

**House File 2528 - Introduced**

HOUSE FILE 2528

BY McCARTHY

(COMPANION TO 6267XS BY  
GRONSTAL)

**A BILL FOR**

1 An Act relating to permits to carry weapons and permits to  
2 acquire pistols and revolvers including the dissemination of  
3 information relating to persons suffering from mental and  
4 substance abuse health-related disorders and the possession  
5 of firearms and providing penalties.

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

1 Section 1. Section 22.7, Code Supplement 2009, is amended by  
2 adding the following new subsection:

3 NEW SUBSECTION. 65. Personally identifiable information  
4 relating to applicants or holders of nonprofessional permits  
5 to carry weapons and permits to acquire pistols and revolvers  
6 pursuant to chapter 724. Such information shall include but  
7 not be limited to the name, social security number, date of  
8 birth, driver's license or other identification number, and  
9 residential or business address of the applicant or permit  
10 holder. This subsection does not apply to aggregate data  
11 collected by the department relating to the issuance, denial,  
12 revocation, and administration of such permits provided that  
13 the release of such information does not reveal the identity of  
14 any applicant or permit holder.

15 Sec. 2. Section 229.24, subsection 1, Code 2009, is amended  
16 to read as follows:

17 1. All papers and records pertaining to any involuntary  
18 hospitalization or application for involuntary hospitalization  
19 of any person under this chapter, whether part of the permanent  
20 record of the court or of a file in the department of human  
21 services, are subject to inspection only upon an order of the  
22 court for good cause shown. ~~Nothing in this section shall  
23 prohibit a hospital from complying with the requirements  
24 of this chapter and of chapter 230 relative to financial  
25 responsibility for the cost of care and treatment provided  
26 a patient in that hospital, nor from properly billing any  
27 responsible relative or third-party payer for such care and  
28 treatment.~~

29 Sec. 3. Section 229.24, Code 2009, is amended by adding the  
30 following new subsection:

31 NEW SUBSECTION. 4. This section shall not prohibit any of  
32 the following:

33 a. A hospital from complying with the requirements of this  
34 chapter and of chapter 230 relative to financial responsibility  
35 for the cost of care and treatment provided a patient in that

1 hospital or from properly billing any responsible relative or  
2 third-party payer for such care or treatment.

3     *b.* A court or the department of public safety from  
4 forwarding to the federal bureau of investigation a copy of  
5 an order issued under section 724.31, for the sole purpose  
6 of updating the national instant criminal background system  
7 database maintained by the federal bureau of investigation.

8     Sec. 4. NEW SECTION. **724.4C Possession or carrying of**  
9 **firearms while under the influence.**

10     1. Except as otherwise provided in this section, a  
11 person under the influence of alcohol or an illegally used  
12 or possessed controlled substance who knowingly possesses or  
13 carries a loaded firearm on or about the person or within the  
14 person's immediate access and control while in a vehicle,  
15 commits a serious misdemeanor.

16     2. If a person who is arrested pursuant to this section  
17 has a permit to carry weapons issued pursuant to section 724.6  
18 or 724.7, the issuing officer may suspend such permit pursuant  
19 to section 724.13. The issuing officer may revoke such permit  
20 pursuant to section 724.13 upon a conviction pursuant to this  
21 section.

22     3. This section shall not apply to any of the following:

23     *a.* A person who possesses or carries a firearm while in the  
24 person's own dwelling or place of business or on land owned or  
25 possessed by the person.

26     *b.* The transitory possession or use of a firearm during  
27 an act committed in self-defense or in defense of another  
28 person or any other act committed if legally justified or  
29 excused, provided such possession or use lasts no longer than  
30 is immediately necessary.

31     Sec. 5. Section 724.7, Code 2009, is amended to read as  
32 follows:

33     **724.7 Nonprofessional permit to carry weapons.**

34     Any person who ~~can reasonably justify going armed~~ may is  
35 not disqualified under section 724.8, who satisfies the

1 training requirements of section 724.9, and who files an  
2 application in accordance with section 724.10 shall be issued a  
3 nonprofessional permit to carry weapons. Such permits shall  
4 be on a form prescribed and published by the commissioner of  
5 public safety, which shall be readily distinguishable from the  
6 professional permit, and shall identify the holder thereof, and  
7 state the reason for the issuance of the permit, and the limits  
8 of the authority granted by such permit of the permit. All  
9 permits so issued shall be for a ~~definite period as established~~  
10 ~~by the issuing officer, but in no event shall exceed a period~~  
11 ~~of twelve months~~ five years and shall be valid throughout the  
12 state except where the possession or carrying of a firearm is  
13 prohibited by state or federal law.

14 Sec. 6. Section 724.8, Code 2009, is amended to read as  
15 follows:

16 **724.8 Persons eligible for permit to carry weapons.**

17 ~~No person shall be issued a professional or nonprofessional~~  
18 ~~permit to carry weapons unless~~ shall be issued to a person who  
19 is subject to any of the following:

20 1. ~~The person is~~ Is less than eighteen years of age ~~or~~  
21 ~~older~~ for a professional permit or less than twenty-one years  
22 of age for a nonprofessional permit.

23 2. ~~The person has never been convicted of a felony.~~

24 3. ~~The person is not addicted to the use of alcohol or any~~  
25 ~~controlled substance.~~

26 4. ~~The person has no history of repeated acts of violence.~~

27 5. ~~The issuing officer reasonably determines that the~~  
28 ~~applicant does not constitute a danger to any person.~~

29 2. Is subject to the provisions of section 724.26.

