

Senate Study Bill 1251 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON SODDERS)

A BILL FOR

1 An Act relating to the possession, manufacture, acquisition,
2 and sale of firearms and suppressors, providing penalties,
3 and including effective date and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 724.1, subsection 1, paragraph h, Code
2 2015, is amended by striking the paragraph.

3 Sec. 2. NEW SECTION. **724.1A Firearm suppressors —**
4 **certification.**

5 1. As used in this section, unless the context otherwise
6 requires:

7 *a. "Certification"* means the participation and assent of
8 the chief law enforcement officer of the jurisdiction where the
9 applicant resides or maintains an address of record, that is
10 necessary under federal law for the approval of an application
11 to make or transfer a firearm suppressor.

12 *b. "Chief law enforcement officer"* means the county sheriff,
13 chief of police, or the designee of such official, that the
14 federal bureau of alcohol, tobacco, firearms and explosives,
15 or any successor agency, has identified by regulation or has
16 determined is otherwise eligible to provide any required
17 certification for making or transferring a firearm suppressor.

18 *c. "Firearm suppressor"* means a mechanical device
19 specifically constructed and designed so that when attached to
20 a firearm silences, muffles, or suppresses the sound when fired
21 that is considered a "*firearm silencer*" or "*firearm muffler*" as
22 defined in 18 U.S.C. §921.

23 2. *a.* A chief law enforcement officer is not required
24 to make any certification under this section the chief law
25 enforcement officer knows to be false, but the chief law
26 enforcement officer shall not refuse, based on a generalized
27 objection, to issue a certification to make or transfer a
28 firearm suppressor.

29 *b.* When the certification of the chief law enforcement
30 officer is required by federal law or regulation for making or
31 transferring a firearm suppressor, the chief law enforcement
32 officer shall, within thirty days of receipt of a request for
33 certification, issue such certification if the applicant is
34 not prohibited by law from making or transferring a firearm
35 suppressor or is not the subject of a proceeding that could

1 result in the applicant being prohibited by law from making
2 or transferring the firearm suppressor. If the chief law
3 enforcement officer does not issue a certification as required
4 by this section, the chief law enforcement officer shall
5 provide the applicant with a written notification of the denial
6 and the reason for the denial.

7 3. An applicant whose request for certification is denied
8 may appeal the decision of the chief law enforcement officer
9 to the district court for the county in which the applicant
10 resides or maintains an address of record. The court shall
11 review the decision of the chief law enforcement officer to
12 deny the certification de novo. If the court finds that the
13 applicant is not prohibited by law from making or transferring
14 the firearm suppressor, or is not the subject of a proceeding
15 that could result in such prohibition, or that no substantial
16 evidence supports the decision of the chief law enforcement
17 officer, the court shall order the chief law enforcement
18 officer to issue the certification and award court costs and
19 reasonable attorney fees to the applicant. If the court
20 determines the applicant is not eligible to be issued a
21 certification, the court shall award court costs and reasonable
22 attorney fees to the political subdivision of the state
23 representing the chief law enforcement officer.

24 4. In making a determination about whether to issue a
25 certification under subsection 2, a chief law enforcement
26 officer may conduct a criminal background check, but shall
27 only require the applicant provide as much information as is
28 necessary to identify the applicant for this purpose or to
29 determine the disposition of an arrest or proceeding relevant
30 to the eligibility of the applicant to lawfully possess or
31 receive a firearm suppressor. A chief law enforcement officer
32 shall not require access to or consent to inspect any private
33 premises as a condition of providing a certification under this
34 section.

35 5. A chief law enforcement officer and employees of the

1 chief law enforcement officer who act in good faith are immune
2 from liability arising from any act or omission in making a
3 certification as required by this section.

4 Sec. 3. NEW SECTION. **724.1B Firearm suppressors — penalty.**

5 1. A person shall not possess a firearm suppressor in this
6 state unless authorized by federal law.

7 2. A person who possesses a firearm suppressor in violation
8 of subsection 1 commits a class "D" felony.

9 Sec. 4. Section 724.4, subsection 4, paragraph i, Code 2015,
10 is amended to read as follows:

11 *i.* (1) A person who has in the person's immediate
12 possession and who displays to a peace officer on demand a
13 valid permit to carry weapons which has been issued to the
14 person, and whose conduct is within the limits of that permit.
15 A peace officer shall verify through electronic means, if
16 possible, the validity of the person's permit to carry weapons.

