

House Study Bill 219 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON SANDS)

A BILL FOR

1 An Act concerning the carrying of weapons including provisions
2 relating to permits to carry weapons and providing a
3 penalty.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 80A.13, Code 2011, is amended to read as
2 follows:

3 **80A.13 Campus weapon requirements.**

4 An individual employed by a college or university, or by a
5 private security business holding a contract with a college or
6 university, who performs private security duties on a college
7 or university campus and who carries a weapon while performing
8 these duties shall ~~meet all of the following requirements:~~

9 ~~1. File with the sheriff of the county in which the campus~~
10 ~~is located evidence that the individual has successfully~~
11 ~~completed an approved firearms training program under section~~
12 ~~724.9. This requirement does not apply to armored car~~
13 ~~personnel.~~

14 ~~2. Possess a permit to carry weapons issued by the sheriff~~
15 ~~of the county in which the campus is located under sections~~
16 ~~724.6 through 724.11. This requirement does not apply to~~
17 ~~armored car personnel.~~

18 ~~3. File file with the sheriff of the county in which the~~
19 ~~campus is located a sworn affidavit from the employer outlining~~
20 ~~the nature of the duties to be performed and justification of~~
21 ~~the need to go armed.~~

22 Sec. 2. Section 724.4, Code 2011, is amended to read as
23 follows:

24 **724.4 Carrying weapons.**

25 ~~1. Except as otherwise provided in this section, a person~~
26 ~~who goes armed with a dangerous weapon concealed on or about~~
27 ~~the person, or who, within the limits of any city, goes~~
28 ~~armed with a pistol or revolver, or any loaded firearm of~~
29 ~~any kind, whether concealed or not, or who knowingly carries~~
30 ~~or transports in a vehicle a pistol or revolver, commits an~~
31 ~~aggravated misdemeanor. Except as otherwise provided in this~~
32 ~~section, a person in this state may carry, either openly or~~
33 ~~concealed, a loaded or unloaded firearm, with or without a~~
34 ~~concealed weapons permit, on the person or in a vehicle for any~~
35 ~~lawful purpose.~~

1 2. A person who goes armed with a dangerous weapon with
2 the intent to commit a crime of violence commits a class "D"
3 felony. For purposes of this subsection, "crime of violence"
4 means a felony which has, as an element of the offense, the use
5 of physical force by one person against another person.

6 ~~2.~~ 3. A person who goes armed with a knife concealed
7 on or about the person, if the person uses the knife in the
8 commission of a crime, commits an aggravated misdemeanor.

9 ~~3. A person who goes armed with a knife concealed on or~~
10 ~~about the person, if the person does not use the knife in the~~
11 ~~commission of a crime.~~

12 ~~a. If the knife has a blade exceeding eight inches in~~
13 ~~length, commits an aggravated misdemeanor.~~

14 ~~b. If the knife has a blade exceeding five inches but~~
15 ~~not exceeding eight inches in length, commits a serious~~
16 ~~misdemeanor.~~

17 4. Subsections ~~1~~ through 2 and 3 do not apply to any of the
18 following:

19 a. A person who for any lawful purpose goes armed with
20 a dangerous weapon in the person's own dwelling or place of
21 business, or on land owned or possessed by the person.

22 b. A peace officer, when the officer's duties require the
23 person to carry such weapons.

24 ~~c. A member of the armed forces of the United States or~~
25 ~~of the national guard or person in the service of the United~~
26 ~~States, when the weapons are carried in connection with the~~
27 ~~person's duties as such.~~

28 ~~d. A correctional officer, when the officer's duties~~
29 ~~require, serving under the authority of the Iowa department of~~
30 ~~corrections.~~

31 ~~e.~~ c. A person who for any lawful purpose carries an
32 unloaded pistol, revolver, or other dangerous weapon inside a
33 closed and fastened container or securely wrapped package which
34 is too large to be concealed on the person.

35 ~~f. A person who for any lawful purpose carries or transports~~

~~1 an unloaded pistol or revolver in a vehicle inside a closed
2 and fastened container or securely wrapped package which is
3 too large to be concealed on the person or inside a cargo
4 or luggage compartment where the pistol or revolver will not
5 be readily accessible to any person riding in the vehicle or
6 common carrier.~~

~~7 *g.* A person while the person is lawfully engaged in target
8 practice on a range designed for that purpose or while actually
9 engaged in lawful hunting.~~

10 *h. d.* A person who carries a knife used in hunting or
11 fishing, while actually engaged in lawful hunting or fishing.

~~12 *i.* A person who has in the person's possession and who
13 displays to a peace officer on demand a valid permit to carry
14 weapons which has been issued to the person, and whose conduct
15 is within the limits of that permit. A person shall not be
16 convicted of a violation of this section if the person produces
17 at the person's trial a permit to carry weapons which was valid
18 at the time of the alleged offense and which would have brought
19 the person's conduct within this exception if the permit had
20 been produced at the time of the alleged offense.~~

21 *j. e.* A law enforcement officer from another state when the
22 officer's duties require the officer to carry the weapon and
23 the officer is in this state for any of the following reasons:

24 (1) The extradition or other lawful removal of a prisoner
25 from this state.