30 6. ~~3. The person has never~~ Has, within the previous three  
31 years, been convicted of any crime serious or aggravated  
32 misdemeanor defined in chapter 708, except "assault" as defined  
33 in section 708.1 and "harassment" as defined in section 708.7.

34 4. Has been convicted in any court of a crime punishable  
35 by imprisonment for a term exceeding one year as defined in 18

1 U.S.C. § 921(a)(20), pursuant to 18 U.S.C. § 922(d)(1) or 18  
2 U.S.C. § 922(g)(1).

3 5. Is a fugitive from justice as defined in 18 U.S.C. §  
4 921(a)(15), pursuant to 18 U.S.C. § 922(d)(2) or 18 U.S.C. §  
5 922(g)(2).

6 6. Is an unlawful user of or addicted to any controlled  
7 substance pursuant to 18 U.S.C. § 922(d)(3) or 18 U.S.C. §  
8 922(g)(3).

9 7. Has been adjudicated seriously mentally impaired or been  
10 committed to a mental institution for purposes of 18 U.S.C. §  
11 922(d)(4) or 18 U.S.C. § 922(g)(4).

12 8. Is an alien illegally or unlawfully in the United States  
13 or admitted to the United States under a nonimmigrant visa,  
14 as those terms are used in 18 U.S.C. § 922(d)(5), 18 U.S.C. §  
15 922(g)(5), or 18 U.S.C. § 922(y).

16 9. Has been discharged from the armed forces under  
17 dishonorable conditions pursuant to 18 U.S.C. § 922(d)(6) or  
18 18 U.S.C. § 922(g)(6).

19 10. Has renounced the person's United States citizenship  
20 pursuant to 18 U.S.C. § 922(d)(7) or 18 U.S.C. § 922(g)(7).

21 11. Is subject to a court order that restrains such person  
22 from harassing, stalking, or threatening an intimate partner  
23 or any child of the intimate partner, as defined in 18 U.S.C. §  
24 921(a)(32), pursuant to 18 U.S.C. § 922(d)(8) or 18 U.S.C. §  
25 922(g)(8).

26 12. Has been convicted of a misdemeanor crime of domestic  
27 violence as defined in 18 U.S.C. § 921(a)(33), pursuant to 18  
28 U.S.C. § 922(d)(9) or 18 U.S.C. § 922(g)(9).

29 13. Is under indictment for a crime punishable by  
30 imprisonment for a term exceeding one year as defined in 18  
31 U.S.C. § 921(a)(20), pursuant to 18 U.S.C. § 922(n).

32 Sec. 7. Section 724.9, Code 2009, is amended by striking the  
33 section and inserting in lieu thereof the following:

34 **724.9 Firearm training program.**

35 1. An applicant shall demonstrate knowledge of firearm

1 safety by any of the following means:

2     *a.* Completion of any national rifle association firearms  
3 safety or firearms training course.

4     *b.* Completion of any firearms safety or firearms training  
5 course available to the general public offered by a law  
6 enforcement agency, community college, college, private or  
7 public institution or organization, or firearms training  
8 school utilizing instructors certified by the national rifle  
9 association or the department of public safety or another  
10 state's department of public safety, state police department,  
11 or similar certifying body.

12     *c.* Completion of any law enforcement firearms safety or  
13 firearms training course or class offered for security guards,  
14 investigators, special deputies, or any division or subdivision  
15 of a law enforcement or security enforcement agency.

16     *d.* Evidence of equivalent experience with a firearm through  
17 participation in any organized shooting competition.

18     *e.* Completion of small arms training while serving with the  
19 armed forces of the United States as evidenced by any of the  
20 following:

21         (1) For personnel released or retired from active duty,  
22 possession of an honorable discharge or general discharge under  
23 honorable conditions.

24         (2) For personnel on active duty or serving in one of the  
25 national guard or reserve components of the armed forces of the  
26 United States, possession of a certificate of completion of  
27 basic training with a service record of successful completion  
28 of small arms training and qualification.

29     *f.* Previously having held a license to carry a firearm in  
30 this state, any political subdivision of this state, or in a  
31 state recognized under section 724.11A, unless such license was  
32 revoked for cause.

33     *g.* Completion of a law enforcement agency firearms training  
34 course that qualifies a peace officer to carry a firearm in the  
35 normal course of the peace officer's duties.

1 2. Evidence of qualification under this section may be  
2 documented by any of the following:

3 a. A photocopy of a certificate of completion or any  
4 similar document indicating completion of any course or class  
5 identified in subsection 1.

6 b. An affidavit from the instructor, school, organization,  
7 or group that conducted or taught a course or class identified  
8 in subsection 1 attesting to the completion of the course or  
9 class by the applicant.

10 c. A copy of any document indicating participation in any  
11 firearms shooting competition.

12 d. A copy of a license described in subsection 1, paragraph  
13 "f".

14 3. An issuing officer shall not condition the issuance of a  
15 permit on training requirements that are not specified in or  
16 that exceed the requirements of this section.

17 Sec. 8. Section 724.10, Code 2009, is amended to read as  
18 follows:

19 **724.10 Application for permit to carry weapons — ~~criminal~~**  
20 **history background check required.**

21 1. A person shall not be issued a permit to carry weapons  
22 unless the person has completed and signed an application on  
23 a form to be prescribed and published by the commissioner of  
24 public safety. The application shall ~~state~~ require only the  
25 full name, driver's license or nonoperator's identification  
26 card number, residence, place of birth, and age of the  
27 applicant, and shall state whether the applicant ~~has ever~~  
28 ~~been convicted of a felony, whether the person is addicted to~~  
29 ~~the use of alcohol or any controlled substance, and whether~~  
30 ~~the person has any history of mental illness or repeated~~  
31 acts of violence meets the criteria specified in sections  
32 724.8 and 724.9. An applicant may provide the applicant's  
33 social security number if the applicant so chooses. The  
34 applicant shall also display an identification card that bears  
35 a distinguishing number assigned to the cardholder, the full

1 name, date of birth, sex, residence address, and a brief  
2 description and colored photograph of the cardholder.

