

House File 135 - Introduced

HOUSE FILE _____
BY REICHERT

Passed House, Date _____ Passed Senate, 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 1905HH 83
4 rh/rj/5

PAG LIN

1 1 Section 1. Section 724.7, Code 2009, is amended to read as
1 2 follows:

1 3 724.7 NONPROFESSIONAL PERMIT TO CARRY WEAPONS.

1 4 ~~Any A person who can reasonably justify going armed may~~

1 5 ~~shall~~ be issued a nonprofessional permit to carry weapons.

1 6 Such permits shall be on a form prescribed and published by

1 7 the 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

1 13 no event shall exceed a period of twelve months.

1 14 Sec. 2. Section 724.8, Code 2009, is amended to read as

1 15 follows:

1 16 724.8 PERSONS ELIGIBLE FOR PERMIT TO CARRY WEAPONS.

1 17 ~~No~~ A person shall not be issued a professional or

1 18 nonprofessional permit to carry weapons unless:

1 19 1. The person is eighteen years of age or older for a

~~1 20 professional permit or twenty-one years or older for a~~

~~1 21 nonprofessional permit.~~

1 22 2. The person has never been convicted of a felony.

1 23 3. The person is not addicted to the use of alcohol or any

1 24 controlled substance.

1 25 4. The person has no history of repeated acts of violence.

1 26 5. The issuing officer reasonably determines that the

1 27 applicant does not constitute a danger to any person.

1 28 6. The person has never been convicted of any crime

1 29 defined in chapter 708, except "assault" as defined in section

1 30 708.1 and "harassment" as defined in section 708.7.

1 31 Sec. 3. Section 724.9, Code 2009, is amended to read as

1 32 follows:

1 33 724.9 ~~FIREARM~~ FIREARMS TRAINING PROGRAM.

1 34 1. A training program to qualify persons in the safe use

1 35 of firearms shall be provided by the issuing officer of

2 1 permits, as provided in section 724.11.

2 2 2. ~~The commissioner of public safety shall establish~~

~~2 3 minimum standards for a training program designed to qualify~~

~~2 4 persons in the safe use of firearms and shall include a course~~

~~2 5 of instruction designed to qualify a person on a firing range.~~

~~2 6 The course of instruction shall be limited to a maximum of six~~

~~2 7 hours in length. The course of instruction shall include all~~

~~2 8 of the following:~~

~~2 9 a. Firearms safety in the classroom, at home, on the~~

~~2 10 firing range, and while carrying the firearm.~~

~~2 11 b. A physical demonstration performed by the applicant~~

~~2 12 that demonstrates the applicant's ability to safely load and~~

~~2 13 unload a revolver or a semiautomatic pistol and the~~

~~2 14 applicant's marksmanship.~~

~~2 15 c. The basic principles of marksmanship.~~

~~2 16 d. The law relating to firearms pursuant to this chapter.~~

~~2 17 e. The law relating to the justifiable use of force~~

~~2 18 pursuant to chapter 704.~~

~~2 19 f. A live fire shooting test administered to an applicant~~

~~2 20 pursuant to section 724.9A.~~

2 21 3. The commissioner of public safety shall approve the

2 22 training program, and the county sheriff or the commissioner
2 23 of public safety conducting the training program within their
2 24 respective jurisdictions may contract with a private
2 25 organization or use the services of other agencies, or may use
2 26 a combination of the two, to provide ~~such a training program~~
2 27 ~~that meets the standards specified in subsection 2.~~ Any

2 28 person eligible to be issued a permit to carry weapons may
2 29 enroll in such course. A fee sufficient to cover the cost of
2 30 the program may be charged each person attending.

2 31 Certificates of completion, on a form prescribed and published
2 32 by the commissioner of public safety, shall be issued by a
2 33 qualified firearms safety instructor subject to the

2 34 restrictions of section 724.9B to each person who successfully
2 35 completes the program. ~~No~~ A person shall not be issued either

3 1 a professional or nonprofessional permit unless the person has
3 2 received a certificate of completion or is a certified peace
3 3 officer. ~~No~~ A peace officer or correctional officer, except a

3 4 certified peace officer, shall not go armed with a pistol or
3 5 revolver unless the officer has received a certificate of
3 6 completion, provided that this requirement shall not apply ~~to~~
3 7 ~~persons who are employed in this state as peace officers on~~

3 8 ~~January 1, 1978 until July 1, 1978, or to peace officers of~~
3 9 other jurisdictions exercising their legal duties within this
3 10 state.

3 11 Sec. 4. NEW SECTION. 724.9A LIVE FIRE SHOOTING TEST.