17 (2) A person commits a simple misdemeanor punishable as
18 a scheduled violation pursuant to section 805.8C, subsection
19 11, if the person does not have in the person's immediate
20 possession a valid permit to carry weapons which has been
21 issued to the person.

22 (3) A Except as provided subparagraph (2), a person shall
23 not be convicted of a violation of this section if the person
24 produces at the person's trial a permit to carry weapons which
25 was valid at the time of the alleged offense and which would
26 have brought the person's conduct within this exception if the
27 permit had been produced at the time of the alleged offense.

28 Sec. 5. Section 724.4B, subsection 2, paragraph a, Code
29 2015, is amended to read as follows:

30 *a.* A person listed under section 724.4, subsection 4,
31 paragraphs "b" through "f" or "j", or a certified peace officer
32 as specified in section 724.6, subsection 1.

33 Sec. 6. Section 724.5, Code 2015, is amended to read as
34 follows:

35 **724.5 Duty to carry or verify permit to carry weapons.**

1 1. A person armed with a revolver, pistol, or pocket billy
2 concealed upon the person shall have in the person's immediate
3 possession the permit provided for in section 724.4, subsection
4 4, paragraph "i", and shall produce the permit for inspection at
5 the request of a peace officer.

6 2. A peace officer shall verify through electronic means, if
7 possible, the validity of the person's permit to carry weapons.

8 3. Failure to so produce a permit is a simple misdemeanor,
9 punishable as a scheduled violation pursuant to section 805.8C,
10 subsection 12.

11 Sec. 7. Section 724.6, subsection 1, Code 2015, is amended
12 to read as follows:

13 1. A person may be issued a permit to carry weapons when
14 the person's employment in a private investigation business
15 or private security business licensed under chapter 80A, or a
16 person's employment as a peace officer, correctional officer,
17 security guard, bank messenger or other person transporting
18 property of a value requiring security, or in police work,
19 reasonably justifies that person going armed. The permit shall
20 be on a form prescribed and published by the commissioner of
21 public safety, shall identify the holder, and shall state
22 the nature of the employment requiring the holder to go
23 armed. A permit so issued, other than to a peace officer,
24 shall authorize the person to whom it is issued to go armed
25 anywhere in the state, only while engaged in the employment,
26 and while going to and from the place of the employment. A
27 permit issued to a certified peace officer shall authorize that
28 peace officer to go armed anywhere in the state, including a
29 school as provided in section 724.4B, at all times. Permits
30 shall expire twelve months after the date when issued except
31 that permits issued to peace officers and correctional officers
32 are valid through the officer's period of employment unless
33 otherwise canceled. When the employment is terminated, the
34 holder of the permit shall surrender it to the issuing officer
35 for cancellation.

1 Sec. 8. Section 724.7, subsection 1, Code 2015, is amended
2 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, if
5 applicable, and who files an application in accordance with
6 section 724.10 shall be issued a nonprofessional permit to
7 carry 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. 9. Section 724.9, Code 2015, is amended to read as
19 follows:

20 **724.9 Firearm training program.**

21 1. An applicant for an initial permit to carry weapons,
22 an applicant for a renewal permit under subsection 2, or an
23 applicant for renewal who applies outside the time periods
24 specified for a renewal in section 724.11, shall demonstrate
25 knowledge of firearm safety by any of the following means:

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

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

1 c. Completion of any handgun safety training course offered
2 for security guards, investigators, special deputies, or any
3 division or subdivision of a law enforcement or security
4 enforcement agency approved by the department of public safety.

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

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

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

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

19 2. a. Beginning with the first renewal of a permit
20 issued after the calendar year 2010, and alternating renewals
21 thereafter, training is not required unless the applicant
22 applies outside of the time periods specified for a renewal in
23 section 724.11.

24 b. Beginning with the second renewal of a permit issued
25 after the calendar year 2010, and alternating renewals
26 thereafter, an applicant is required to complete training and
27 shall qualify under either of the following:

28 (1) Any training option specified in subsection 1.

29 (2) On a firing range under the supervision of an instructor
30 certified by the national rifle association or the department
31 of public safety or another state's department of public
32 safety, state police department, or similar certifying body.

33 2. 3. Evidence If training or qualification is required
34 under this section, evidence of such training or qualification
35 ~~under this section~~ may be documented by any of the following:

1 *a.* A photocopy of a certificate of completion or any
2 similar document indicating completion of any course or
3 class identified in subsection 1 that was completed within
4 twenty-four months prior to the date of the application.