3 2. The sheriff issuing officer, upon receipt of an  
4 initial or renewal application under this section, shall  
5 ~~conduct~~ immediately conduct a criminal history background check  
6 concerning each applicant by obtaining criminal history data  
7 from the department of public safety which shall include an  
8 inquiry of the national instant criminal background system  
9 maintained by the federal bureau of investigation or any  
10 successor agency.

11 3. A person who knowingly makes a false statement of  
12 material fact on the an application submitted under this  
13 section or who knowingly submits any materially falsified or  
14 forged document in connection with such application commits a  
15 class "D" felony an aggravated misdemeanor.

16 Sec. 9. Section 724.11, Code 2009, is amended to read as  
17 follows:

18 **724.11 Issuance of permit to carry weapons.**

19 1. Applications for permits to carry weapons shall be made  
20 to the sheriff of the county in which the applicant resides.  
21 Applications from persons who are nonresidents of the state,  
22 or whose need to go armed arises out of employment by the  
23 state, shall be made to the commissioner of public safety. In  
24 either case, the issuance of the permit shall be by and at the  
25 discretion of the sheriff or commissioner, who shall, before  
26 issuing the permit, shall determine that the requirements of  
27 sections 724.6 to 724.10 have been satisfied. However, the  
28 training program requirements in section 724.9 may shall be  
29 waived for renewal permits.

30 2. The issuing officer shall collect a fee of ten dollars,  
31 except from a duly appointed peace officer or correctional  
32 officer, for each permit issued. Renewal permits or duplicate  
33 permits shall be issued for a fee of five dollars, provided the  
34 application for such renewal permit is received by the issuing  
35 officer at least thirty days prior to the expiration of the

1 applicant's current permit. The issuing officer shall notify  
2 the commissioner of public safety of the issuance of any permit  
3 at least monthly and forward to the commissioner an amount  
4 equal to two dollars for each permit issued and one dollar  
5 for each renewal or duplicate permit issued. All such fees  
6 received by the commissioner shall be paid to the treasurer of  
7 state and deposited in the operating account of the department  
8 of public safety to offset the cost of administering this  
9 chapter. Any Notwithstanding section 8.33, any unspent balance  
10 as of June 30 of each year shall revert to the general fund as  
11 provided by section 8.33 of the state.

12 3. The sheriff or commissioner of public safety shall  
13 approve or deny an initial or renewal application submitted  
14 under this section within thirty days of receipt of the  
15 application. If the issuing officer has not received a  
16 response to an information request necessary to determine the  
17 applicant's eligibility at the end of the thirty-day period  
18 and the applicant is not otherwise disqualified, the issuing  
19 officer shall issue a conditional permit to the applicant.  
20 The conditional permit shall be readily distinguishable in  
21 appearance from a five-year permit and shall be immediately  
22 revoked if the information subsequently received indicates the  
23 applicant is ineligible for a permit and the application is  
24 denied. A person whose application for a permit under this  
25 chapter is denied may seek review of the denial under section  
26 724.21A.

27 Sec. 10. NEW SECTION. 724.11A Reciprocity.

28 1. The commissioner of public safety shall compare the  
29 provisions of sections 724.7 and 724.8 with similar statutes of  
30 other states to determine whether such state's laws are similar  
31 to or exceed the requirements of sections 724.7 and 724.8.  
32 The commissioner shall seek a reciprocity agreement with each  
33 state whose laws are similar to or exceed the requirements of  
34 sections 724.7 and 724.8.

35 2. A valid nonprofessional permit or license to carry

1 weapons recognized in this state pursuant to subsection 1 shall  
2 have the same legal effect as a nonprofessional permit to carry  
3 weapons issued under this chapter, except that such permit  
4 shall not be considered to be a substitute for an annual permit  
5 to acquire weapons issued pursuant to section 724.15.

6 Sec. 11. Section 724.13, Code 2009, is amended by striking  
7 the section and inserting in lieu thereof the following:

8 **724.13 Suspension or revocation of permit to carry weapons.**

9 An issuing officer who finds that a person issued a permit  
10 to carry weapons under this chapter has been arrested for a  
11 disqualifying offense or is the subject of proceedings that  
12 could lead to the person's ineligibility for such permit may  
13 immediately suspend such permit. An issuing officer proceeding  
14 under this section shall immediately notify the permit holder  
15 of the suspension by personal service or certified mail on a  
16 form prescribed and published by the commissioner of public  
17 safety and the suspension shall become effective upon the  
18 permit holder's receipt of such notice. If the suspension is  
19 based on an arrest or a proceeding that does not result in a  
20 disqualifying conviction or finding against the permit holder,  
21 the issuing officer shall immediately reinstate the permit upon  
22 receipt of proof of the matter's final disposition. If the  
23 arrest leads to a disqualifying conviction or the proceedings  
24 to a disqualifying finding, the issuing officer shall revoke  
25 the permit. The issuing officer may also revoke the permit of  
26 a person whom the issuing officer later finds was not qualified  
27 for such a permit at the time of issuance or who the officer  
28 finds provided materially false information on the permit  
29 application. A person aggrieved by a suspension or revocation  
30 under this section may seek review of the decision pursuant  
31 to section 724.21A.

