

Senate File 107 - Introduced

SENATE FILE _____
BY DEARDEN _____

(COMPANION TO HF 120)

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

A BILL FOR

1 An Act relating to the issuance of permits to carry weapons.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3 TLSB 1938SS 82
4 rh/es/88

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1 1 Section 1. Section 724.7, Code 2007, is amended to read as
1 2 follows:

1 3 724.7 NONPROFESSIONAL PERMIT TO CARRY WEAPONS.

1 4 Any person who can reasonably justify going armed may be
1 5 issued a nonprofessional permit to carry weapons. Such
1 6 permits shall be on a form prescribed and published by the
1 7 commissioner of public safety, which shall be readily
1 8 distinguishable from the professional permit, and shall
1 9 identify the holder thereof, and state the reason for the
1 10 issuance of the permit, and the limits of the authority
1 11 granted by such permit. All permits so issued shall be for a
1 12 definite period ~~as established by the issuing officer, but in~~
~~no event shall exceed a period of twelve months of three~~
1 14 years.

1 15 Sec. 2. Section 724.9, Code 2007, is amended to read as
1 16 follows:

1 17 724.9 ~~FIREARM FIREARMS TRAINING PROGRAM PROGRAMS.~~

1 18 ~~A training program to qualify persons in the safe use of~~
~~firearms shall be provided by the issuing officer of permits,~~
1 20 ~~as provided in section 724.11.~~

1 21 1. The commissioner of public safety shall establish
1 22 minimum standards for a training program designed to qualify
1 23 persons in the safe use of firearms and shall include a course
1 24 of instruction designed to qualify a person on a firing range.
1 25 The program shall include at a minimum an eight-hour course of
1 26 instruction. The course of instruction shall include the
1 27 following topics:

1 28 a. Firearms safety in the classroom, at home, on the
1 29 firing range, and while carrying the firearm.

1 30 b. A physical demonstration performed by the applicant
1 31 that demonstrates the applicant's ability to safely load and
1 32 unload a revolver and a semiautomatic pistol and the
1 33 applicant's marksmanship.

1 34 c. The basic principles of marksmanship.

1 35 d. The law relating to firearms pursuant to this chapter.

2 1 e. The law relating to the justifiable use of force
2 2 pursuant to chapter 704.

2 3 f. A live fire test administered to the applicant while in
2 4 the presence of a qualified firearms safety instructor as
2 5 defined in section 724.9B of twenty rounds from a standing
2 6 position or its equivalent at a distance from a B=27
2 7 silhouette target, or an equivalent target, of seven yards.

2 8 2. The commissioner of public safety shall approve the
2 9 training program, and the county sheriff or the commissioner
2 10 of public safety conducting the training program within their
2 11 respective jurisdictions may contract with a private
2 12 organization or use the services of other agencies, or may use
2 13 a combination of the two, to provide ~~such a training program~~
2 14 that meets the minimum standards specified in subsection 1.

2 15 Any person eligible to be issued a permit to carry weapons may
2 16 enroll in such course. A fee sufficient to cover the cost of
2 17 the program may be charged to each person attending.

2 18 Certificates of completion, on a form prescribed and published
2 19 by the commissioner of public safety, shall be issued by a

2 20 qualified firearms safety instructor subject to the
2 21 restrictions of section 724.9A to each person who successfully
2 22 completes the program. No A person shall not be issued either
2 23 a professional or nonprofessional permit unless the person has
2 24 received a certificate of completion or is a certified peace
2 25 officer. No A peace officer or correctional officer, except a
2 26 certified peace officer, shall not go armed with a pistol or
2 27 revolver unless the officer has received a certificate of
2 28 completion, provided that this requirement shall not apply to
2 29 persons who are employed in this state as peace officers on
2 30 January 1, 1978 until July 1, 1978, or to peace officers of
2 31 other jurisdictions exercising their legal duties within this
2 32 state.