26 (2) Pursuit of a suspect in compliance with chapter 806.

27 (3) Activities in the capacity of a law enforcement officer
28 with the knowledge and consent of the chief of police of the
29 city or the sheriff of the county in which the activities occur
30 or of the commissioner of public safety.

31 ~~*k. f.*~~ *f.* A person engaged in the business of transporting
32 prisoners under a contract with the Iowa department of
33 corrections or a county sheriff, a similar agency from another
34 state, or the federal government.

35 Sec. 3. Section 724.4B, subsection 2, paragraph a, Code

1 2011, is amended to read as follows:

2 a. A person listed under section 724.4, subsection 4,
3 ~~paragraphs~~ paragraph "b" through "f", "c", or "j" "e".

4 Sec. 4. Section 724.6, Code 2011, is amended to read as
5 follows:

6 **724.6 Professional permit to carry weapons.**

7 ~~1. A person may be issued a permit to carry weapons~~
8 ~~when the person's employment~~ who is employed in a private
9 investigation business or private security business licensed
10 under chapter 80A, or a person's employment as a peace officer,
11 correctional officer, security guard, bank messenger or other
12 person transporting property of a value requiring security,
13 or in police work, whose employment reasonably justifies that
14 person going armed, shall not, as a condition of employment,
15 be required to obtain a permit to carry weapons under this
16 section but shall be issued a permit to carry weapons under
17 this section if the person chooses to apply for the permit
18 and meets the requirements of sections 724.8 through 724.10.
19 The permit shall be on a form prescribed and published by the
20 commissioner of public safety, shall identify the holder,
21 and shall state the nature of the employment requiring the
22 holder to go armed. A permit so issued, other than to a peace
23 officer, shall authorize state that the person to whom it is
24 issued is authorized to go armed anywhere in the state, ~~only~~
25 while engaged in the employment, and while going to and from
26 the place of the employment. A permit issued to a certified
27 peace officer shall authorize state that the peace officer is
28 authorized to go armed anywhere in the state at all times.
29 Permits shall expire ~~twelve months~~ five years after the date
30 when issued except that permits issued to peace officers and
31 correctional officers are valid through the officer's period of
32 employment unless otherwise canceled. When the employment is
33 terminated, the holder of the permit shall surrender it to the
34 issuing officer for cancellation.

35 2. ~~Notwithstanding subsection 1, fire fighters, as defined~~

1 ~~in section 411.1, subsection 10, airport fire fighters included~~
2 ~~under section 97B.49B, and emergency medical care providers,~~
3 ~~as defined in section 147A.1, shall not, as a condition of~~
4 ~~employment, be required to obtain a permit under this section.~~
5 ~~However, the provisions of this subsection shall not apply to a~~
6 ~~person designated as an arson investigator by the chief fire~~
7 ~~officer of a political subdivision.~~

8 Sec. 5. Section 724.7, subsection 1, Code 2011, is amended
9 to read as follows:

10 1. Any A person who is not ~~disqualified under section 724.8,~~
11 otherwise prohibited from possessing or transporting a firearm
12 and who satisfies the training requirements of section 724.9,
13 ~~and who files an application in accordance with section 724.10~~
14 meets the requirements in sections 724.8 through 724.10 shall
15 be issued a nonprofessional permit to carry weapons if the
16 person chooses to apply for such a permit. Such permits shall
17 be on a form prescribed and published by the commissioner of
18 public safety, which shall be readily distinguishable from
19 the professional permit, and shall identify the holder of the
20 permit. Such permits shall not be issued for a particular
21 weapon and shall not contain information about a particular
22 weapon including the make, model, or serial number of the
23 weapon or any ammunition used in that weapon. All permits so
24 issued shall be for a period of five years and shall be valid
25 throughout the state except where the possession or carrying of
26 a firearm is prohibited by state or federal law.

27 Sec. 6. Section 724.8, Code 2011, is amended by striking the
28 section and inserting in lieu thereof the following:

29 **724.8 Persons ineligible for permit to carry weapons.**

30 An applicant for a permit to carry a weapon pursuant to
31 section 724.6 or 724.7 who is otherwise prohibited by state or
32 federal law from possessing or transporting a firearm shall not
33 be eligible for a permit to carry weapons.

34 Sec. 7. Section 724.11, Code 2011, is amended to read as
35 follows:

1 **724.11 Issuance of permit to carry weapons.**

2 1. ~~Applications~~ An application for ~~permits~~ a permit to
3 carry weapons shall, if made, be made to the sheriff of the
4 county in which the applicant resides. Applications for
5 professional permits to carry weapons for persons who are
6 nonresidents of the state, or whose need to go armed arises
7 out of employment by the state, if made, shall be made to the
8 commissioner of public safety. In either case, the sheriff
9 or commissioner, before issuing the permit, shall determine
10 that the requirements of sections 724.6 to 724.10 have been
11 satisfied and the applicant is not otherwise prohibited
12 by state or federal law from possessing or transporting a
13 firearm. ~~However, for renewal of a permit the training program~~
14 ~~requirements in section 724.9, subsection 1, shall apply~~
15 ~~or the renewal applicant may choose to qualify on a firing~~
16 ~~range under the supervision of an instructor certified by the~~
17 ~~national rifle association or the department of public safety~~
18 ~~or another state's department of public safety, state police~~
19 ~~department, or similar certifying body. Such training or~~
20 ~~qualification must occur within the twelve-month period prior~~
21 ~~to the expiration of the applicant's current permit.~~