32 Sec. 12. Section 724.15, Code 2009, is amended to read as  
33 follows:

34 **724.15 Annual permit to acquire pistols or revolvers.**

35 1. Any person who ~~acquires~~ desires to acquire ownership of

1 any pistol or revolver shall first obtain an annual permit.  
2 An annual permit shall ~~not~~ be issued upon request to any  
3 ~~person~~ resident of this state unless the person is subject to  
4 any of the following:

5 ~~a. The person is~~ Is less than twenty-one years of age ~~or~~  
6 ~~older.~~

7 ~~b. The person has never been convicted of a felony.~~

8 ~~c. The person is not addicted to the use of alcohol or a~~  
9 ~~controlled substance.~~

10 ~~d. The person has no history of repeated acts of violence.~~

11 ~~e. The person has never been convicted of a crime defined in~~  
12 ~~chapter 708, except "assault" as defined in section 708.1 and~~  
13 ~~"harassment" as defined in section 708.7.~~

14 ~~f. The person has never been adjudged mentally incompetent.~~

15 b. Is subject to the provisions of section 724.26.

16 c. Has been convicted in any court of a crime punishable  
17 by imprisonment for a term exceeding one year as defined in 18  
18 U.S.C. § 921(a)(20), pursuant to 18 U.S.C. § 922(d)(1) or 18  
19 U.S.C. § 922(g)(1).

20 d. Is a fugitive from justice as defined in 18 U.S.C. §  
21 921(a)(15), pursuant to 18 U.S.C. § 922(d)(2) or 18 U.S.C. §  
22 922(g)(2).

23 e. Is an unlawful user of or addicted to any controlled  
24 substance pursuant to 18 U.S.C. § 922(d)(3) or 18 U.S.C. §  
25 922(g)(3).

26 f. Has been adjudicated seriously mentally impaired or been  
27 committed to a mental institution for purposes of 18 U.S.C. §  
28 922(d)(4) or 18 U.S.C. § 922(g)(4).

29 g. Is an alien illegally or unlawfully in the United States  
30 or admitted to the United States under a nonimmigrant visa,  
31 as those terms are used in 18 U.S.C. § 922(d)(5), 18 U.S.C. §  
32 922(g)(5), or 18 U.S.C. § 922(y).

33 h. Has been discharged from the armed forces under  
34 dishonorable conditions pursuant to 18 U.S.C. § 922(d)(6) or  
35 18 U.S.C. § 922(g)(6).

1 i. Has renounced the person's United States citizenship  
2 pursuant to 18 U.S.C. § 922(d)(7) or 18 U.S.C. § 922(g)(7).

3 j. Is subject to a court order that restrains such person  
4 from harassing, stalking, or threatening an intimate partner  
5 or any child of the intimate partner as defined in 18 U.S.C. §  
6 921(a)(32), pursuant to 18 U.S.C. § 922(d)(8) or 18 U.S.C. §  
7 922(g)(8).

8 k. Has been convicted of a misdemeanor crime of domestic  
9 violence as defined in 18 U.S.C. § 921(a)(33), pursuant to 18  
10 U.S.C. § 922(d)(9) or 18 U.S.C. § 922(g)(9).

11 l. Is under indictment for a crime punishable by  
12 imprisonment for a term exceeding one year as defined in 18  
13 U.S.C. § 921(a)(20), pursuant to 18 U.S.C. § 922(n).

14 2. Any person who acquires ownership of a pistol or revolver  
15 shall not be required to obtain an annual permit if any of the  
16 following apply:

17 a. The person transferring the pistol or revolver and the  
18 person acquiring the pistol or revolver are licensed firearms  
19 dealers under federal law.

20 b. The pistol or revolver acquired is an antique firearm, a  
21 collector's item, a device which is not designed or redesigned  
22 for use as a weapon, a device which is designed solely for use  
23 as a signaling, pyrotechnic, line-throwing, safety, or similar  
24 device, or a firearm which is unserviceable by reason of being  
25 unable to discharge a shot by means of an explosive and is  
26 incapable of being readily restored to a firing condition.

27 c. The person acquiring the pistol or revolver is authorized  
28 to do so on behalf of a law enforcement agency.

29 d. The person has obtained a valid permit to carry weapons,  
30 as provided in section 724.11.

31 e. The person transferring the pistol or revolver and the  
32 person acquiring the pistol or revolver are related to one  
33 another within the second degree of consanguinity or affinity  
34 unless the person transferring the pistol or revolver knows  
35 that the person acquiring the pistol or revolver would be

1 ~~ineligible to obtain~~ disqualified from obtaining a permit.

2 3. The annual permit to acquire pistols or revolvers shall  
3 authorize the permit holder to acquire one or more pistols or  
4 revolvers during the period that the permit remains valid. ~~If~~  
5 ~~the issuing officer determines that the applicant has become~~  
6 ~~disqualified under the provisions of subsection 1, the issuing~~  
7 ~~officer may immediately invalidate the permit.~~

8 4. An issuing officer who finds that a person issued a  
9 permit to acquire pistols or revolvers under this chapter  
10 has been arrested for a disqualifying offense or who is  
11 the subject of proceedings that could lead to the person's  
12 ineligibility for such permit may immediately suspend such  
13 permit. An issuing officer proceeding under this subsection  
14 shall immediately notify the permit holder of the suspension  
15 by personal service or certified mail on a form prescribed  
16 and published by the commissioner of public safety and the  
17 suspension shall become effective upon the permit holder's  
18 receipt of such notice. If the suspension is based on an  
19 arrest or a proceeding that does not result in a disqualifying  
20 conviction or finding against the permit holder, the  
21 commissioner shall immediately reinstate the permit upon  
22 receipt of proof of the matter's final disposition. If the  
23 arrest leads to a disqualifying conviction or the proceedings  
24 to a disqualifying finding, the issuing officer shall revoke  
25 the permit. The issuing officer may also revoke the permit of  
26 a person whom the issuing officer later finds was not qualified  
27 for such a permit at the time of issuance or who the officer  
28 finds provided materially false information on the permit  
29 application. A person aggrieved by a suspension or revocation  
30 under this subsection may seek review of the decision, pursuant  
31 to section 724.21A.

