

**Senate File 2379 - Reprinted**

SENATE FILE 2379

BY GRONSTAL

(COMPANION TO 6267YH BY  
McCARTHY)

(As Amended and Passed by the Senate March 27, 2010)

**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 and an effective date.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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

3 1. All papers and records pertaining to any involuntary  
4 hospitalization or application for involuntary hospitalization  
5 of any person under this chapter, whether part of the permanent  
6 record of the court or of a file in the department of human  
7 services, are subject to inspection only upon an order of the  
8 court for good cause shown. ~~Nothing in this section shall~~  
9 ~~prohibit a hospital from complying with the requirements~~  
10 ~~of this chapter and of chapter 230 relative to financial~~  
11 ~~responsibility for the cost of care and treatment provided~~  
12 ~~a patient in that hospital, nor from properly billing any~~  
13 ~~responsible relative or third-party payer for such care and~~  
14 ~~treatment.~~

15 Sec. 2. Section 229.24, Code 2009, is amended by adding the  
16 following new subsection:

17 NEW SUBSECTION. 4. This section shall not prohibit any of  
18 the following:

19 a. A hospital from complying with the requirements of this  
20 chapter and of chapter 230 relative to financial responsibility  
21 for the cost of care and treatment provided a patient in that  
22 hospital or from properly billing any responsible relative or  
23 third-party payer for such care or treatment.

24 b. A court or the department of public safety from  
25 forwarding to the federal bureau of investigation information  
26 that a person has been disqualified from possessing, shipping,  
27 transporting, or receiving a firearm pursuant to section  
28 724.31.

29 Sec. 3. Section 602.8102, Code 2009, is amended by adding  
30 the following new subsection:

31 NEW SUBSECTION. 125A. Forward information that a person  
32 has been disqualified from possessing, shipping, transporting,  
33 or receiving a firearm pursuant to section 724.31 to the  
34 department of public safety.

35 Sec. 4. NEW SECTION. 724.4C **Possession or carrying of**

1 firearms while under the influence.

2 A permit issued under this chapter is invalid if the person  
3 to whom the permit is issued is intoxicated as provided in  
4 section 321J.2, subsection 1.

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

7 **724.7 Nonprofessional permit to carry weapons.**

8 Any person who ~~can reasonably justify going armed~~ may is  
9 not disqualified under section 724.8, who satisfies the  
10 training requirements of section 724.9, and who files an  
11 application in accordance with section 724.10 shall be issued a  
12 nonprofessional permit to carry weapons. Such permits shall  
13 be on a form prescribed and published by the commissioner of  
14 public safety, which shall be readily distinguishable from the  
15 professional permit, and shall identify the holder thereof, and  
16 state the reason for the issuance of the permit, and the limits  
17 of the authority granted by such permit of the permit. Such  
18 permits shall not be issued for a particular weapon and shall  
19 not contain information about a particular weapon including the  
20 make, model, or serial number of the weapon or any ammunition  
21 used in that weapon. All permits so issued shall be for a  
22 definite period as established by the issuing officer, but in  
23 no event shall exceed a period of twelve months five years and  
24 shall be valid throughout the state except where the possession  
25 or carrying of a firearm is prohibited by state or federal law.

26 Sec. 6. Section 724.8, Code 2009, is amended to read as  
27 follows:

28 **724.8 Persons eligible for permit to carry weapons.**

29 No person shall be issued a professional or nonprofessional  
30 permit to carry weapons ~~unless~~ shall be issued to a person who  
31 is subject to any of the following:

32 1. ~~The person is~~ Is less than eighteen years of age ~~or~~  
33 ~~elder~~ for a professional permit or less than twenty-one years  
34 of age for a nonprofessional permit.

