permit shall be by and at the
14 discretion of the sheriff or commissioner, who shall, before
15 issuing the permit, determine that the requirements of
16 sections 724.6 to 724.10 have been satisfied. However, the
17 training program requirements in section 724.9 may be waived
18 for renewal permits. The issuing officer shall collect a fee
19 of ten dollars, except from a duly appointed peace officer or
20 correctional officer, for each permit issued for a period of
21 twelve months or less and a fee of twenty-five dollars for
22 each permit issued for a period of thirteen months to twenty-
23 four months. Renewal permits or duplicate permits shall be
24 issued for a fee of five dollars for permits issued for twelve
25 months or less and fifteen dollars for a permit issued for a
26 period of thirteen months to twenty-four months. The issuing
27 officer shall notify the commissioner of public safety of the
28 issuance of any permit at least monthly and forward to the
29 director an amount equal to two dollars for each permit issued
30 and one dollar for each renewal or duplicate permit issued.
31 All such fees received by the commissioner shall be paid to
32 the treasurer of state and deposited in the operating account
33 of the department of public safety to offset the cost of
34 administering this chapter. Any unspent balance as of June 30
35 of each year shall revert to the general fund as provided by

1 section 8.33.

2 If an application for a permit is denied, the sheriff or
3 commissioner shall state in writing the reasons for denying
4 the permit and shall provide a copy to the applicant. A
5 person who meets the requirements of section 724.8 but who is
6 denied a permit to carry concealed weapons may seek review of
7 the denial of the application by a magistrate or district
8 associate judge. The review shall be conducted in the manner
9 of a small claims action under chapter 631 and an adverse
10 decision may be appealed in the manner of a small claims
11 appeal under section 631.13.

12 Sec. 5. Section 724.15, subsection 1, Code 1995, is
13 amended by adding the following new paragraph:

14 NEW PARAGRAPH. g. The person either is a citizen of the
15 United States or has been a legal resident of the United
16 States for at least five years and can document that fact in
17 order for an accurate criminal history check to be
18 accomplished.

19 EXPLANATION

20 This bill provides that a person must be either a United
21 States citizen or a noncitizen who has lived legally in the
22 United States for at least five years to be able to obtain a
23 permit to acquire handguns or a nonprofessional permit to
24 carry weapons. The bill also adds reserve peace officers to
25 the persons who may be issued professional permits to carry
26 weapons. Professional permits issued to reserve peace
27 officers shall be valid for 24 months.

28 In addition, the bill provides that professional permits to
29 carry issued to persons other than peace officers will be
30 valid for 12 or 24 months. The fee for a 24-month permit is
31 \$25 and the renewal fee is \$15.

32 Finally, the bill requires the sheriff or commissioner of
33 public safety to provide written reasons for denying an
34 application for a permit to carry weapons. A person who is
35 turned down for a permit to carry may seek review of the

1 decision before a magistrate or district associate judge as a
2 small claims action.

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SENATE FILE 451

S-3259

- 1 Amend Senate File 451 as follows:
- 2 1. Page 2, lines 6 and 7, by striking the words
- 3 "-- REASONS FOR DENIAL STATED -- REVIEW".
- 4 2. Page 3, by striking lines 2 through 11.
- 5 3. Title, lines 4 and 5, by striking the words
- 6 "the review of denials of permits to carry weapons,".

By EMIL J. HUSAK

S-3259 FILED MARCH 28, 1995

SENATE FILE 451

S-3261

- 1 Amend Senate File 451 as follows:
- 2 1. Page 2, line 19, by striking the words "ten
- 3 dollars" and inserting the following: "ten twelve
- 4 dollars and fifty cents".
- 5 2. Page 2, line 24, by striking the words "five
- 6 dollars" and inserting the following: "five seven
- 7 dollars and fifty cents".

By COMMITTEE ON WAYS AND MEANS
WILLIAM D. PALMER, Chairperson

S-3261 FILED MARCH 28, 1995

SENATE FILE 451

S-3301

1 Amend the amendment, S-3261, to Senate File 451 as
2 follows:

3 1. Page 1, by inserting after line 1 the
4 following:

5 "_____. Page 1, lines 19 and 20, by striking the
6 words "or twenty-four"."

7 2. Page 1, by inserting after line 4 the
8 following:

9 "_____. Page 2, line 22, by striking the words
10 "thirteen months to"."

11 3. Page 1, by inserting after line 7 the
12 following:

13 "_____. Page 2, line 26, by striking the words
14 "thirteen months to"."

15 4. Title page, line 6, by inserting after the
16 word "weapons" the following: "for reserve peace
17 officers".