32 Sec. 13. Section 724.17, Code 2009, is amended to read as  
33 follows:

34 **724.17 Application for annual permit to acquire — criminal**  
35 **history check required.**

1 The application for an annual permit to acquire pistols  
 2 or revolvers may be made to the sheriff of the county of  
 3 the applicant's residence and shall be on a form prescribed  
 4 and published by the commissioner of public safety. The  
 5 application shall state require only the full name of the  
 6 applicant, the driver's license or nonoperator's identification  
 7 card number of the applicant, the residence of the applicant,  
 8 and the age and place of birth of the applicant. The  
 9 applicant shall also display an identification card that  
 10 bears a distinguishing number assigned to the cardholder,  
 11 the full name, date of birth, sex, residence address, and  
 12 brief description and colored photograph of the cardholder, or  
 13 other identification as specified by rule of the department  
 14 of public safety. The sheriff shall conduct a criminal  
 15 history check concerning each applicant by obtaining criminal  
 16 history data from the department of public safety which shall  
 17 include an inquiry of the national instant criminal background  
 18 system maintained by the federal bureau of investigation or  
 19 any successor agency. ~~A person who knowingly makes a false~~  
 20 ~~statement of material fact on the application commits a class~~  
 21 ~~"D" felony.~~ A person who knowingly makes a false statement  
 22 of material fact on an application submitted under this  
 23 section or who knowingly submits any materially falsified or  
 24 forged document in connection with such application commits an  
 25 aggravated misdemeanor.

26 Sec. 14. NEW SECTION. 724.21A Hearing on denial,  
 27 suspension, or revocation of permit to carry weapons and permits  
 28 to acquire pistols or revolvers.

29 1. In any case where the sheriff or the commissioner of  
 30 public safety denies an application for or suspends or revokes  
 31 a permit to carry weapons or an annual permit to acquire  
 32 pistols or revolvers, the applicant or permit holder shall have  
 33 the right to appeal the denial, suspension, or revocation of  
 34 the permit to an administrative law judge in the department of  
 35 inspections and appeals within thirty days of receiving written

1 notice of the denial, suspension, or revocation.

2 2. The applicant or permit holder may file an appeal with  
3 an administrative law judge by filing a copy of the denial,  
4 suspension, or revocation notice with a written statement that  
5 clearly states the applicant's reasons rebutting the denial,  
6 suspension, or revocation along with a fee of ten dollars.  
7 Additional supporting information relevant to the proceedings  
8 may also be included.

9 3. The administrative law judge shall grant an aggrieved  
10 applicant an opportunity to be heard within forty-five days  
11 of receipt of the request for an appeal. The hearing may be  
12 held by telephone or video conference at the discretion of the  
13 administrative law judge. The administrative law judge shall  
14 receive witness testimony and other evidence relevant to the  
15 proceedings at the hearing.

16 4. Upon conclusion of the hearing, the administrative law  
17 judge shall order that the denial, suspension, or revocation  
18 of the permit be either rescinded or sustained. An applicant,  
19 permit holder, or issuing officer aggrieved by the final  
20 judgment of the administrative law judge shall have the right  
21 to judicial review in accordance with the terms of the Iowa  
22 administrative procedure Act, chapter 17A.

23 Sec. 15. Section 724.23, Code 2009, is amended to read as  
24 follows:

25 **724.23 Records kept by commissioner.**

26 The commissioner of public safety shall maintain a permanent  
27 record of all valid permits to carry weapons and of current  
28 permit revocations. Information that would personally identify  
29 applicants or holders of nonprofessional permits to carry  
30 weapons or permits to acquire pistols or revolvers including  
31 but not limited to the person's name, social security number,  
32 date of birth, driver's license or other identification number,  
33 and residential or business address shall be kept confidential  
34 pursuant to section 22.7.

35 Sec. 16. Section 724.25, subsection 1, Code 2009, is amended

1 to read as follows:

2 1. As used in ~~sections 724.8, subsection 2, and section~~  
3 724.26, the word "*felony*" means any offense punishable in the  
4 jurisdiction where it occurred by imprisonment for a term  
5 exceeding one year, but does not include any offense, other  
6 than an offense involving a firearm or explosive, classified as  
7 a misdemeanor under the laws of the state and punishable by a  
8 term of imprisonment of two years or less.

9 Sec. 17. Section 724.27, Code 2009, is amended to read as  
10 follows:

11 **724.27 Offenders' rights restored.**

12 1. The provisions of section 724.8, ~~subsection 2,~~ section  
13 724.15, subsection 1, ~~paragraphs "b" and "e",~~ and section  
14 724.26 shall not apply to a person who is eligible to have  
15 the person's civil rights regarding firearms restored under  
16 section 914.7 ~~and who is pardoned or has had the person's civil~~  
17 ~~rights restored by the President of the United States or the~~  
18 ~~chief executive of a state and who is expressly authorized by~~  
19 ~~the President of the United States or such chief executive~~  
20 ~~to receive, transport, or possess firearms or destructive~~  
21 ~~devices.~~ if any of the following occur:

22 a. The person is pardoned by the President of the United  
23 States or the chief executive of a state for a disqualifying  
24 conviction.