5 *b.* An affidavit from the instructor, school, organization,
6 or group that conducted or taught a course or class identified
7 in subsection 1 that was completed within twenty-four
8 months prior to the date of the application attesting to the
9 completion of the course or class by the applicant.

10 ~~*c.* A copy of any document indicating participation in any~~
11 ~~firearms shooting competition.~~

12 *c.* Possession of an honorable discharge or general discharge
13 under honorable conditions issued any time prior to the date of
14 the application for personnel released or retired from active
15 duty in the armed forces of the United States.

16 *d.* Possession of a certificate of completion of basic
17 training with a service record of successful completion of
18 small arms training and qualification issued prior to the
19 date of the application, or other official documentation
20 satisfactory to the issuing officer that was issued prior to
21 the date of the application for personnel on active duty or
22 serving in one of the national guard or reserve components of
23 the armed forces of the United States.

24 *e.* A qualification certificate, qualification card, or
25 affidavit from an instructor certified by the national rifle
26 association or the department of public safety or another
27 state's department of public safety, state police department,
28 or similar certifying body attesting that the applicant for
29 renewal has qualified on a firing range within twenty-four
30 months prior to the date of the application.

31 ~~3.~~ 4. An issuing officer shall not condition the issuance
32 of a permit on training requirements that are not specified in
33 or that exceed the requirements of this section.

34 5. The handgun safety training course required in
35 subsection 1 may be conducted over the internet in a live or

1 web-based format, if completion of the course is verified by
2 the instructor or provider of the course.

3 Sec. 10. Section 724.10, subsections 1 and 2, Code 2015, are
4 amended to read as follows:

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

19 b. If the applicant is not a United States citizen, the
20 application shall, in addition to the information specified in
21 paragraph "a", require the applicant's country of citizenship,
22 any alien or admission number issued by the United States
23 immigration and customs enforcement or any successor agency,
24 and, if applicable, the basis for any exception claimed
25 pursuant to 18 U.S.C. §922(y).

26 2. The issuing officer, upon receipt of an initial or
27 renewal application under this section, shall immediately
28 conduct a background check concerning each applicant by
29 obtaining criminal history data from the department of
30 public safety which shall include an inquiry of the national
31 instant criminal background check system maintained by the
32 federal bureau of investigation or any successor agency and
33 an immigration alien query through a database maintained by
34 the United States immigration and customs enforcement or any
35 successor agency if the applicant is not a United States

1 citizen.

2 Sec. 11. Section 724.11, subsections 1 and 3, Code 2015, are
3 amended to read as follows:

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

21 An applicant for renewal of a permit shall apply within
22 thirty days prior to the expiration of the permit or within
23 thirty days after the expiration of the permit; otherwise the
24 applicant shall be considered an applicant for an initial
25 permit under section 724.9, subsection 1.

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

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

9 Sec. 12. Section 724.11, Code 2015, is amended by adding the
10 following new subsection:

11 NEW SUBSECTION. 5. The initial or renewal permit shall
12 have a uniform appearance, size, and content prescribed and
13 published by the commissioner of public safety. The permit
14 shall contain the name of the permittee and the effective date
15 of the permit, but shall not contain the permittee's social
16 security number. Such a permit shall not be issued for a
17 particular weapon and shall not contain information about a
18 particular weapon including the make, model, or serial number
19 of the weapon, or any ammunition used in that weapon.

20 Sec. 13. Section 724.11A, Code 2015, is amended to read as
21 follows:

22 **724.11A Recognition.**

23 A valid permit or license issued by another state to any
24 nonresident of this state shall be considered to be a valid
25 permit or license to carry weapons issued pursuant to this
26 chapter, except that such permit or license shall not be
27 considered to be a substitute for ~~an annual~~ a permit to acquire
28 ~~pistols or revolvers~~ firearms issued pursuant to section
29 724.15.

30 Sec. 14. Section 724.15, Code 2015, is amended by striking
31 the section and inserting in lieu thereof the following:

32 **724.15 Optional permit to acquire firearms.**

33 1. It is the purpose of this section to provide for a permit
34 to acquire firearms that will satisfy the requirements of 18
35 U.S.C. §922(t)(3) to allow the holder of such a permit to

1 acquire firearms from a federally licensed firearms dealer. A
2 person is not required to obtain a permit to acquire firearms
3 under this section if the person possesses a valid permit to
4 carry weapons issued in accordance with this chapter or if the
5 person has otherwise completed a satisfactory national instant
6 criminal background check required pursuant to 18 U.S.C.
7 §922(t).