3 12 1. A live fire shooting test shall be administered in the
3 13 presence of a firearms safety instructor qualified under

3 14 section 724.9C to an applicant for a nonprofessional permit to
3 15 carry weapons. The live fire shooting test shall consist of
3 16 thirty rounds fired from a standing position or its equivalent

3 17 at a distance from a B=27 silhouette target or an FBI "Q"
3 18 target, ten rounds fired from a distance of five yards, ten
3 19 rounds fired from a distance of seven yards, and ten rounds

3 20 fired from a distance of ten yards. Two sets of five rounds
3 21 shall be fired consecutively at each designated distance and
3 22 each five-round string shall be fired within thirty seconds.

3 23 Twenty-one of the rounds fired must strike either the
3 24 eight-ring on the B=27 target or the smallest FBI "Q" target
3 25 to pass the live fire shooting test.

3 26 2. An applicant for a nonprofessional permit to carry
3 27 weapons may attempt to pass the live fire shooting test
3 28 administered pursuant to subsection 1 up to three times in one

3 29 day but must pass the shooting test within two weeks of
3 30 completing a firearms training program pursuant to section
3 31 724.9. An applicant who fails the live fire shooting test

3 32 within the requisite two-week period shall be required to
3 33 retake the firearms training program prior to again attempting
3 34 to pass the live fire shooting test.

3 35 3. The provisions of this section shall be implemented
4 1 uniformly throughout the state and shall constitute the
4 2 statewide standard for the course of instruction qualifying a

4 3 person to shoot on a firing range pursuant to section 724.9.
4 4 Sec. 5. NEW SECTION. 724.9B CERTIFICATE OF COMPLETION.
4 5 A qualified firearms safety instructor shall not issue a

4 6 certificate of completion to an applicant for a permit to
4 7 carry weapons who does any of the following:
4 8 1. Fails to demonstrate the requisite knowledge and
4 9 technique regarding the proper handling of a firearm.

4 10 2. Handles a firearm in a manner that, in the judgment of
4 11 the qualified firearms safety instructor, poses a danger to
4 12 the applicant or others.

4 13 3. Fails the live fire shooting test pursuant to the
4 14 requirements specified in section 724.9A.

4 15 Sec. 6. NEW SECTION. 724.9C QUALIFIED FIREARMS SAFETY
4 16 INSTRUCTOR.
4 17 A firearms safety instructor shall be considered to be a

4 18 qualified firearms safety instructor if the instructor has any
4 19 of the following qualifications:
4 20 1. Is a valid firearms safety instructor certified by the
4 21 national rifle association holding a rating as a personal
4 22 protection instructor or pistol marksmanship instructor.

4 23 2. Submits a photocopy of a certificate of completion of a
4 24 firearms safety instructor course offered by a local, state,
4 25 or federal governmental agency and approved by the department
4 26 of public safety.

4 27 3. Submits a photocopy of a certificate of completion of a
4 28 firearms safety instructor course approved by the department
4 29 of public safety.

4 30 4. Has successfully completed a firearms safety instructor
4 31 course given by or under the supervision of any state, county,
4 32 municipal, or federal enforcement agency.

4 33 5. Is a certified police officer firearms safety
4 34 instructor.

4 35 6. Is a certified law enforcement academy firearms safety
5 1 instructor.

5 2 Sec. 7. Section 724.11, Code 2009, is amended to read as
5 3 follows:

5 4 724.11 ISSUANCE OF PERMIT TO CARRY WEAPONS.

5 5 1. Applications for permits to carry weapons shall be made
5 6 to the sheriff of the county in which the applicant resides.
5 7 Applications from persons who are nonresidents of the state,
5 8 or whose need to go armed arises out of employment by the
5 9 state, shall be made to the commissioner of public safety. In
5 10 either case, the issuance of the permit shall be by and at the
5 11 discretion of the sheriff or commissioner, who shall, before
5 12 issuing the permit, determine that the requirements of
5 13 sections 724.6 to 724.10 have been satisfied. However, the
5 14 training program requirements in section 724.9 ~~may~~ shall be
5 15 waived for renewal permits. If the sheriff or the
5 16 commissioner restricts or denies an application for a permit
5 17 under this section, the sheriff or commissioner shall provide
5 18 a written statement of the reasons for the restriction or the
5 19 denial to the applicant by certified mail within fifteen
5 20 working days of the filing of the application.

5 21 2. The issuing officer shall collect a fee of ten dollars,
5 22 except from a duly appointed peace officer or correctional
5 23 officer, for each permit issued. Renewal permits or duplicate
5 24 permits shall be issued for a fee of five dollars. The
5 25 issuing officer shall notify the commissioner of public safety
5 26 of the issuance of any permit at least monthly and forward to
5 27 the commissioner an amount equal to two dollars for each
5 28 permit issued and one dollar for each renewal or duplicate
5 29 permit issued. All such fees received by the commissioner
5 30 shall be paid to the treasurer of state and deposited in the
5 31 operating account of the department of public safety to offset
5 32 the cost of administering this chapter. Any unspent balance
5 33 as of June 30 of each year shall revert to the general fund as
5 34 provided by section 8.33.