25 b. The person's civil rights have been restored after a  
26 disqualifying conviction, commitment, or adjudication.

27 c. The person's conviction for a disqualifying offense has  
28 been expunged.

29 2. Subsection 1 shall not apply to a person whose pardon,  
30 restoration of civil rights, or expungement of conviction  
31 expressly forbids the person to receive, transport, or possess  
32 firearms or destructive devices.

33 Sec. 18. NEW SECTION. 724.31 Persons subject to mental and  
34 substance abuse health-related orders, commitments, or findings  
35 — disabilities — restoration of rights — reports.

1 1. Subsequent to the issuance of a court order listed in  
2 subsection 2, a court shall make a finding as to whether the  
3 person who is the subject of the order is a person to whom the  
4 provisions of 18 U.S.C. § 922(d)(4) or 18 U.S.C. § 922(g)(4)  
5 apply, and if so, shall inform the person of the applicable  
6 prohibitions and shall order the person not to ship, possess,  
7 receive, or transport or cause the transport of firearms or  
8 ammunition. The court shall also order the person to make  
9 immediate arrangements for the disposition of any firearms or  
10 ammunition owned or possessed by the person. If the person  
11 is unable to make lawful disposition by other means, the  
12 department of public safety may take custody of any firearms  
13 or ammunition owned or possessed by the person for such time  
14 as the order issued in subsection 2 remains in effect. The  
15 clerk of the district court shall forward a copy of the  
16 prohibition order to the department of public safety which in  
17 turn shall forward a copy of the order to the federal bureau  
18 of investigation or its successor agency for inclusion in the  
19 national instant criminal background check system database.

20 2. A court order that does any of the following is subject  
21 to this section:

22 a. Orders commitment or treatment pursuant to section  
23 125.84.

24 b. Orders commitment pursuant to section 222.31.

25 c. Orders commitment or treatment pursuant to section  
26 229.14.

27 d. Appoints a guardian or conservator pursuant to section  
28 231E.6.

29 e. Grants a petition filed pursuant to section 597.6.

30 f. Issues an order pursuant to section 633.244.

31 g. Appoints a guardian pursuant to section 633.556.

32 h. Finds a defendant incompetent to stand trial pursuant to  
33 section 812.5.

34 3. a. A person who is the subject of a court order listed  
35 in subsection 2 may petition the court that issued the order

1 or the court in the county where the person resides to cancel  
2 the order and to restore the person's right to ship, possess,  
3 receive, or transport or cause the transport of firearms or  
4 ammunition. A copy of the petition shall also be served on  
5 the director of human services and the county attorney at the  
6 county attorney's office of the county in which the original  
7 order, commitment, or finding occurred and the director or the  
8 county attorney may appear, support, object to, and present  
9 evidence relevant to the relief sought by the petitioner. A  
10 court considering a petition under this section shall receive  
11 evidence concerning all of the following:

12 (1) The circumstances surrounding the original issuance of  
13 the prohibition and disposition order pursuant to subsection 1.

14 (2) The petitioner's mental health and criminal history.

15 (3) The petitioner's reputation and character.

16 (4) Any changes in the petitioner's condition or  
17 circumstances since the order of prohibition relevant to the  
18 relief sought.

19 *b.* The court shall grant a petition filed pursuant to  
20 paragraph "a" if the court finds by a preponderance of the  
21 evidence that the petitioner will not be likely to act in a  
22 manner dangerous to the public safety and that the granting  
23 of the relief would not be contrary to the public interest.  
24 The petitioner may appeal a denial of the requested relief and  
25 the review shall be de novo. A person may file a petition  
26 for relief under this subsection not more than once every two  
27 years.

28 *c.* If a court issues an order granting a petition for relief  
29 under paragraph "b", the clerk of the district court shall  
30 immediately forward a copy of the order to the department of  
31 public safety which, upon receipt, shall immediately forward a  
32 copy of the order to the federal bureau of investigation or its  
33 successor agency for inclusion in the national instant criminal  
34 background check system database.

35

EXPLANATION

1 This bill relates to permits to carry weapons and permits  
2 to acquire pistols and revolvers including the dissemination  
3 of information relating to persons suffering from mental and  
4 substance abuse health-related disorders and the possession of  
5 firearms.

6 PERSONALLY IDENTIFIABLE INFORMATION — PERMITS TO CARRY  
7 WEAPONS AND PERMITS TO ACQUIRE PISTOLS AND REVOLVERS. The  
8 bill adds a provision in Code section 22.7 making personally  
9 identifiable information of applicants or holders of  
10 nonprofessional permits to carry weapons and annual permits to  
11 acquire pistols or revolvers in Code chapter 724 confidential  
12 unless otherwise ordered by a court, by the lawful custodian of  
13 the records, or by another person duly authorized to release  
14 such information. Such information includes but is not limited  
15 to the name, social security number or other identification  
16 number, date of birth, and residential or business address of  
17 the applicant or permit holder. This provision does not apply  
18 to aggregate data collected by the department of public safety  
19 relating to the issuance, denial, revocation, or administration  
20 of such permits, provided applicant or holder identities are  
21 not revealed. The bill makes a corresponding amendment to Code  
22 section 724.23 relating to records of permits to carry weapons  
23 including permit revocations maintained by the commissioner of  
24 public safety.