8 2. A person may obtain a permit to acquire firearms pursuant
9 to this section. However, a permit to acquire firearms
10 shall not be issued to a person who is subject to any of the
11 following:

12 a. Is under twenty-one years of age.

13 b. Is prohibited by section 724.26 or federal law from
14 possessing, shipping, transporting, or receiving a firearm.

15 c. Is prohibited by court order from possessing, shipping,
16 transporting, or receiving a firearm.

17 3. A permit to acquire firearms shall authorize the permit
18 holder to acquire one or more firearms, without limitation,
19 from a federally licensed firearms dealer during the period the
20 permit remains valid pursuant to section 724.20.

21 4. An issuing officer who finds that a person issued
22 a permit to acquire firearms under this chapter has been
23 arrested for a disqualifying offense or who is the subject of
24 proceedings that could lead to the person's ineligibility for
25 such permit may immediately suspend such permit. An issuing
26 officer proceeding under this subsection shall immediately
27 notify the permit holder of the suspension by personal service
28 or certified mail on a form prescribed and published by the
29 commissioner of public safety and the suspension shall become
30 effective upon the permit holder's receipt of such notice. If
31 the suspension is based on an arrest or a proceeding that does
32 not result in a disqualifying conviction or finding against
33 the permit holder, the issuing officer shall immediately
34 reinstate the permit upon receipt of proof of the matter's
35 final disposition. If the arrest leads to a disqualifying

1 conviction or the proceedings to a disqualifying finding, the
2 issuing officer shall revoke the permit. The issuing officer
3 may also revoke the permit of a person whom the issuing officer
4 later finds was not qualified for such a permit at the time of
5 issuance or who the officer finds provided materially false
6 information on the permit application. A person aggrieved by a
7 suspension or revocation under this subsection may seek review
8 of the decision pursuant to section 724.21A.

9 Sec. 15. Section 724.16, Code 2015, is amended by striking
10 the section and inserting in lieu thereof the following:

11 **724.16 Prohibited transfers of firearms.**

12 1. A person shall not transfer a firearm to another person
13 if the person knows or reasonably should know that the other
14 person is prohibited from receiving or possessing a firearm
15 under section 724.26 or federal law.

16 2. A person shall not loan or rent a firearm to another
17 person for temporary use during lawful activities if the person
18 knows or reasonably should know that the person is prohibited
19 from receiving or possessing a firearm under section 724.26 or
20 federal law.

21 3. A person who transfers, loans, or rents a firearm in
22 violation of this section commits a class "D" felony.

23 Sec. 16. Section 724.17, Code 2015, is amended to read as
24 follows:

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

27 1. The application for an ~~annual~~ a permit to acquire ~~pistols~~
28 ~~or revolvers~~ firearms may be made to the sheriff of the county
29 of the applicant's residence and shall be on a form prescribed
30 and published by the commissioner of public safety.

31 a. The If an applicant is a United States citizen, the
32 application shall require only the full name of the applicant,
33 the driver's license or nonoperator's identification card
34 number of the applicant, the residence of the applicant, and
35 the date and place of birth of the applicant.

1 b. If the applicant is not a United States citizen, the
2 application shall, in addition to the information specified in
3 paragraph "a", require the applicant's country of citizenship,
4 any alien or admission number issued by the United States
5 immigration and customs enforcement or any successor agency,
6 and, if applicable, the basis for any exception claimed
7 pursuant to 18 U.S.C. §922(y).

8 c. The applicant shall also display an identification card
9 that bears a distinguishing number assigned to the cardholder,
10 the full name, date of birth, sex, residence address, and brief
11 description and colored photograph of the cardholder, or other
12 identification as specified by rule of the department of public
13 safety.

14 2. The sheriff shall conduct a criminal history check
15 concerning each applicant by obtaining criminal history data
16 from the department of public safety which shall include an
17 inquiry of the national instant criminal background check
18 system maintained by the federal bureau of investigation or
19 any successor agency and an immigration alien query through
20 a database maintained by the United States immigration and
21 customs enforcement or any successor agency if the applicant
22 is not a United States citizen.

