

House File 2145 - Introduced

HOUSE FILE 2145

BY STAED, MASCHER, and
BROWN-POWERS

A BILL FOR

- 1 An Act relating to the issuance, denial, suspension, or
- 2 revocation of a permit to carry weapons.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 724.7, subsection 1, Code 2018, is
2 amended to read as follows:

3 1. Any person who is not disqualified under [section 724.8](#),
4 who satisfies the training requirements of [section 724.9](#),
5 and who files an application in accordance with section
6 724.10 ~~shall~~ may be issued a nonprofessional permit to carry
7 weapons. Such permits shall be on a form prescribed and
8 published by the commissioner of public safety, which shall
9 be readily distinguishable from the professional permit, and
10 shall identify the holder of the permit. Such permits shall
11 not be issued for a particular weapon and shall not contain
12 information about a particular weapon including the make,
13 model, or serial number of the weapon or any ammunition used
14 in that weapon. All permits so issued shall be for a period of
15 five years and shall be valid throughout the state except where
16 the possession or carrying of a firearm is prohibited by state
17 or federal law.

18 Sec. 2. Section 724.11, subsection 1, Code 2018, is amended
19 to read as follows:

20 1. Applications for permits to carry weapons shall be made
21 to the sheriff of the county in which the applicant resides.
22 Applications for professional permits to carry weapons for
23 persons who are nonresidents of the state, or whose need to
24 go armed arises out of employment by the state, shall be made
25 to the commissioner of public safety. In either case, the
26 issuance of the permit shall be by and at the discretion of the
27 sheriff or commissioner, who shall, before issuing the permit,
28 ~~shall~~ determine that the requirements of sections 724.6 to
29 724.10 have been satisfied. A renewal applicant shall apply
30 within thirty days prior to the expiration of the permit,
31 or within thirty days after the expiration of the permit;
32 otherwise the applicant shall be considered an applicant for an
33 initial permit for purposes of renewal fees under [subsection 3](#).

34 Sec. 3. Section 724.13, subsection 1, Code 2018, is amended
35 to read as follows:

1 1. An issuing officer who finds that a person issued a
2 permit to carry weapons under [this chapter](#) has been arrested
3 for a disqualifying offense, ~~or~~ is the subject of proceedings
4 that could lead to the person's ineligibility for such permit,
5 or determines the conditions for the issuance of such permit
6 no longer exist, may immediately suspend such permit. An
7 issuing officer proceeding under [this section](#) shall immediately
8 notify the permit holder of the suspension by personal service
9 or certified mail on a form prescribed and published by the
10 commissioner of public safety and the suspension shall become
11 effective upon the permit holder's receipt of such notice. ~~If~~
12 ~~the suspension is based on an arrest or a proceeding that does~~
13 ~~not result in a disqualifying conviction or finding against~~
14 ~~the permit holder, the issuing officer shall immediately~~
15 ~~reinstate the permit upon receipt of proof of the matter's~~
16 ~~final disposition.~~ If the arrest leads to a disqualifying
17 conviction or the proceedings to a disqualifying finding, the
18 issuing officer shall revoke the permit. The issuing officer
19 may also revoke the permit of a person whom the issuing officer
20 later finds was not qualified for such a permit at the time
21 of issuance, ~~or~~ who the officer finds provided materially
22 false information on the permit application, or if the officer
23 determines that the conditions for the issuance of such
24 permit no longer exist. A person aggrieved by a suspension or
25 revocation under [this section](#) may seek review of the decision
26 pursuant to [section 724.21A](#).

27 Sec. 4. Section 724.21A, subsection 8, Code 2018, is amended
28 to read as follows:

29 8. If an applicant or permit holder appeals the decision
30 by the sheriff or commissioner to deny an application for or
31 suspend or revoke ~~a permit to carry weapons or a permit to~~
32 ~~acquire pistols or revolvers,~~ and it is later determined on
33 appeal the applicant or permit holder is eligible to be issued
34 or possess ~~a permit to carry weapons or a permit to acquire~~
35 ~~pistols or revolvers,~~ the applicant or permit holder shall

1 be awarded court costs and reasonable attorney fees. If the
2 decision of the sheriff or commissioner to deny an application
3 for or suspend or revoke a ~~permit to carry weapons~~ or a permit
4 to acquire pistols or revolvers is upheld on appeal, or the
5 applicant or permit holder withdraws or dismisses the appeal,
6 the political subdivision of the state representing the sheriff
7 or the state department representing the commissioner shall be
8 awarded court costs and reasonable attorney fees.

9

EXPLANATION

10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 This bill relates to the issuance, denial, suspension, or
13 revocation of a permit to carry weapons.

14 Current law provides that the issuing officer (county
15 sheriff or commissioner of public safety) shall issue a permit
16 to carry weapons to an applicant unless the applicant does
17 not meet certain requirements of Code chapter 724 (weapons).
18 The bill allows the issuing officer to deny the issuance of
19 a permit to carry weapons at the discretion of the issuing
20 officer even if the applicant meets the other requirements of
21 Code chapter 724.

22 The bill allows the issuing officer to suspend or revoke a
23 permit to carry weapons if the issuing officer determines the
24 conditions for the issuance of the permit to carry weapons no
25 longer exist.

26 The bill strikes language that requires the issuing officer
27 to reinstate a permit to carry weapons if the suspension of
28 the permit is based upon an arrest or proceeding that does not
29 result in a disqualifying conviction or finding against the
30 permit holder.

31 Under current law, a person who appeals the decision by
32 the issuing officer to deny an application for a permit to
33 carry weapons or who suspends or revokes a permit to carry
34 weapons, and it is later determined on appeal that the person
35 is eligible to be issued or possess a permit to carry weapons,

1 the person shall be awarded court costs and reasonable attorney
2 fees, and if the person loses or withdraws such an appeal, the
3 government shall be awarded court costs and reasonable attorney
4 fees. The bill strikes the provision relating to awarding
5 court costs and reasonable attorney fees to the prevailing
6 party in an appeal for the denial, suspension, or revocation of
7 a permit to carry weapons, but does not strike the provision
8 allowing for such an appeal.