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

1     ~~3.~~ 2. ~~The person is not~~ Is addicted to the use of alcohol  
2 ~~or any controlled substance.~~

3     ~~4.~~ 3. ~~The person has no history of repeated acts of~~  
4 ~~violence.~~ Probable cause exists to believe, based upon  
5 documented specific actions of the person, where at least one  
6 of the actions occurred within two years immediately preceding  
7 the date of the permit application, that the person is likely  
8 to use a weapon unlawfully or in such other manner as would  
9 endanger the person's self or others.

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

12     4. Is subject to the provisions of section 724.26.

13     ~~6.~~ 5. ~~The person has never~~ Has, within the previous three  
14 years, been convicted of any crime serious or aggravated  
15 misdemeanor defined in chapter 708, except "assault" as defined  
16 in section 708.1 and "harassment" as defined in section 708.7  
17 not involving the use of a firearm or explosive.

18     6. Is prohibited by federal law from shipping,  
19 transporting, possessing, or receiving a firearm.

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

22     **724.9 Firearm training program.**

23     1. An applicant shall demonstrate knowledge of firearm  
24 safety by any of the following means:

25     a. Completion of any national rifle association handgun  
26 safety training course.

27     b. Completion of any handgun safety training course  
28 available to the general public offered by a law enforcement  
29 agency, community college, college, private or public  
30 institution or organization, or firearms training school,  
31 utilizing instructors certified by the national rifle  
32 association or the department of public safety or another  
33 state's department of public safety, state police department,  
34 or similar certifying body.

35     c. Completion of any handgun safety training course offered

1 for security guards, investigators, special deputies, or any  
2 division or subdivision of a law enforcement or security  
3 enforcement agency approved by the department of public safety.

4 *d.* Completion of small arms training while serving with the  
5 armed forces of the United States as evidenced by any of the  
6 following:

7 (1) For personnel released or retired from active duty,  
8 possession of an honorable discharge or general discharge under  
9 honorable conditions.

10 (2) For personnel on active duty or serving in one of the  
11 national guard or reserve components of the armed forces of the  
12 United States, possession of a certificate of completion of  
13 basic training with a service record of successful completion  
14 of small arms training and qualification.

15 *e.* Completion of a law enforcement agency firearms training  
16 course that qualifies a peace officer to carry a firearm in the  
17 normal course of the peace officer's duties.

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

20 *a.* A photocopy of a certificate of completion or any  
21 similar document indicating completion of any course or class  
22 identified in subsection 1.

23 *b.* An affidavit from the instructor, school, organization,  
24 or group that conducted or taught a course or class identified  
25 in subsection 1 attesting to the completion of the course or  
26 class by the applicant.

27 *c.* A copy of any document indicating participation in any  
28 firearms shooting competition.

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

32 Sec. 8. Section 724.10, Code 2009, is amended to read as  
33 follows:

34 **724.10 Application for permit to carry weapons — ~~criminal~~**  
35 **history background check required.**

1     1. A person shall not be issued a permit to carry weapons  
2 unless the person has completed and signed an application on  
3 a form to be prescribed and published by the commissioner of  
4 public safety. The application shall ~~state~~ require only the  
5 full name, driver's license or nonoperator's identification  
6 card number, residence, place of birth, and age date of  
7 birth of the applicant, and shall state whether the applicant  
8 ~~has ever been convicted of a felony, whether the person is~~  
9 ~~addicted to the use of alcohol or any controlled substance,~~  
10 ~~and whether the person has any history of mental illness~~  
11 ~~or repeated acts of violence~~ meets the criteria specified  
12 in sections 724.8 and 724.9. An applicant may provide the  
13 applicant's social security number if the applicant so  
14 chooses. The applicant shall also display an identification  
15 card that bears a distinguishing number assigned to the  
16 cardholder, the full name, date of birth, sex, residence  
17 address, and a brief description and colored photograph of the  
18 cardholder.

19     2. The ~~sheriff~~ issuing officer, upon receipt of an  
20 initial or renewal application under this section, shall  
21 ~~conduct~~ immediately conduct a ~~criminal history~~ background check  
22 concerning each applicant by obtaining criminal history data  
23 from the department of public safety which shall include an  
24 inquiry of the national instant criminal background system  
25 maintained by the federal bureau of investigation or any  
26 successor agency.

