

House Study Bill 661

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON BAUDLER)

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

A BILL FOR

1 An Act relating to applications for and denial of a permit to
2 carry concealed weapons.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 6500HC 80
5 rh/pj/5

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1 1 Section 1. Section 724.11, Code 2003, is amended to read
1 2 as follows:
1 3 724.11 ISSUANCE OF PERMIT TO CARRY WEAPONS.
1 4 1. Applications for permits to carry weapons shall be made
1 5 to the sheriff of the county in which the applicant resides.
1 6 Applications from persons who are nonresidents of the state,
1 7 or whose need to go armed arises out of employment by the
1 8 state, shall be made to the commissioner of public safety. In
1 9 either case, the issuance of the permit shall be by and at the
1 10 discretion of the sheriff or commissioner, who shall, before
1 11 issuing the permit, determine that the requirements of
1 12 sections 724.6 to 724.10 have been satisfied. However, the
1 13 training program requirements in section 724.9 may be waived
1 14 for renewal permits. If the sheriff or the commissioner
1 15 denies an application for a permit under this section, the
1 16 sheriff or the commissioner shall provide a written statement
1 17 of the reasons for the denial.

1 18 2. The issuing officer shall collect a fee of ten dollars,
1 19 except from a duly appointed peace officer or correctional
1 20 officer, for each permit issued. Renewal permits or duplicate
1 21 permits shall be issued for a fee of five dollars. The
1 22 issuing officer shall notify the commissioner of public safety
1 23 of the issuance of any permit at least monthly and forward to
1 24 the commissioner an amount equal to two dollars for each
1 25 permit issued and one dollar for each renewal or duplicate
1 26 permit issued. All such fees received by the commissioner
1 27 shall be paid to the treasurer of state and deposited in the
1 28 operating account of the department of public safety to offset
1 29 the cost of administering this chapter. Any unspent balance
1 30 as of June 30 of each year shall revert to the general fund as
1 31 provided by section 8.33.

1 32 Sec. 2. NEW SECTION. 724.21A HEARING ON DENIAL OF PERMIT
1 33 TO CARRY WEAPONS.

1 34 1. In any case where the sheriff or the commissioner of
1 35 public safety denies an application for a permit to carry
2 1 weapons, the denied applicant shall have the right to appeal
2 2 the denial to the commissioner of public safety within thirty
2 3 days of receiving written notice of the denial.

2 4 2. A denial of an application for a permit to carry
2 5 weapons may be appealed by filing with the commissioner of
2 6 public safety a copy of the denial and a written statement
2 7 that clearly states the applicant's reasons rebutting the
2 8 denial along with a fee of ten dollars. Additional
2 9 information which may be pertinent to the applicant's request
2 10 for a permit should also be included.

2 11 3. The commissioner of public safety shall grant an
2 12 aggrieved applicant an opportunity to be heard within forty=
2 13 five days of receipt of a request for an appeal. The hearing
2 14 may be held by telephone conference at the discretion of the
2 15 commissioner of public safety.

2 16 4. After the hearing, the commissioner of public safety
2 17 shall order that the denial of the application be either
2 18 rescinded or sustained. An applicant aggrieved by the final
2 19 judgment of the commissioner of public safety sustaining the
2 20 denial shall have the right to judicial review in accordance
2 21 with the terms of the Iowa administrative procedure Act,
2 22 chapter 17A.

EXPLANATION

2 23
2 24 This bill relates to an appeal from a denial of a permit to
2 25 carry concealed weapons.
2 26 The bill provides an administrative review procedure for an
2 27 applicant who has been denied a permit to carry concealed
2 28 weapons. The bill provides that an aggrieved applicant may
2 29 file an appeal of the denial to the commissioner of public
2 30 safety within 30 days of receiving written notice of the
2 31 denial. The applicant must file a copy of the denial and a
2 32 written statement that clearly states the applicant's reasons
2 33 rebutting the denial along with a fee of \$10.
2 34 The bill further provides that an applicant aggrieved by
2 35 the final judgment of the commissioner sustaining a denial of
3 1 a permit shall have the right to judicial review in accordance
3 2 with the terms of the Iowa administrative procedure Act, Code
3 3 chapter 17A.
3 4 LSB 6500HC 80
3 5 rh/pj/5