

Senate File 264 - Introduced

SENATE FILE 264

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(COMPANION TO LSB 1783HH BY
ALONS)

A BILL FOR

1 An Act eliminating the requirement of an annual permit to
2 acquire a pistol or revolver.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 724.11A, Code 2011, is amended to read
2 as follows:

3 **724.11A Recognition.**

4 A valid permit or license issued by another state to any
5 nonresident of this state shall be considered to be a valid
6 permit or license to carry weapons issued pursuant to this
7 chapter, ~~except that such permit or license shall not be~~
8 ~~considered to be a substitute for an annual permit to acquire~~
9 ~~pistols or revolvers issued pursuant to section 724.15.~~

10 Sec. 2. Section 724.21A, Code 2011, is amended to read as
11 follows:

12 **724.21A Denial, suspension, or revocation of permit to carry**
13 **weapons or ~~permit to acquire pistols or revolvers.~~**

14 1. In any case where the sheriff or the commissioner of
15 public safety denies an application for or suspends or revokes
16 a permit to carry weapons, ~~or an annual permit to acquire~~
17 ~~pistols or revolvers,~~ the sheriff or commissioner shall provide
18 a written statement of the reasons for the denial, suspension,
19 or revocation and the applicant or permit holder shall have the
20 right to appeal the denial, suspension, or revocation to an
21 administrative law judge in the department of inspections and
22 appeals within thirty days of receiving written notice of the
23 denial, suspension, or revocation.

24 2. The applicant or permit holder may file an appeal with
25 an administrative law judge by filing a copy of the denial,
26 suspension, or revocation notice with a written statement that
27 clearly states the applicant's reasons rebutting the denial,
28 suspension, or revocation along with a fee of ten dollars.
29 Additional supporting information relevant to the proceedings
30 may also be included.

31 3. The administrative law judge shall, within forty-five
32 days of receipt of the request for an appeal, set a hearing
33 date. The hearing may be held by telephone or video conference
34 at the discretion of the administrative law judge. The
35 administrative law judge shall receive witness testimony and

1 other evidence relevant to the proceedings at the hearing. The
2 hearing shall be conducted pursuant to chapter 17A.

3 4. Upon conclusion of the hearing, the administrative law
4 judge shall order that the denial, suspension, or revocation
5 of the permit be either rescinded or sustained. An applicant,
6 permit holder, or issuing officer aggrieved by the final
7 judgment of the administrative law judge shall have the right
8 to judicial review in accordance with the terms of the Iowa
9 administrative procedure Act, chapter 17A.

10 5. The standard of review under this section shall be
11 clear and convincing evidence that the issuing officer's
12 written statement of the reasons for the denial, suspension, or
13 revocation constituted probable cause to deny an application or
14 to suspend or revoke a permit.

15 6. The department of inspections and appeals shall adopt
16 rules pursuant to chapter 17A as necessary to carry out the
17 provisions of this section.

18 7. In any case where the issuing officer denies an
19 application for, or suspends or revokes a permit to carry
20 ~~weapons, or an annual permit to acquire pistols or revolvers~~
21 solely because of an adverse determination by the national
22 instant criminal background check system, the applicant or
23 permit holder shall not seek relief under this section but
24 may pursue relief of the national instant criminal background
25 check system determination pursuant to Pub. L. No. 103-159,
26 sections 103(f) and (g) and 104 and 28 C.F.R. § 25.10, or other
27 applicable law. The outcome of such proceedings shall be
28 binding on the issuing officer.

29 Sec. 3. Section 724.27, subsection 1, unnumbered paragraph
30 1, Code 2011, is amended to read as follows:

31 The provisions of ~~section~~ sections 724.8, ~~section 724.15,~~
32 ~~subsection 1,~~ and ~~section~~ 724.26 shall not apply to a person
33 who is eligible to have the person's civil rights regarding
34 firearms restored under section 914.7 if any of the following
35 occur:

1 Sec. 4. REPEAL. Sections 724.15, 724.16, 724.17, 724.18,
2 724.19, 724.20, and 724.21, Code 2011, are repealed.

3 EXPLANATION

4 This bill eliminates the requirement, pursuant to Code
5 section 724.15, that a person who acquires ownership of a
6 pistol or revolver must apply for and be issued an annual
7 permit to acquire a pistol or revolver unless certain
8 exceptions apply.

9 The bill repeals related Code sections relating to
10 permit-to-acquire applications (Code sections 724.17 and
11 724.18), issuance requirements and procedures (Code sections
12 724.19, 724.20, and 724.21), and a related transfer of
13 ownership and penalty provision (Code section 724.16). The
14 bill makes conforming changes to Code sections 724.11A
15 (recognition of out-of-state permits), 724.21A (provisions
16 relating to the denial, suspension, or revocation of permits to
17 acquire), and 724.27 (restoration of citizenship rights to a
18 person convicted of a felony).

19 Current law provides that a person who acquires ownership of
20 a pistol or revolver without a valid annual permit to acquire
21 pistols or revolvers or a person who transfers ownership of
22 a pistol or revolver to a person who does not have in the
23 person's possession a valid annual permit to acquire pistols
24 or revolvers is guilty of an aggravated misdemeanor, and a
25 person who transfers ownership of a pistol or revolver to a
26 person that the transferor knows is prohibited from acquiring
27 ownership of a pistol or revolver commits a class "D" felony.
28 In addition, current law provides that a person who gives a
29 false name or presents false identification, or otherwise
30 knowingly gives false material information to one from whom the
31 person seeks to acquire a pistol or revolver commits a class
32 "D" felony.