27     3. A person who ~~knowingly~~ makes what the person knows to  
28 be a false statement of material fact on the an application  
29 submitted under this section or who submits what the person  
30 knows to be any materially falsified or forged documentation in  
31 connection with such an application commits a class "D" felony.

32     Sec. 9. Section 724.11, Code 2009, is amended to read as  
33 follows:

34     **724.11 Issuance of permit to carry weapons.**

35     1. Applications for permits to carry weapons shall be made

1 to the sheriff of the county in which the applicant resides.  
2 Applications ~~from~~ for professional permits to carry weapons  
3 for persons who are nonresidents of the state, or whose need  
4 to go armed arises out of employment by the state, shall be  
5 made to the commissioner of public safety. In either case,  
6 ~~the issuance of the permit shall be by and at the discretion~~  
7 ~~of the sheriff or commissioner, who shall,~~ before issuing the  
8 permit, shall determine that the requirements of sections  
9 724.6 to 724.10 have been satisfied. However, for renewal of  
10 a permit the training program requirements in section 724.9  
11 ~~may be waived for renewal permits,~~ subsection 1, shall apply  
12 or the renewal applicant may choose to qualify on a firing  
13 range under the supervision of an instructor certified by the  
14 national rifle association or the department of public safety  
15 or another state's department of public safety, state police  
16 department, or similar certifying body. Such training or  
17 qualification must occur within the twelve-month period prior  
18 to the expiration of the applicant's current permit.

19 1A. Neither the sheriff nor the commissioner shall  
20 require an applicant for a permit to carry weapons to provide  
21 information identifying a particular weapon in the application  
22 including the make, model, or serial number of the weapon or  
23 any ammunition used in that particular weapon.

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

1 such fees received by the commissioner shall be paid to the  
2 treasurer of state and deposited in the operating account  
3 of the department of public safety to offset the cost of  
4 administering this chapter. ~~Any~~ Notwithstanding section 8.33,  
5 any unspent balance as of June 30 of each year shall not revert  
6 to the general fund as provided by section 8.33 of the state.

7 3. The sheriff or commissioner of public safety shall  
8 approve or deny an initial or renewal application submitted  
9 under this section within thirty days of receipt of the  
10 application. A person whose application for a permit under  
11 this chapter is denied may seek review of the denial under  
12 section 724.21A. The failure to approve or deny an initial or  
13 renewal application shall result in a decision of approval.

14 Sec. 10. NEW SECTION. 724.11A Recognition.

15 A valid permit or license issued by another state to any  
16 nonresident of this state shall be considered to be a valid  
17 permit or license to carry weapons issued pursuant to this  
18 chapter, except that such permit or license shall not be  
19 considered to be a substitute for an annual permit to acquire  
20 pistols or revolvers issued pursuant to section 724.15.

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

23 **724.13 Suspension or revocation of permit to carry weapons —**  
24 **criminal history background check.**

25 An issuing officer who finds that a person issued a permit  
26 to carry weapons under this chapter has been arrested for a  
27 disqualifying offense or is the subject of proceedings that  
28 could lead to the person's ineligibility for such permit may  
29 immediately suspend such permit. An issuing officer proceeding  
30 under this section shall immediately notify the permit holder  
31 of the suspension by personal service or certified mail on a  
32 form prescribed and published by the commissioner of public  
33 safety and the suspension shall become effective upon the  
34 permit holder's receipt of such notice. If the suspension is  
35 based on an arrest or a proceeding that does not result in a



1 disqualifying conviction or finding against the permit holder,  
2 the issuing officer shall immediately reinstate the permit upon  
3 receipt of proof of the matter's final disposition. If the  
4 arrest leads to a disqualifying conviction or the proceedings  
5 to a disqualifying finding, the issuing officer shall revoke  
6 the permit. The issuing officer may also revoke the permit of  
7 a person whom the issuing officer later finds was not qualified  
8 for such a permit at the time of issuance or who the officer  
9 finds provided materially false information on the permit  
10 application. A person aggrieved by a suspension or revocation  
11 under this section may seek review of the decision pursuant  
12 to section 724.21A.