2 33 Sec. 3. NEW SECTION. 724.9A CERTIFICATE OF COMPLETION.

2 34 A qualified firearms safety instructor shall not issue a
2 35 certificate of completion to an applicant for a permit to
3 1 carry weapons who does any of the following:

3 2 1. Fails to follow the orders of the qualified firearms
3 3 safety instructor or the qualified firearms safety
3 4 instructor's designee.

3 5 2. Handles a firearm in a manner that, in the judgment of
3 6 the qualified firearms safety instructor, poses a danger to
3 7 the applicant or others.

3 8 3. During the live fire testing portion of the training
3 9 program, fails to hit the silhouette portion of the targets
3 10 with at least eighteen rounds.

3 11 Sec. 4. NEW SECTION. 724.9B QUALIFIED FIREARMS SAFETY
3 12 INSTRUCTOR.

3 13 A firearms safety instructor shall be considered to be a
3 14 qualified firearms safety instructor if the instructor has any
3 15 of the following qualifications:

3 16 1. Is a valid firearms safety instructor certified by the
3 17 national rifle association holding a rating as a personal
3 18 protection instructor or pistol marksmanship instructor.

3 19 2. Submits a photocopy of a certificate of completion of a
3 20 firearms safety instructor course offered by a local, state,
3 21 or federal governmental agency.

3 22 3. Submits a photocopy of a certificate of completion of a
3 23 firearms safety instructor course approved by the department
3 24 of public safety.

3 25 4. Has successfully completed a firearms safety instructor
3 26 course given by or under the supervision of any state, county,
3 27 municipal, or federal law enforcement agency.

3 28 5. Is a certified police officer firearms safety
3 29 instructor.

3 30 6. Is a certified law enforcement academy firearms safety
3 31 instructor.

3 32 Sec. 5. Section 724.11, Code 2007, is amended to read as
3 33 follows:

3 34 724.11 ISSUANCE OF PERMIT TO CARRY WEAPONS.

3 35 1. Applications for permits to carry weapons shall be made
4 1 to the sheriff of the county in which the applicant resides.
4 2 Applications from persons who are nonresidents of the state,
4 3 or whose need to go armed arises out of employment by the
4 4 state, shall be made to the commissioner of public safety. In
4 5 either case, the issuance of the permit shall be by and at the
4 6 discretion of the sheriff or commissioner, who shall, before
4 7 issuing the permit, determine that the requirements of
4 8 sections 724.6 to 724.10 have been satisfied. However, the
4 9 training program requirements in section 724.9 may shall be
4 10 waived for renewal permits. If the sheriff or the

4 11 commissioner restricts or denies an application for a permit
4 12 under this section, the sheriff or commissioner shall provide
4 13 a written statement of the reasons for the restriction or
4 14 denial.

4 15 2. The issuing officer shall collect a fee of ten thirty
4 16 dollars, except from a duly appointed peace officer or
4 17 correctional officer, for each permit issued. Renewal permits
4 18 or duplicate permits shall be issued for a fee of five
4 19 dollars. The issuing officer shall notify the commissioner of
4 20 public safety of the issuance of any permit at least monthly
4 21 and forward to the commissioner an amount equal to two dollars
4 22 for each permit issued and one dollar for each renewal or
4 23 duplicate permit issued. All such fees received by the
4 24 commissioner shall be paid to the treasurer of state and
4 25 deposited in the operating account of the department of public
4 26 safety to offset the cost of administering this chapter. Any
4 27 unspent balance as of June 30 of each year shall revert to the
4 28 general fund as provided by section 8.33.

4 29 Sec. 6. NEW SECTION. 724.11A RECIPROCITY.

4 30 A person possessing a valid out-of-state permit to carry a

4 31 weapon shall be entitled to the privileges and subject to the
4 32 restrictions prescribed by this chapter provided the state
4 33 that issued the license recognizes weapons permits issued in
4 34 Iowa.