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

28 Sec. 17. Section 724.18, Code 2015, is amended by striking
29 the section and inserting in lieu thereof the following:

30 **724.18 Procedure for making application for permit to acquire**
31 **firearms.**

32 1. A person may personally request the sheriff to mail an
33 application for a permit to acquire firearms, and the sheriff
34 shall immediately forward such application to the person. The
35 person shall personally deliver such a completed application to

1 the sheriff. The permit to acquire firearms shall be issued
2 to the applicant within thirty days of the receipt of the
3 completed application, unless the applicant is disqualified
4 after a criminal history check and immigration alien query, if
5 applicable.

6 2. For the purposes of this section and section 724.19,
7 the date of application shall be the date on which the sheriff
8 receives the completed application.

9 Sec. 18. Section 724.19, Code 2015, is amended to read as
10 follows:

11 **724.19 Issuance of ~~annual~~ permit to acquire firearms.**

12 The ~~annual~~ permit to acquire ~~pistols or revolvers~~ firearms
13 shall be issued to the applicant ~~immediately upon completion~~
14 ~~of the application~~ within thirty days of the receipt of the
15 completed application, unless the applicant is disqualified
16 under the provisions of section 724.15 ~~and~~ or 724.17. The
17 permit shall be on a form have a uniform appearance, size, and
18 content prescribed and published by the commissioner of public
19 safety. The permit shall contain the name of the permittee,
20 ~~the residence of the permittee,~~ and the effective date of the
21 permit, but shall not contain the permittee's social security
22 number. Such a permit shall not be issued for a particular
23 weapon and shall not contain information about a particular
24 weapon including the make, model, or serial number of the
25 weapon, or any ammunition used in that weapon.

26 Sec. 19. Section 724.20, Code 2015, is amended to read as
27 follows:

28 **724.20 Validity of ~~annual~~ permit to acquire ~~pistols or~~**
29 **~~revolvers~~ firearms.**

30 The permit shall be valid throughout the state and shall
31 be ~~valid three days after the date of application and shall~~
32 ~~be invalid one year~~ five years after the date of application
33 issuance.

34 Sec. 20. Section 724.21, Code 2015, is amended to read as
35 follows:

1 **724.21 Giving false information when acquiring ~~weapon~~**
2 **firearms.**

3 A person who gives a false name or presents false
4 identification, or otherwise knowingly gives false material
5 information to one from whom the person seeks to acquire a
6 ~~pistol or revolver~~ firearm, commits a class "D" felony.

7 Sec. 21. Section 724.21A, subsections 1 and 7, Code 2015,
8 are amended to read as follows:

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

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

30 Sec. 22. Section 724.21A, Code 2015, is amended by adding
31 the following new subsection:

32 NEW SUBSECTION. 8. If an applicant appeals the decision
33 by the sheriff or commissioner to deny an application, or
34 suspend or revoke a permit to carry weapons or a permit to
35 acquire firearms, and it is later determined the applicant

1 is eligible to be issued or possess such a permit, the
2 applicant shall be awarded costs related to the administrative
3 proceeding and reasonable attorney fees if applicable. If the
4 decision of the sheriff or commission to deny the application,
5 or suspend or revoke the permit is upheld on appeal, the
6 political subdivision of the state representing the sheriff
7 or the commissioner shall be awarded costs related to the
8 administrative proceeding and reasonable attorney fees if
9 applicable.

10 Sec. 23. Section 724.22, subsection 5, Code 2015, is amended
11 to read as follows:

12 5. A parent or guardian or spouse who is twenty-one years of
13 age or older, of a person ~~fourteen years of age but less than~~
14 below the age of twenty-one may allow the person to possess a
15 pistol or revolver or the ammunition therefor for any lawful
16 purpose while under the direct supervision of the parent or
17 guardian or spouse who is twenty-one years of age or older, or
18 while the person receives instruction in the proper use thereof
19 from an instructor twenty-one years of age or older, with the
20 consent of such parent, guardian or spouse.

21 Sec. 24. Section 724.23, Code 2015, is amended to read as
22 follows:

23 **724.23 Records kept by commissioner and issuing officers.**

24 1. a. The commissioner of public safety shall maintain a
25 permanent record of all valid permits to carry weapons and of
26 current permit revocations.

27 b. The permanent record shall be kept in a searchable
28 database that is accessible on a statewide basis for the
29 circumstances described in subsection 2, paragraph "b", "c", or
30 "d".

31 2. a. Notwithstanding any other law or rule to the
32 contrary, the commissioner of public safety and any issuing
33 officer shall keep confidential personally identifiable
34 information of holders of permits to carry weapons and permits
35 to acquire firearms, including but not limited to the name,

1 social security number, date of birth, residential or business
2 address, and driver's license or other identification number of
3 the applicant or permit holder.