13 The issuing officer may annually conduct a background check  
14 concerning a person issued a permit by obtaining criminal  
15 history data from the department of public safety.

16 Sec. 12. Section 724.15, Code 2009, is amended to read as  
17 follows:

18 **724.15 Annual permit to acquire pistols or revolvers.**

19 1. Any person who ~~acquires~~ desires to acquire ownership of  
20 any pistol or revolver shall first obtain an annual permit.  
21 An annual permit shall ~~not~~ be issued upon request to any  
22 ~~person resident of this state~~ unless the person is subject to  
23 any of the following:

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

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

27 ~~c. b.~~ Is addicted to the use of alcohol  
28 ~~or~~ a controlled substance.

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

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

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

34 c. Is subject to the provisions of section 724.26.

35 d. Is prohibited by federal law from shipping, transporting,

1 possessing, or receiving a firearm.

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

5 a. The person transferring the pistol or revolver and the  
6 person acquiring the pistol or revolver are licensed firearms  
7 dealers under federal law~~†~~.

8 b. The pistol or revolver acquired is an antique firearm, a  
9 collector's item, a device which is not designed or redesigned  
10 for use as a weapon, a device which is designed solely for use  
11 as a signaling, pyrotechnic, line-throwing, safety, or similar  
12 device, or a firearm which is unserviceable by reason of being  
13 unable to discharge a shot by means of an explosive and is  
14 incapable of being readily restored to a firing condition~~†~~.

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

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

19 e. The person transferring the pistol or revolver and the  
20 person acquiring the pistol or revolver are related to one  
21 another within the second degree of consanguinity or affinity  
22 unless the person transferring the pistol or revolver knows  
23 that the person acquiring the pistol or revolver would be  
24 ~~ineligible to obtain~~ disqualified from obtaining a permit.

25 3. The annual permit to acquire pistols or revolvers shall  
26 authorize the permit holder to acquire one or more pistols or  
27 revolvers during the period that the permit remains valid. If  
28 the issuing officer determines that the applicant has become  
29 disqualified under the provisions of subsection 1, the issuing  
30 officer may immediately ~~invalidate~~ revoke the permit and shall  
31 provide a written statement of the reasons for revocation, and  
32 the applicant shall have the right to appeal the revocation as  
33 provided in section 724.21A.

34 4. An issuing officer who finds that a person issued a  
35 permit to acquire pistols or revolvers under this chapter

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

23 Sec. 13. Section 724.17, Code 2009, is amended to read as  
24 follows:

25 **724.17 Application for annual permit to acquire — criminal**  
26 **history check required.**

27 The application for an annual permit to acquire pistols  
28 or revolvers may be made to the sheriff of the county of  
29 the applicant's residence and shall be on a form prescribed  
30 and published by the commissioner of public safety. The  
31 application shall ~~state~~ require only the full name of the  
32 applicant, the driver's license or nonoperator's identification  
33 card number of the applicant, the residence of the applicant,  
34 and the age date and place of birth of the applicant. The  
35 applicant shall also display an identification card that

1 bears a distinguishing number assigned to the cardholder,  
2 the full name, date of birth, sex, residence address, and  
3 brief description and colored photograph of the cardholder, or  
4 other identification as specified by rule of the department  
5 of public safety. The sheriff shall conduct a criminal  
6 history check concerning each applicant by obtaining criminal  
7 history data from the department of public safety which shall  
8 include an inquiry of the national instant criminal background  
9 system maintained by the federal bureau of investigation or  
10 any successor agency. ~~A person who knowingly makes a false~~  
11 ~~statement of material fact on the application commits a class~~  
12 ~~"D" felony.~~ A person who makes what the person knows to be a  
13 false statement of material fact on an application submitted  
14 under this section or who submits what the person knows to be  
15 any materially falsified or forged documentation in connection  
16 with such an application commits a class "D" felony.