4 35 Sec. 7. NEW SECTION. 724.13A IMMUNITY.

5 1 The sheriff or the commissioner of public safety shall not
5 2 be liable for damages in any civil action arising from the
5 3 alleged wrongful issuance, renewal, or failure to revoke a
5 4 permit to carry weapons provided that the sheriff or the
5 5 commissioner acted in good faith and without malice in
5 6 carrying out the sheriff's or the commissioner's official
5 7 duties.

5 8 EXPLANATION

5 9 This bill relates to the issuance of weapons permits.

5 10 The bill provides that a nonprofessional permit to carry
5 11 weapons shall be issued for a three-year period and changes
5 12 the fee for a permit to carry weapons from \$10 to \$30.
5 13 Current law allows the permit to be issued for a period
5 14 determined by the commissioner of public safety or the sheriff
5 15 not to exceed one year.

5 16 The bill provides that if the sheriff or commissioner
5 17 restricts or denies an application for a concealed weapons
5 18 permit, the sheriff or commissioner shall provide a written
5 19 statement of the reasons for the denial.

5 20 The bill amends current law relating to a firearms training
5 21 program. The bill provides that the commissioner of public
5 22 safety shall establish minimum firearms safety standards. The
5 23 bill specifies that the commissioner of public safety shall
5 24 establish certain minimum training standards relating to the
5 25 qualifications of persons in the safe use of firearms and
5 26 shall include a course of instruction designed to qualify a
5 27 person on a firing range.

5 28 The bill provides that a qualified firearms safety
5 29 instructor shall issue a certificate of completion to a person
5 30 who successfully completes the training program, including
5 31 certain specific requirements relating to live fire ammunition
5 32 testing on a firing range. The bill specifically provides
5 33 that a person who does not follow the orders of the qualified
5 34 firearms safety instructor, handles a firearm in a manner that
5 35 poses a danger to the applicant or others, or who, during the
6 1 live fire testing portion of the training program, fails to
6 2 hit the silhouette portion of the targets with at least 18
6 3 rounds, shall not be issued a certificate of completion.
6 4 Under the bill, an applicant for a permit to carry weapons
6 5 shall not be issued a permit to carry weapons unless the
6 6 applicant has received a certificate of completion or is a
6 7 certified peace officer.

6 8 The bill defines a qualified firearms safety instructor as
6 9 a person who meets any of the following qualifications:

6 10 1. Is a valid firearms safety instructor certified by the
6 11 national rifle association holding a rating as a personal
6 12 protection instructor or pistol marksmanship instructor.

6 13 2. Submits a photocopy of a certificate of completion of a
6 14 firearms safety instructor course offered by a local, state,
6 15 or federal governmental agency.

6 16 3. Submits a photocopy of a certificate of completion of a
6 17 firearms safety instructor course approved by the department
6 18 of public safety.

6 19 4. Has successfully completed a firearms safety instructor
6 20 course given by or under the supervision of any state, county,
6 21 municipal, or federal law enforcement agency.

6 22 5. Is a certified police officer firearms safety
6 23 instructor.

6 24 6. Is a certified law enforcement academy firearms safety
6 25 instructor.

6 26 The bill provides that a person possessing a valid out-of=
6 27 state permit to carry a weapon shall be entitled to the
6 28 privileges and subject to the restrictions prescribed by this
6 29 chapter provided that the state that issued the license
6 30 recognizes weapons permits issued in Iowa.

6 31 The bill provides that the sheriff or the commissioner of
6 32 public safety shall not be liable for damages in any civil
6 33 action arising from the alleged wrongful issuance, renewal, or
6 34 failure to revoke a permit to carry weapons provided that the
6 35 sheriff or commissioner acted in good faith and without malice
7 1 in carrying out the sheriff's or commissioner's official
7 2 duties.

7 3 LSB 1938SS 82

7 4 rh:rj/es/88