4 b. This subsection shall not prohibit the release of
5 statistical information relating to the issuance, denial,
6 revocation, or administration of nonprofessional permits to
7 carry weapons and permits to acquire firearms, provided that
8 the release of such information does not reveal the identity of
9 any individual permit holder.

10 c. This subsection shall not prohibit the release of
11 information to any law enforcement agency or any employee or
12 agent thereof when necessary for the purpose of investigating a
13 possible violation of law or when probable cause exists, or for
14 conducting a lawfully authorized background investigation.

15 d. This subsection shall not prohibit the release of
16 information relating to the validity of a professional permit
17 to carry weapons to an employer who requires an employee or an
18 agent of the employer to possess a professional permit to carry
19 weapons as part of the duties of the employee or agent.

20 e. Except as provided in paragraphs "b", "c", and "d", the
21 release of any confidential information under this section
22 shall require a court order or the consent of the person whose
23 personally identifiable information is the subject of the
24 information request.

25 Sec. 25. Section 724.27, subsection 1, unnumbered paragraph
26 1, Code 2015, is amended to read as follows:

27 The provisions of section 724.8, section 724.15, subsection
28 ± 2, and section 724.26 shall not apply to a person who is
29 eligible to have the person's civil rights regarding firearms
30 restored under section 914.7 if any of the following occur:

31 Sec. 26. NEW SECTION. 724.29A Fraudulent purchase of
32 firearms or ammunition.

33 1. For purposes of this section:

34 a. "Ammunition" means any cartridge, shell, or projectile
35 designed for use in a firearm.

1 *b. "Licensed firearms dealer"* means a person who is licensed
2 pursuant to 18 U.S.C. §923 to engage in the business of dealing
3 in firearms.

4 *c. "Materially false information"* means information that
5 portrays an illegal transaction as legal or a legal transaction
6 as illegal.

7 *d. "Private seller"* means a person who sells or offers for
8 sale any firearm or ammunition.

9 2. A person who knowingly solicits, persuades, encourages,
10 or entices a licensed firearms dealer or private seller of
11 firearms or ammunition to transfer a firearm or ammunition
12 under circumstances that the person knows would violate the
13 laws of this state or of the United States commits a class "D"
14 felony.

15 3. A person who knowingly provides materially false
16 information to a licensed firearms dealer or private seller of
17 firearms or ammunition with the intent to deceive the firearms
18 dealer or seller about the legality of a transfer of a firearm
19 or ammunition commits a class "D" felony.

20 4. Any person who willfully procures another to engage in
21 conduct prohibited by this section shall be held accountable
22 as a principal.

23 5. This section does not apply to a law enforcement officer
24 acting in the officer's official capacity or to a person acting
25 at the direction of such law enforcement officer.

26 Sec. 27. NEW SECTION. 724.32 Rules.

27 The department of public safety shall adopt rules pursuant
28 to chapter 17A to administer this chapter.

29 Sec. 28. Section 805.8C, Code 2015, is amended by adding the
30 following new subsections:

31 NEW SUBSECTION. 11. *Duty to possess permit to carry*
32 *weapons.* For violations of section 724.4, subsection 4,
33 paragraph "i", subparagraph (2), the scheduled fine is ten
34 dollars.

35 NEW SUBSECTION. 12. *Failure to produce permit to carry.* For

1 enactment.

2 The bill also creates in new Code section 724.1A, a process
3 whereby a person may apply to the chief law enforcement officer
4 of the jurisdiction where the person resides or maintains an
5 address of record for a certification to make or transfer a
6 firearm suppressor. The bill defines "firearm suppressor" to
7 mean a mechanical device specifically constructed and designed
8 so that when attached to a firearm silences, muffles, or
9 suppresses the sound when fired that is considered a "firearm
10 silencer" or "firearm muffler" as defined in 18 U.S.C. §921.

11 The bill specifies that a chief law enforcement officer
12 shall not refuse to provide certification, based on a
13 generalized objection, to an applicant making or transferring
14 a firearm suppressor. If a person applies for certification
15 to make or transfer a firearm suppressor with the chief
16 law enforcement officer, the bill requires the chief law
17 enforcement officer to issue the certification within 30
18 days of receiving such an application unless the applicant
19 is prohibited by law from making or transferring a firearm
20 suppressor or the applicant is the subject of a proceeding that
21 could result in the applicant being prohibited by law from
22 making or transferring a firearm suppressor. If the chief
23 law enforcement officer does not issue a certification under
24 the bill, the chief law enforcement officer shall provide the
25 applicant a written notification of the denial and the reason
26 for the denial. If the certification has been approved by the
27 chief law enforcement officer under the bill, the applicant
28 has the authority to make or transfer a firearm suppressor as
29 provided by state and federal law.