25 CONFIDENTIALITY OF RECORDS OF INVOLUNTARY HOSPITAL  
26 PROCEEDINGS. The bill provides that although all papers and  
27 records pertaining to any involuntary hospitalization or  
28 application for involuntary hospitalization of any person  
29 under Code chapter 229, whether part of the permanent record  
30 of the court or of a file in the department of human services,  
31 are subject to public inspection only upon an order of the  
32 court for good cause shown, this prohibition does not prevent  
33 a court or the department of public safety from forwarding  
34 to the federal bureau of investigation a copy of an order  
35 issued by a court relating to a person who is the subject of a

1 mental health-related order or commitment and the possession of  
2 firearms by such a person under new Code section 724.31 created  
3 in the bill.

4 POSSESSION OR CARRYING OF FIREARMS WHILE UNDER THE  
5 INFLUENCE. The bill creates a new crime relating to the  
6 possession or carrying of firearms while under the influence of  
7 alcohol or an illegally used or possessed controlled substance  
8 and provides certain exemptions. The bill makes this crime a  
9 serious misdemeanor. A person arrested under this provision in  
10 the bill may have the person's nonprofessional or professional  
11 permit to carry weapons suspended or revoked. A serious  
12 misdemeanor is punishable by confinement for no more than one  
13 year and a fine of at least \$315 but not more than \$1,875.

14 NONPROFESSIONAL PERMIT TO CARRY WEAPONS — ISSUANCE —  
15 RENEWAL PERMITS. The bill amends current law relating to the  
16 issuance of nonprofessional permits to carry weapons to provide  
17 that a person who is not subject to the disqualifying criteria  
18 in Code section 724.8 and who meets the training requirements  
19 of Code section 724.9, as amended in the bill, and who files  
20 the requisite application under Code section 724.10, as amended  
21 in the bill, shall be issued such a permit for a five-year  
22 period. Current law provides that even if certain criteria are  
23 met the issuing officer has the discretion to decide whether a  
24 permit should be issued to the applicant.

25 The bill provides that renewal permits or duplicate permits  
26 to carry weapons shall be issued provided the application  
27 for such renewal permit is received by the issuing officer  
28 at least 30 days prior to the expiration of the applicant's  
29 current permit and the sheriff or commissioner of public  
30 safety shall approve or deny an initial or renewal application  
31 submitted within 30 days of receipt of the application. If the  
32 issuing officer has not received a response to an information  
33 request necessary to determine the applicant's eligibility at  
34 the end of the 30-day period and the applicant is otherwise  
35 qualified, the issuing officer shall issue a conditional permit

1 to the applicant, which shall be immediately revoked if the  
2 information subsequently received indicates the applicant is  
3 ineligible for a permit and the application is denied. A  
4 person whose application for a permit to carry weapons is  
5 denied may seek judicial review of the denial under Code  
6 chapter 17A.

7 FIREARMS TRAINING PROGRAM. The bill amends current law  
8 relating to a firearms training program and requires an  
9 applicant to demonstrate knowledge of firearm safety through  
10 completion of certain firearms safety or firearms training  
11 courses, evidence of equivalent experience with a firearm  
12 through participation in an organized shooting competition,  
13 completion of a small arms training program while serving with  
14 the armed forces of the United States, obtaining or previously  
15 having held a license to carry a firearm in this state or any  
16 political subdivision unless such license has been revoked for  
17 cause, or completion of a law enforcement firearms training  
18 program that qualifies a peace officer to carry a firearm in  
19 the normal course of the peace officer's duties.

20 BACKGROUND CHECKS. The bill amends Code section 724.10  
21 relating to background checks of an applicant for a permit to  
22 carry weapons. The bill requires the issuing officer, upon  
23 receipt of an initial or renewal application for a permit  
24 to carry weapons, to conduct a background check utilizing  
25 any available state and federal data sources. In addition,  
26 the bill provides that a person who knowingly gives a false  
27 name or presents false identification or otherwise knowingly  
28 gives false material information in connection with an  
29 application for a permit to carry weapons commits an aggravated  
30 misdemeanor. An aggravated misdemeanor is punishable by  
31 confinement for no more than two years and a fine of at least  
32 \$625 but not more than \$6,250.

33 RECIPROCITY. The bill creates a reciprocity provision  
34 requiring the commissioner of public safety to compare the  
35 relevant provisions relating to the issuance of a permit to

1 carry weapons with similar statutes of other states in which  
2 reciprocity is requested to determine whether such state's laws  
3 are similar to or exceed the requirements of Iowa law. In  
4 addition, the bill allows the commissioner of public safety to  
5 seek a reciprocity agreement with each state whose laws are  
6 similar to or exceed the Iowa requirements.

7       SUSPENSION OR REVOCATION OF PERMITS TO CARRY. The bill  
8 amends current law relating to the revocation of permits to  
9 carry by providing that an issuing officer who finds that  
10 a person who has been issued a permit to carry weapons has  
11 been arrested for a disqualifying offense or is the subject  
12 of proceedings that could lead to the person's ineligibility  
13 for such permit may immediately suspend such permit. If the  
14 suspension is based on an arrest or a proceeding that does  
15 not result in a disqualifying conviction or finding against  
16 the permit holder, the issuing officer shall immediately  
17 reinstate the permit upon receipt of proof of the matter's  
18 final disposition. If the arrest leads to a disqualifying  
19 conviction or the proceedings to a disqualifying finding, the  
20 issuing officer shall revoke the permit. The issuing officer  
21 may also revoke the permit of a person whom the issuing officer  
22 later finds was not qualified for such a permit at the time of  
23 issuance or who the officer finds provided materially false  
24 information on the permit application. A person aggrieved by  
25 a suspension or revocation under this Code section may seek  
26 review of the decision pursuant to an administrative review  
27 process under the bill.

