

**House File 172 - Introduced**

HOUSE FILE 172

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**A BILL FOR**

1 An Act relating to school employees and the carrying of weapons  
2 and providing a penalty.

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

1 Section 1. Section 724.4B, subsection 2, Code 2013, is  
2 amended to read as follows:

3 2. Subsection 1 does not apply to the following:

4 a. A person listed under section 724.4, subsection 4,  
5 paragraphs "b" through "f" or "j".

6 b. A school employee who possesses a valid school employee  
7 permit to carry weapons pursuant to section 724.4C, if the  
8 school employee goes armed with, carries, or transports any  
9 firearm concealed on or about the school employee.

10 ~~b.~~ c. A person who has been specifically authorized by the  
11 school to go armed, carry, or transport a firearm on the school  
12 grounds, including for purposes of conducting an instructional  
13 program regarding firearms.

14 Sec. 2. NEW SECTION. **724.7A School employee permit to carry**  
15 **weapons.**

16 1. For the purposes of this section:

17 a. "School" means a public school.

18 b. "School employee" means a person employed by a school,  
19 or a person employed by an area education agency who provides  
20 services to a school.

21 c. "School grounds" include school buildings, parking lots,  
22 athletic fields, playgrounds, tennis courts, and any other  
23 indoor or outdoor area under the control of a school.

24 2. A school employee, who is not disqualified under section  
25 724.8 and who satisfies the background check and training  
26 requirements of this section, shall be issued a school employee  
27 permit to carry weapons which shall authorize the holder to  
28 carry weapons on school grounds.

29 3. An application for a school employee permit to carry  
30 weapons shall be made to the sheriff of the county in which the  
31 school employee applicant resides. The sheriff, upon receipt  
32 of an initial or renewal application under this section,  
33 shall immediately conduct a background check concerning each  
34 school employee applicant by obtaining criminal history data  
35 from the department of public safety which shall include an

1 inquiry of the national instant criminal background check  
2 system maintained by the federal bureau of investigation or any  
3 successor agency.

4 4. A permit issued to a school employee under this section  
5 shall be on a form prescribed and published by the commissioner  
6 of public safety, which shall be readily distinguishable from  
7 the nonprofessional permit and the professional permit, and  
8 shall identify the holder of the permit. Such permits shall  
9 not be issued for a particular weapon and shall not contain  
10 information about a particular weapon including the make,  
11 model, or serial number of the weapon or any ammunition used  
12 in that weapon. All permits so issued shall be for a period of  
13 five years and shall be valid throughout the state except where  
14 the possession or carrying of a firearm is prohibited by state  
15 or federal law.

16 5. A school employee who makes what the school employee  
17 knows to be a false statement of material fact on an  
18 application submitted under this section or who submits what  
19 the school employee knows to be any materially falsified or  
20 forged documentation in connection with such an application  
21 commits a class "D" felony.

22 6. The sheriff shall approve or deny an initial or renewal  
23 application submitted under this section within thirty days  
24 of receipt of the application. A school employee whose  
25 application for a permit under this section is denied may seek  
26 review of the denial under section 724.21A. The failure to  
27 approve or deny an initial or renewal application shall result  
28 in a decision of approval.

29 7. a. An applicant under this section shall demonstrate  
30 knowledge of firearm safety by completion of any handgun safety  
31 training course available to the general public offered by a  
32 law enforcement agency utilizing instructors certified by the  
33 national rifle association or the department of public safety  
34 or another state's department of public safety, state police  
35 department, or similar certifying body. Such training may

1 include active shooter training.

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

4     (1) A photocopy of a certificate of completion or any  
5 similar document indicating completion of the handgun safety  
6 training course identified in this subsection.

7     (2) An affidavit from the instructor that conducted or  
8 taught the handgun safety training course identified in this  
9 subsection attesting to the completion of the course by the  
10 applicant.

11     8. A school employee shall not be charged a fee for the cost  
12 of an initial, renewal, or duplicate permit issued pursuant  
13 to this section or for the cost of training pursuant to this  
14 section.

15     9. A school employee who has obtained a permit to carry  
16 weapons pursuant to section 724.7 but who has not completed a  
17 handgun safety training course pursuant to subsection 7 shall  
18 be required to complete such a course, free of charge, prior to  
19 being issued a school employee permit to carry weapons.

20     10. The department of public safety shall adopt rules  
21 pursuant to chapter 17A as necessary to administer this  
22 section.

23     Sec. 3. Section 724.21A, Code 2013, is amended to read as  
24 follows:

25     **724.21A Denial, suspension, or revocation of permit to carry**  
26 **weapons, school employee permit to carry weapons, or permit to**  
27 **acquire pistols or revolvers.**

28     1. In any case where the sheriff or the commissioner of  
29 public safety denies an application for or suspends or revokes  
30 a permit to carry weapons, school employee permit to carry  
31 weapons, or an annual permit to acquire pistols or revolvers,  
32 the sheriff or commissioner shall provide a written statement  
33 of the reasons for the denial, suspension, or revocation and  
34 the applicant or permit holder shall have the right to appeal  
35 the denial, suspension, or revocation to an administrative

1 law judge in the department of inspections and appeals  
2 within thirty days of receiving written notice of the denial,  
3 suspension, or revocation.

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

11 3. The administrative law judge shall, within forty-five  
12 days of receipt of the request for an appeal, set a hearing  
13 date. The hearing may be held by telephone or video conference  
14 at the discretion of the administrative law judge. The  
15 administrative law judge shall receive witness testimony and  
16 other evidence relevant to the proceedings at the hearing. The  
17 hearing shall be conducted pursuant to chapter 17A.