30 If the applicant's request for certification is denied,
31 the bill specifies that the applicant may appeal the decision
32 to the district court for the county in which the applicant
33 resides or maintains an address of record. The bill specifies
34 that the court shall review the decision of the chief law
35 enforcement officer to deny the certification de novo. If the

1 court finds that the applicant is not prohibited by law from
2 making or transferring a firearm suppressor, the bill requires
3 the court to order the chief law enforcement officer to issue
4 the certification and award court costs and reasonable attorney
5 fees to the applicant. If the court determines the applicant
6 is not eligible to be issued a certification, the bill requires
7 the court to award court costs and reasonable attorney fees to
8 the political subdivision of the state representing the chief
9 law enforcement officer.

10 In making a determination about whether to issue a
11 certification under the bill, a chief law enforcement officer
12 may conduct a criminal background check, but shall only require
13 the applicant to provide as much information as is necessary
14 to identify the applicant for this purpose or to determine
15 the disposition of an arrest or proceeding relevant to the
16 eligibility of the applicant to lawfully make or transfer a
17 firearm suppressor. The bill prohibits a chief law enforcement
18 officer from requiring access to any private premises as a
19 condition of providing a certification under this Code section.

20 A chief law enforcement officer and employees of the chief
21 law enforcement officer who act in good faith are immune
22 from liability arising from any act or omission in making a
23 certification under the bill.

24 The bill provides that a person shall not possess a firearm
25 suppressor unless authorized by federal law. A person who
26 violates this provision commits a class "D" felony.

27 The provisions relating to making or transferring a firearm
28 suppressor take effect upon enactment.

29 CARRYING WEAPONS. The bill provides that a person does not
30 commit the criminal offense of carrying weapons in violation of
31 Code section 724.4 if the person has in the person's immediate
32 possession and who displays to a peace officer on demand a
33 valid permit to carry weapons which has been issued to the
34 person, and whose conduct is within the limits of that permit.
35 The bill specifies that a peace officer shall verify through

1 electronic means, if possible, the validity of the person's
2 permit to carry weapons. Current law does not require the
3 permit to be in the person's immediate possession only that
4 the permit be in the person's possession. If a person, who
5 possesses a valid permit to carry weapons under the bill, fails
6 to carry such a permit in the immediate possession of the
7 person or fails to display the permit to a peace officer on
8 demand, a person commits a simple misdemeanor punishable by a
9 \$10 scheduled fine.

10 CARRYING WEAPONS ON SCHOOL GROUNDS. The bill provides
11 that a certified peace officer who possesses a professional
12 permit to carry weapons does not commit the criminal violation
13 of unlawfully carrying weapons on school grounds under Code
14 section 724.4B. Under current law, a peace officer while
15 acting within the official duties of the officer may possess a
16 weapon on school grounds. A person who commits the offense of
17 unlawfully carrying weapons on school grounds commits a class
18 "D" felony.

19 DUTY TO POSSESS PERMIT TO CARRY WEAPONS. The bill under
20 Code section 724.5 makes it a simple misdemeanor punishable by
21 a \$10 scheduled fine if a person armed with a revolver, pistol,
22 or pocket billy concealed upon the person does not possess
23 the permit to carry weapons in the immediate possession of
24 the person, and fails to produce such permit for inspection
25 upon the request of a peace officer. The bill specifies that
26 a peace officer shall verify through electronic means, if
27 possible, the validity of the person's permit to carry weapons.
28 Current law provides that if a person commits such a violation
29 the person commits a simple misdemeanor.

30 INITIAL PERMIT TO CARRY WEAPONS OR RENEWAL. Prior to issuing
31 any initial permit to carry weapons or any renewal permit,
32 the sheriff or commissioner under Code section 724.11 shall
33 determine if the requirements of Code sections 724.6, 724.7,
34 724.8, 724.9, and 724.10 have been met. Under Code section
35 724.10, an applicant who is a United States citizen is only

1 required to provide certain basic identifying documentation.
2 Under the bill, an applicant who is not a United States
3 citizen must provide additional information and is subject to
4 an immigration alien query through a database maintained by
5 the United States immigration and customs enforcement. All
6 applicants are subject to a criminal history background check.