28       ADMINISTRATIVE REVIEW — DENIAL, SUSPENSION, OR REVOCATION.  
29 The bill provides an administrative review procedure in any  
30 case where the sheriff or the commissioner of public safety  
31 denies an application for or suspends or revokes a permit  
32 to carry weapons or an annual permit to acquire pistols or  
33 revolvers and provides that the applicant or permit holder  
34 shall have the right to appeal the denial, suspension, or  
35 revocation of the permit to an administrative law judge in

1 the department of inspections and appeals within 30 days  
2 of receiving written notice of the denial, suspension, or  
3 revocation. The applicant or permit holder may file an  
4 appeal with an administrative law judge by filing a copy of  
5 the denial, suspension, or revocation notice with a written  
6 statement that clearly states the applicant's reasons rebutting  
7 the denial, suspension, or revocation along with a fee of \$10.  
8 The administrative law judge shall grant an aggrieved applicant  
9 an opportunity to be heard within 45 days of receipt of the  
10 appeal request and the hearing may be held by telephone or  
11 video conference at the discretion of the administrative law  
12 judge. The administrative law judge shall receive witness  
13 testimony and other evidence relevant to the proceedings at the  
14 hearing. Upon conclusion of the hearing, the administrative  
15 law judge shall order that the denial, suspension, or  
16 revocation of the permit be either rescinded or sustained. An  
17 applicant, permit holder, or issuing officer aggrieved by the  
18 final judgment of the administrative law judge shall have the  
19 right to judicial review in accordance with the terms of the  
20 Iowa administrative procedure Act pursuant to Code chapter 17A.

21 PERMITS TO ACQUIRE PISTOLS OR REVOLVERS — ISSUANCE —  
22 PERMIT REVOCATIONS. The bill amends Code section 724.13  
23 relating to the issuance of permits to acquire pistols or  
24 revolvers and provides the same procedure for such permit  
25 denials, suspensions, and revocations as previously indicated  
26 for denials, suspensions, and revocations of permits to carry  
27 weapons.

28 RESTORATION OF RIGHTS — FIREARMS. The bill makes  
29 conforming changes relating to the restoration of the right  
30 to possess a firearm under Code section 724.27 and provides  
31 that a person whose pardon, restoration of civil rights, or  
32 expungement of conviction expressly forbids the person to  
33 receive, transport, or possess firearms is ineligible to have  
34 the person's civil rights regarding firearms restored.

35 PERSONS SUBJECT TO MENTAL AND SUBSTANCE ABUSE HEALTH-RELATED

1 ORDERS — RESTORATION OF RIGHTS — REPORTING. The bill  
2 provides that subsequent to a court order that orders  
3 commitment or treatment pursuant to Code section 125.84  
4 (chemical substance abuse), Code section 222.31 (mental  
5 retardation), or Code section 229.14 (mental health), appoints  
6 a guardian or conservator pursuant to Code section 231E.6  
7 (appointment of state or local substitute decision maker),  
8 grants a petition filed pursuant to Code section 597.6  
9 (conveyance of property due to mental illness), issues an  
10 order pursuant to Code section 633.244 (incompetent spouse),  
11 appoints a guardian pursuant to Code section 633.556, or  
12 finds a defendant incompetent to stand trial pursuant to Code  
13 section 812.5, a court shall make a finding as to whether  
14 the person who is the subject of the order is subject to a  
15 federal firearms prohibition under federal law (18 U.S.C. §  
16 922(d)(4) or (g)(4)), and if so, shall inform the person of  
17 the applicable prohibitions and shall order the person not to  
18 possess, receive, or transport or cause to transport a firearm  
19 or offensive weapon. The court shall also order the person to  
20 make immediate arrangements for the disposition of any firearms  
21 or ammunition owned or possessed by the person. If the person  
22 is unable to make lawful disposition by other means, the  
23 department of public safety may take custody of any firearms or  
24 ammunition owned or possessed by the person for such time as  
25 the order remains in effect. The clerk of the district court  
26 shall forward a copy of the order to the department of public  
27 safety which in turn shall forward a copy of the order to the  
28 federal bureau of investigation or its successor agency for  
29 inclusion in the national instant criminal background check  
30 system database.

31 A person who is the subject of any of the underlying orders  
32 may petition the court that issued the order or the court in  
33 the county where the person resides to cancel the order and  
34 to restore the person's right to ship, possess, receive, or  
35 transport or cause the transport of firearms or ammunition. A

1 copy of the petition shall also be served on the director of  
2 human services and the county attorney at the county attorney's  
3 office of the county in which the original order, commitment,  
4 or finding occurred and the director or the county attorney may  
5 appear, support, object to, and present evidence relevant to  
6 the relief sought by the petitioner. The court shall grant a  
7 petition if the court finds by a preponderance of the evidence  
8 that the petitioner will not be likely to act in a manner  
9 dangerous to the public safety and that the granting of the  
10 relief would not be contrary to the public interest. The  
11 petitioner may appeal a denial of the requested relief and the  
12 review shall be de novo. A person may file a petition for  
13 relief not more than once every two years. When a court issues  
14 an order granting a petition for relief, the clerk of the  
15 district court shall immediately forward a copy of the order  
16 to the department of public safety which, upon receipt, shall  
17 immediately forward a copy of the order to the federal bureau  
18 of investigation or its successor agency for inclusion in the  
19 national instant criminal background check system database.