5 35 Sec. 8. NEW SECTION. 724.11A RECIPROCITY.

6 1 A person possessing a valid permit issued by another state
6 2 to carry a weapon shall be entitled to the privileges and
6 3 subject to the restrictions prescribed in this chapter
6 4 provided the state that issued the license has training
6 5 requirements that are equal to or greater than the training
6 6 requirements prescribed by this chapter. The department of
6 7 public safety shall determine which states qualify as
6 8 reciprocal states, shall maintain an up-to-date list of such
6 9 states, and shall post such information on the department's
6 10 internet site.

6 11 Sec. 9. NEW SECTION. 724.14 IMMUNITY.

6 12 The sheriff or the commissioner of public safety shall not
6 13 be liable for damages in any civil action arising from the
6 14 alleged wrongful issuance, renewal, or failure to revoke a
6 15 permit to carry weapons provided that the sheriff or the
6 16 commissioner acted in good faith and without malice in
6 17 carrying out the sheriff's or the commissioner's official
6 18 duties.

6 19 EXPLANATION

6 20 This bill relates to the issuance of weapons permits.

6 21 The bill provides that a person who is at least 21 and who
6 22 meets additional requirements specified in Code section 724.8
6 23 shall be issued a nonprofessional permit to carry weapons.
6 24 Current law provides that a person who is 18 who can
6 25 reasonably justify going armed and who meets the requisite
6 26 statutory requirements may be issued a nonprofessional permit
6 27 to carry weapons.

6 28 The bill amends current law relating to a firearms training
6 29 program. The bill requires the commissioner of public safety
6 30 to establish minimum firearms safety standards. The bill
6 31 specifies that the commissioner shall establish certain
6 32 training standards relating to the qualifications of persons
6 33 in the safe use of firearms. The bill further provides a
6 34 statewide standard designed to qualify an applicant for a
6 35 nonprofessional permit to carry weapons to shoot on a firing
7 1 range.

7 2 The bill provides that a qualified firearms safety
7 3 instructor shall issue a certificate of completion to a person
7 4 who successfully completes the training program, including the
7 5 completion of the requirements relating to live fire
7 6 ammunition testing on a firing range. The bill specifically
7 7 provides that a person who does not follow the orders of the
7 8 qualified firearms safety instructor, handles a firearm in a

7 9 manner that poses a danger to the applicant or others, or who
7 10 fails to pass the live fire testing portion of the training
7 11 program shall not be issued a certificate of completion. An
7 12 applicant for a permit to carry weapons shall not be issued a
7 13 permit to carry weapons unless the applicant has received a
7 14 certificate of completion or is a certified peace officer.

7 15 The bill defines a qualified firearms safety instructor as
7 16 a person who meets any of the following qualifications:

7 17 1. Is a valid firearms safety instructor certified by the
7 18 national rifle association holding a rating as a personal
7 19 protection instructor or pistol marksmanship instructor.

7 20 2. Submits a photocopy of a certificate of completion of a
7 21 firearms safety instructor course offered by a local, state,
7 22 or federal governmental agency and approved by the department
7 23 of public safety.

7 24 3. Submits a photocopy of a certificate of completion of a
7 25 firearms safety instructor course approved by the department
7 26 of public safety.

7 27 4. Has successfully completed a firearms safety instructor
7 28 course given by or under the supervision of any state, county,
7 29 municipal, or federal enforcement agency.

7 30 5. Is a certified police officer firearms safety
7 31 instructor.

7 32 6. Is a certified law enforcement academy firearms safety
7 33 instructor.

7 34 The bill provides that if the sheriff or commissioner
7 35 restricts or denies an application for a concealed weapons
8 1 permit, the sheriff or commissioner shall provide a written
8 2 statement of the reasons for the restriction or denial.

8 3 The bill provides that a person possessing a valid
8 4 out-of-state permit to carry a weapon shall be entitled to the
8 5 privileges and subject to the restrictions prescribed provided
8 6 the state that issued the license has training requirements
8 7 that are equal to or greater than the training requirements
8 8 prescribed by Code chapter 724. The department of public
8 9 safety is required to determine which states qualify as
8 10 reciprocal states, maintain an up-to-date list of such states,
8 11 and post such information on the department's internet site.

8 12 The bill provides that the sheriff or the commissioner of
8 13 public safety shall not be liable for damages in any civil
8 14 action arising from the alleged wrongful issuance, renewal, or
8 15 failure to revoke a permit to carry weapons provided that the
8 16 sheriff or the commissioner acted in good faith and without
8 17 malice in carrying out the sheriff's or the commissioner's
8 18 official duties.

8 19 LSB 1905HH 83

8 20 rh/rj/5