

FEB 24 2004  
Place On Calendar

HOUSE FILE 2341  
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 2199)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act allowing off-duty, out-of-state, and retired peace  
2 officers to carry weapons.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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**HOUSE FILE 2341**

**H-8125**

1 Amend House File 2341 as follows:  
2 1. Page 1, by striking lines 17 and 18, and  
3 inserting the following:  
4 "(2) "Out-of-state peace officer" means any peace  
5 officer authorized to make arrests and conduct other  
6 law enforcement activities pursuant to section 804.7B,  
7 subsection 2."

By HOGG of Linn

H-8125 FILED FEBRUARY 24, 2004

HF 2341

**HOUSE FILE 2341**

**H-8150**

1 Amend House File 2341 as follows:  
2 1. Page 2, line 12, by inserting after the word  
3 "years," the following: "if the peace officer is  
4 under the age of seventy,".  
5 2. Page 2, line 13, by inserting after the word  
6 "met." the following: "If the peace officer is age  
7 seventy or older, a nonprofessional permit to carry  
8 weapons shall be issued for a period not to exceed two  
9 years, upon a determination that the requirements of  
10 sections 724.8 to 724.10 have been met."  
11 3. By renumbering as necessary.

By HOGG of Linn

H-8150 FILED MARCH 1, 2004

1 Section 1. Section 724.4, subsection 4, paragraph b, Code  
2 2003, is amended to read as follows:

3 b. A peace officer, including an off-duty and an out-of-  
4 state peace officer, when the officer's duties require the  
5 person to carry such weapons.

6 For the purposes of this paragraph "b", the following  
7 definitions shall apply:

8 (1) "Off-duty peace officer" means a peace officer who  
9 meets all of the following requirements:

10 (a) Is not responsible for or engaged in assigned duties  
11 related to the officer's regular course of employment as a  
12 peace officer.

13 (b) Is required to carry weapons, as described in  
14 subsection 1 during the officer's regular course of employment  
15 as a peace officer.

16 (c) Is not the subject of any disciplinary action.

17 (2) "Out-of-state peace officer" means the same as defined  
18 in section 804.7B, subsection 1.

19 Sec. 2. Section 724.4, subsection 4, Code 2003, is amended  
20 by adding the following new paragraph:

21 NEW PARAGRAPH. bb. A retired peace officer. For the  
22 purposes of this chapter, "retired peace officer" means a  
23 peace officer who meets both of the following requirements:

24 (1) Is retired in good standing from employment as a peace  
25 officer.

26 (2) Prior to such retirement, was authorized by law to  
27 engage in or supervise the prevention, detection,  
28 investigation, or prosecution of, or the incarceration of, any  
29 person for any violation of law, and had statutory powers of  
30 arrest.

31 Sec. 3. Section 724.7, Code 2003, is amended to read as  
32 follows:

33 724.7 NONPROFESSIONAL PERMIT TO CARRY WEAPONS.

34 1. Any Except as otherwise provided in subsection 2, any  
35 person who can reasonably justify going armed may be issued a

1 nonprofessional permit to carry weapons. Such permits shall  
2 be on a form prescribed and published by the commissioner of  
3 public safety, which shall be readily distinguishable from the  
4 professional permit, and shall identify the holder thereof,  
5 and state the reason for the issuance of the permit, and the  
6 limits of the authority granted by such permit. All permits  
7 so issued shall be for a definite period as established by the  
8 issuing officer, but in no event shall exceed a period of  
9 twelve months.

10 2. A retired peace officer, as defined in section 724.4,  
11 shall be issued a nonprofessional permit to carry weapons for  
12 a period not to exceed four years, upon a determination that  
13 the requirements of sections 724.8 to 724.10 have been met.

14 Sec. 4. Section 724.11, Code 2003, is amended to read as  
15 follows:

16 724.11 ISSUANCE OF PERMIT TO CARRY WEAPONS.

17 Applications for permits to carry weapons shall be made to  
18 the sheriff of the county in which the applicant resides.  
19 Applications from persons who are nonresidents of the state,  
20 or whose need to go armed arises out of employment by the  
21 state, shall be made to the commissioner of public safety. ~~In~~  
22 ~~either-case~~ Except as otherwise provided in section 724.7, the  
23 issuance of the permit shall be by and at the discretion of  
24 the sheriff or commissioner, who shall, before issuing the  
25 permit, determine that the requirements of sections 724.6 to  
26 724.10 have been satisfied. However, the training program  
27 requirements in section 724.9 may be waived for renewal  
28 permits. The issuing officer shall collect a fee of ten  
29 dollars, except from a duly appointed peace officer or  
30 correctional officer, for each permit issued. Renewal permits  
31 or duplicate permits shall be issued for a fee of five  
32 dollars. The issuing officer shall notify the commissioner of  
33 public safety of the issuance of any permit at least monthly  
34 and forward to the commissioner an amount equal to two dollars  
35 for each permit issued and one dollar for each renewal or

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

7 EXPLANATION

8 This bill allows off-duty, out-of-state, and retired peace  
9 officers to carry weapons.

10 The bill defines "off-duty peace officer" to mean a peace  
11 officer who is not responsible for or engaged in assigned  
12 duties related to the officer's regular course of employment  
13 as a peace officer, is required to carry weapons during the  
14 officer's regular course of employment as a peace officer, and  
15 is not the subject of any disciplinary action.

16 The bill defines "out-of-state peace officer" to mean a  
17 person employed full-time as a peace officer by a state other  
18 than Iowa or a political subdivision of a state other than  
19 Iowa who has arrest powers under the laws of that  
20 jurisdiction, who is authorized to carry a firearm in the  
21 performance of the person's duties, and who is certified or  
22 licensed as a regular peace officer in the appropriate out-of-  
23 state jurisdiction. In addition, the definition of "out-of-  
24 state peace officer" includes a federal law enforcement  
25 officer.

26 The bill further provides that a retired peace officer  
27 shall be issued a nonprofessional permit to carry weapons for  
28 a period not to exceed four years, upon a determination by  
29 either the sheriff of the county in which the applicant  
30 resides, or by the commissioner of public safety for  
31 nonresidents, that certain minimum requirements have been met,  
32 pursuant to Code sections 724.8 through 724.10. Currently, a  
33 permit to carry a weapon is issued by and at the discretion of  
34 the sheriff or commissioner after a determination of whether  
35 the Code requirements have been met.

1 The bill defines "retired peace officer" as a peace officer  
2 who retired in good standing from service as a peace officer  
3 who before such retirement was authorized by law to engage in  
4 or supervise the prevention, detection, investigation,  
5 prosecution or incarceration of, any person for any violation  
6 of law and had statutory powers of arrest.

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