By RANDAL J. GIANNETTO

S-3301 FILED MARCH 30, 1995

SENATE FILE 451

S-3305

1 Amend Senate File 451 as follows:

2 1. Page 1, lines 19 and 20, by striking the words
3 "or twenty-four".

4 2. Page 2, by striking lines 20 through 26 and
5 inserting the following: "correctional officer, for
6 each permit issued. Renewal permits or duplicate
7 permits shall be issued for a fee of five dollars.
8 The issuing".

9 3. Title page, line 5, by striking the words "and
10 fees charged for".

11 4. Title page, line 6, by inserting after the
12 word "weapons" the following: "for reserve peace
13 officers".

By RANDAL J. GIANNETTO

S-3305 FILED MARCH 30, 1995

Fraise
Giannetto
Vilsack
Drake
Bartz

SSB-279
Judiciary

SENATE FILE 251
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY CHAIR-
PERSON GIANNETTO)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the issuance of nonprofessional permits to
2 carry concealed weapons, providing exemptions from liability,
3 and providing a conditional effective date.

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

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1 Section 1. Section 724.7, Code 1995, is amended to read as
2 follows:

3 724.7 NONPROFESSIONAL PERMIT TO CARRY WEAPONS.

4 Any person who can reasonably justify going armed ~~may~~ shall
5 be issued a nonprofessional permit to carry weapons. Such
6 Nonprofessional permits shall be on a form prescribed and
7 published by the commissioner of public safety, which shall be
8 readily distinguishable from the professional permit, and
9 shall identify the holder thereof of the permit, and state the
10 reason for the issuance of the permit, and the limits of the
11 authority granted by ~~such~~ the permit. All permits so issued
12 shall be for a definite period as established by the issuing
13 officer, but in no event shall exceed a period of twelve
14 months.

15 Sec. 2. Section 724.11, Code 1995, is amended to read as
16 follows:

17 724.11 ISSUANCE OF PERMIT TO CARRY WEAPONS.

18 Applications for permits to carry weapons shall be made to
19 the sheriff of the county in which the applicant resides.
20 Applications from persons who are nonresidents of the state,
21 or whose need to go armed arises out of employment by the
22 state, shall be made to the commissioner of public safety. ~~In~~
23 ~~either-case, the issuance of the permit shall be by and at the~~
24 ~~discretion of the~~ The sheriff or commissioner, ~~who~~ shall,
25 before issuing ~~the~~ a professional or nonprofessional permit,
26 determine that the requirements of sections 724.6 to 724.10
27 have been satisfied. However, the training program
28 requirements in section 724.9 may be waived for renewal
29 permits. The issuing officer shall collect a fee of ten
30 dollars, except from a duly appointed peace officer or
31 correctional officer, for each permit issued. Renewal permits
32 or duplicate permits shall be issued for a fee of five
33 dollars. The issuing officer shall notify the commissioner of
34 public safety of the issuance of any permit at least monthly
35 and forward to the director an amount equal to two dollars for

1 each permit issued and one dollar for each renewal or
2 duplicate permit issued. All such fees received by the
3 commissioner shall be paid to the treasurer of state and
4 deposited in the operating account of the department of public
5 safety to offset the cost of administering this chapter. Any
6 unspent balance as of June 30 of each year shall revert to the
7 general fund as provided by section 8.33.

8 Sec. 3. NEW SECTION. 724.21A IMMUNITY.

9 A sheriff or the commissioner of public safety, the
10 sheriff's department or the department of public safety, or an
11 employee of a sheriff's department or the department of public
12 safety shall be immune from liability for acts or omissions
13 arising from a good faith effort to comply with sections 724.6
14 through 724.19.

15 Sec. 4. CONDITIONAL EFFECTIVENESS. Any state mandate in
16 this Act shall not take effect unless an appropriation fully
17 or proportionately funding the cost of the mandate is made in
18 accordance with section 25B.2, subsection 3.

19 EXPLANATION

20 This bill provides that a county sheriff or the
21 commissioner of public safety must issue a nonprofessional
22 permit to carry a concealed weapon to a person who meets all
23 the eligibility requirements for a permit. Currently,
24 nonprofessional permits to carry are issued at the discretion
25 of the sheriff or commissioner. The bill also provides for
26 immunity from liability for persons and agencies for a good
27 faith effort to comply with the requirements regarding the
28 issuance of permits to acquire handguns or permits to carry
29 concealed weapons.

30 This bill may contain a state mandate under chapter 25B. A
31 political subdivision does not have to comply with a mandate
32 contained in the bill unless an appropriation fully or
33 proportionately funding the cost of the mandate is made in
34 accordance with section 25B.2, subsection 3.

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