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

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

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

33 7. In any case where the issuing officer denies an  
34 application for, or suspends or revokes a permit to carry  
35 weapons, a school employee permit to carry weapons, or an

1 annual permit to acquire pistols or revolvers solely because  
2 of an adverse determination by the national instant criminal  
3 background check system, the applicant or permit holder shall  
4 not seek relief under this section but may pursue relief of the  
5 national instant criminal background check system determination  
6 pursuant to Pub. L. No. 103-159, sections 103(f) and (g) and  
7 104 and 28 C.F.R. § 25.10, or other applicable law. The  
8 outcome of such proceedings shall be binding on the issuing  
9 officer.

10 Sec. 4. Section 724.23, Code 2013, is amended to read as  
11 follows:

12 **724.23 Records kept by commissioner and issuing officers.**

13 1. The commissioner of public safety shall maintain a  
14 permanent record of all valid permits to carry weapons and of  
15 current permit revocations.

16 2. Notwithstanding any other law or rule to the contrary,  
17 the commissioner of public safety and any issuing officer shall  
18 keep confidential the names and addresses of holders of school  
19 employee permits to carry weapons.

20 EXPLANATION

21 This bill relates to school employees and the carrying of  
22 weapons.

23 Current law provides that a person who goes armed with,  
24 carries, or transports a firearm of any kind, whether concealed  
25 or not, on the grounds of a school (public or nonpublic)  
26 commits a class "D" felony. The law does not apply under  
27 certain conditions to a peace officer, a member of the armed  
28 forces of the United States or of the national guard or  
29 person in the service of the United States, or a correctional  
30 officer, or a person who lawfully carries an unloaded pistol,  
31 revolver, or other dangerous weapon inside a closed and  
32 fastened container or securely wrapped package, a person who  
33 lawfully carries or transports an unloaded pistol or revolver  
34 in a vehicle inside a closed and fastened container or securely  
35 wrapped package or inside a cargo or luggage compartment,

1 a law enforcement officer from another state under certain  
2 conditions, or a person who has been specifically authorized  
3 by the school to go armed, carry, or transport a firearm on  
4 the school grounds, including for purposes of conducting an  
5 instructional program regarding firearms.

6 The bill expands this list of exceptions to include a school  
7 employee who possesses a school employee permit to carry  
8 weapons as created in the bill.

9 The bill creates a new nonprofessional weapons permit for  
10 school employees. A school employee who is not disqualified  
11 under Code section 724.8, who satisfies a background check, and  
12 who completes a handgun safety training course available to the  
13 general public offered by a law enforcement agency shall be  
14 issued a school employee permit to carry weapons which shall  
15 authorize the holder to carry weapons on school grounds. Under  
16 the bill, "school employee" means a person employed by a public  
17 school, or a person employed by an area education agency who  
18 provides service to a public school. "School grounds" include  
19 school buildings, parking lots, athletic fields, playgrounds,  
20 tennis courts, and any other indoor or outdoor area under the  
21 control of a public school.

22 The application shall be made to the sheriff of the county in  
23 which the school employee resides. The sheriff must conduct a  
24 background check concerning the applicant.

25 School employee permits shall be issued on a form prescribed  
26 and published by the commissioner of public safety, and shall  
27 be readily distinguishable from the nonprofessional permit and  
28 the professional permit, and shall identify the holder of the  
29 permit. Such permits shall not be issued for a particular  
30 weapon and shall not contain information about a particular  
31 weapon including the make, model, or serial number of the  
32 weapon or any ammunition used in that weapon. All permits so  
33 issued shall be for a period of five years and shall be valid  
34 throughout the state except where the possession or carrying of  
35 a firearm is prohibited by state or federal law.

1 A school employee who makes what the school employee knows  
2 to be a false statement of material fact on an application  
3 submitted under the bill or who submits what the school  
4 employee knows to be any materially falsified or forged  
5 documentation in connection with such an application commits a  
6 class "D" felony.

7 The sheriff is required to approve or deny an initial or  
8 renewal school employee permit to carry weapons application  
9 within 30 days of receipt of the application. A school  
10 employee whose application for a permit is denied may seek  
11 review of the denial under Code section 724.21A. The failure  
12 to approve or deny an initial or renewal application shall  
13 result in a decision of approval. The bill makes conforming  
14 changes to Code section 724.21A.

15 A school employee shall not be charged a fee for the cost  
16 of an initial, renewal, or duplicate permit or for the cost of  
17 training under the bill.

18 A school employee who has obtained a nonprofessional permit  
19 to carry weapons but who has not completed a handgun safety  
20 training course available to the general public offered by a  
21 law enforcement agency shall be required to complete such a  
22 course, free of charge, prior to being issued a school employee  
23 permit to carry weapons.

24 The bill requires the department of public safety to adopt  
25 rules pursuant to Code chapter 17A as necessary to administer  
26 the bill relating to school employee permits to carry.

27 Current law requires the commissioner of public safety  
28 to maintain a permanent record of all valid permits to  
29 carry weapons and of current permit revocations. This bill  
30 provides that, notwithstanding any other law or rule to the  
31 contrary, the commissioner of public safety and any issuing  
32 officer (county sheriff) shall keep confidential the names  
33 and addresses of holders of school employee permits to carry  
34 weapons.