17 Sec. 14. NEW SECTION. 724.21A Denial, suspension, or  
18 revocation of permit to carry weapons or permit to acquire  
19 pistols or revolvers.

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

30 2. The applicant or permit holder may file an appeal with  
31 an administrative law judge by filing a copy of the denial,  
32 suspension, or revocation notice with a written statement that  
33 clearly states the applicant's reasons rebutting the denial,  
34 suspension, or revocation along with a fee of ten dollars.  
35 Additional supporting information relevant to the proceedings

1 may also be included.

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

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

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

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

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

35 Sec. 15. 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. 16. 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. 17. NEW SECTION. 724.31 Persons subject to mental and  
34 substance abuse health-related orders or commitments — firearms  
35 — restoration of rights — reports.

1 1. A court order referred to in subsection 2 shall include  
2 information informing the person who is the subject of the  
3 order not to ship, possess, receive, or transport or cause the  
4 transport of firearms or ammunition. The clerk of the district  
5 court shall forward only such information as is necessary to  
6 identify a person subject to an order in subsection 2 to the  
7 department of public safety, which in turn shall forward the  
8 information to the federal bureau of investigation or its  
9 successor agency for the sole purpose of inclusion in the  
10 national instant criminal background check system database.

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

13 a. Orders commitment pursuant to section 125.84.

14 b. Orders commitment pursuant to section 222.31.

15 c. Orders commitment pursuant to section 229.14.

16 d. Finds a defendant incompetent to stand trial pursuant to  
17 section 812.5.

18 3. a. A person who is the subject of a court order listed  
19 in subsection 2 and who has been released from commitment may  
20 petition the court that issued the order or the court in the  
21 county where the person resides no earlier than two years from  
22 the date of the issuance of the order for relief from the  
23 disabilities imposed by 18 U.S.C. section 922(d)(4) and (g)(4).  
24 A copy of the petition shall also be served on the director of  
25 human services and the county attorney at the county attorney's  
26 office of the county in which the original order occurred, and  
27 the director or the county attorney may appear, support, object  
28 to, and present evidence relevant to the relief sought by the  
29 petitioner. A court considering a petition under this section  
30 shall receive evidence concerning all of the following:

31 (1) The circumstances surrounding the original issuance of  
32 the order in subsection 2.

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

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

35 (4) Any changes in the petitioner's condition or

1 circumstances since the issuance of the order in subsection 2  
2 that are relevant to the relief sought.

3     *b.* The court shall grant a petition filed pursuant to  
4 paragraph "a" if the court finds by a preponderance of the  
5 evidence that the petitioner will not be likely to act in a  
6 manner dangerous to the public safety and that the granting  
7 of the relief would not be contrary to the public interest.  
8 The petitioner may appeal a denial of the requested relief and  
9 the review shall be de novo. A person may file a petition  
10 for relief under this subsection not more than once every two  
11 years.

12     *c.* If a court issues an order granting a petition for  
13 relief under paragraph "b", the clerk of the district court  
14 shall immediately forward only such information as is necessary  
15 to identify a person granted relief to the department of  
16 public safety which, upon receipt, shall immediately forward  
17 such information as is necessary to the federal bureau of  
18 investigation or its successor agency to update the national  
19 instant criminal background check system database with the  
20 relief from disabilities.

21     Sec. 18. TRANSITION PROVISIONS. A permit issued under  
22 chapter 724 prior to January 1, 2011, remains effective and  
23 continues in effect as issued for the twelve-month period  
24 following its issuance. This Act does not preclude the permit  
25 holder from seeking to renew the permit under this Act prior to  
26 the expiration of the twelve-month period.

27     Sec. 19. EFFECTIVE DATE. This Act takes effect January 1,  
28 2011.