22 2. ~~Neither the sheriff nor the commissioner shall require an~~
23 ~~applicant for a permit to carry weapons to provide information~~
24 ~~identifying a particular weapon in the application including~~
25 ~~the make, model, or serial number of the weapon or any~~
26 ~~ammunition used in that particular weapon.~~

27 3. 2. The issuing officer shall collect a fee of fifty
28 dollars, except from a duly appointed peace officer or
29 correctional officer, for each permit issued. Renewal permits
30 or duplicate permits shall be issued for a fee of ~~twenty-five~~
31 five dollars, ~~provided the application for such renewal permit~~
32 ~~is received by the issuing officer at least thirty days prior~~
33 ~~to the expiration of the applicant's current permit. The~~
34 issuing officer shall notify the commissioner of public safety
35 of the issuance of any permit at least monthly and forward to

1 the commissioner an amount equal to ~~ten~~ two dollars for each
2 permit issued and ~~five dollars~~ one dollar for each renewal
3 or duplicate permit issued. All such fees received by the
4 commissioner shall be paid to the treasurer of state and
5 deposited in the operating account of the department of public
6 safety to offset the cost of administering this chapter.
7 ~~Notwithstanding section 8.33, any~~ Any unspent balance as of
8 June 30 of each year shall ~~not~~ revert to the general fund of the
9 state as provided in section 8.33.

10 ~~4.~~ 3. The sheriff or commissioner of public safety
11 shall approve or deny an initial or renewal application
12 submitted under this section within ~~thirty~~ ten business days of
13 receipt of the application and, if approved, shall issue the
14 permit. A person whose application for a permit under this
15 chapter is denied may seek review of the denial under section
16 724.21A. The failure to approve or deny an initial or renewal
17 application shall result in a decision of approval.

18 Sec. 8. REPEAL. Section 724.5, Code 2011, is repealed.

19 EXPLANATION

20 This bill relates to the carrying of weapons and providing
21 a penalty.

22 Current law provides that a person who goes armed with a
23 dangerous weapon concealed on or about the person, or who,
24 within the limits of any city, goes armed with a pistol or
25 revolver, or any loaded firearm of any kind, whether concealed
26 or not, or who knowingly carries or transports in a vehicle a
27 pistol or revolver, commits an aggravated misdemeanor unless
28 certain circumstances apply including if the person has in
29 the person's possession a valid permit to carry weapons. The
30 bill eliminates this provision and provides that, except as
31 otherwise provided, a person in this state may carry, either
32 openly or concealed, a loaded or unloaded firearm, with or
33 without a concealed weapons permit, on the person or in a
34 vehicle for any lawful purpose. The bill also provides that a
35 person who goes armed with a dangerous weapon with the intent

1 to commit a crime of violence commits a class "D" felony. For
2 purposes of the bill, "crime of violence" means a felony which
3 has, as an element of the offense, the use of physical force
4 by one person against another person. A class "D" felony is
5 punishable by confinement for no more than five years and a
6 fine of at least \$750 but not more than \$7,500.

7 The bill eliminates current law that provides that a person,
8 who is not involved in the commission of a crime, who goes
9 armed with a knife concealed on the person, commits either
10 an aggravated misdemeanor if the knife has a blade exceeding
11 eight inches or a serious misdemeanor if the knife has a blade
12 between five and eight inches.

13 The bill eliminates the requirement that a person, including
14 a person employed in a certain occupation whose employment
15 reasonably justifies that person going armed with a dangerous
16 weapon, must have and carry a professional or nonprofessional
17 permit to carry a weapon and makes it optional to apply for and
18 receive such permits. However, if a person applies for either
19 permit, the issuing officer (sheriff or commissioner of public
20 safety) shall issue the permit if certain requirements are met.
21 Such permits shall be issued for a five-year period at a cost
22 of \$50.

23 The bill makes changes to current requirements relating
24 to a person's eligibility to apply for a permit to carry
25 weapons, and the issuance of permits to carry weapons.

26 The bill provides that an applicant for a professional or
27 nonprofessional permit to carry weapons who is otherwise
28 prohibited by state or federal law from possessing or
29 transporting a firearm shall not be eligible for the permit.

30 The bill also reduces fees collected for renewal permits as
31 well as certain processing fees. The bill changes the period
32 of time that an issuing officer has to approve or deny an
33 initial or renewal application from within 30 days of receipt
34 of the application to within ten business days of receipt of
35 the application.

1 The bill also repeals Code section 724.5 relating to a
2 person's duty to carry a weapons permit if the person goes
3 armed with a revolver, pistol, or pocket billy concealed upon
4 the person, currently a simple misdemeanor.