7 The bill does not change the training or qualification
8 requirements for an initial application to carry weapons
9 under Code section 724.9(1), except that the training or
10 qualification must occur within 24 months prior to the date of
11 the application rather than within the 12-month period prior to
12 the application required under current law.

13 Any of the following firearm safety training courses are
14 acceptable under current law and the bill: the national rifle
15 association handgun safety training course; any handgun safety
16 training course available to the general public offered by a
17 law enforcement agency, community college, college, private or
18 public institution or organization, or firearms training school
19 utilizing certified instructors; a handgun safety training
20 course offered for security guards, investigators, special
21 deputies, or any division or subdivision of a law enforcement
22 or security enforcement agency approved by the department of
23 public safety; or small arms training while serving with the
24 armed forces of the United States.

25 The bill provides in Code section 724.9 that the handgun
26 safety training course required to obtain a permit to carry
27 under Code section 724.11 may be conducted over the internet in
28 a live or web-based format, as long as completion of the course
29 is verified by the instructor or provider of the course.

30 The bill provides that beginning with the first renewal
31 of a permit to carry weapons issued after the calendar year
32 2010, and alternating renewals thereafter, training under Code
33 section 724.9(1) is not required unless the renewal applicant
34 does not apply within 30 days prior to the expiration of the
35 permit or within 30 days after the expiration of the permit.

1 If the renewal applicant does not apply within 30 days prior
2 to the expiration of the permit or within 30 days after the
3 expiration of the permit the renewal applicant shall be subject
4 to the same training requirements as a person who initially
5 applies for a permit to carry weapons under Code section
6 724.9(1).

7 The bill provides that beginning with the second renewal
8 of a permit to carry weapons issued after the calendar year
9 2010, and alternating renewals thereafter, a renewal applicant
10 is required to complete training and shall qualify under
11 either of the following: the training requirements specified
12 in Code section 724.9(1), or on a firing range under the
13 supervision of an instructor certified by the national rifle
14 association or the department of public safety or another
15 state's department of public safety, state police department,
16 or similar certifying body.

17 The bill provides that an initial or renewal applicant
18 to carry weapons may evidence the training by providing the
19 following: a photocopy of a certificate of completion or any
20 similar document indicating completion of any course or class
21 identified in Code section 724.9(1) that was completed within
22 24 months prior to the date of the application; a photocopy of
23 a certificate of completion or any similar document indicating
24 completion of any course or class identified in Code section
25 724.9(1) that was completed within 24 months prior to the date
26 of the application; possession of an honorable discharge or
27 general discharge under honorable conditions issued any time
28 prior to the date of the application for personnel released
29 or retired from active duty in the armed forces of the United
30 States; possession of a certificate of completion of basic
31 training with a service record of successful completion of
32 small arms training and qualification issued prior to the
33 date of the application, or other official documentation
34 satisfactory to the issuing officer, for personnel on active
35 duty or serving in one of the national guard or reserve

1 components of the armed forces of the United States; or a
2 qualification certificate, qualification card, or affidavit
3 from an instructor certified by the national rifle association
4 or the department of public safety or another state's
5 department of public safety, state police department, or
6 similar certifying body attesting that the applicant for
7 renewal has qualified on a firing range within 24 months prior
8 to the date of the application.

9 The bill strikes a provision that allows an initial or
10 renewal applicant for a permit to carry weapons to evidence
11 the training by providing a copy of any document indicating
12 participation in a firearms shooting competition.

13 The bill specifies that the initial or renewal permit shall
14 have a uniform appearance, size, and content prescribed and
15 published by the commissioner of public safety. The bill
16 further specifies that the permit shall contain the name of
17 the permittee and the effective date of the permit, but shall
18 not contain the permittee's social security number. The bill
19 prohibits such a permit to be issued for a particular weapon or
20 to contain information about a particular weapon including the
21 make, model, or serial number of the weapon, or any ammunition
22 used in that weapon.

23 The bill does not increase or decrease the fee for a renewal
24 of a permit to carry weapons but does allow a renewal applicant
25 to pay the \$25 renewal application fee if the renewal applicant
26 applies within 30 days prior to the expiration of the permit
27 or within 30 days after such expiration. Current law requires
28 that in order to be assessed the \$25 renewal application fee,
29 the renewal applicant must apply at least 30 days prior to the
30 expiration of the permit to carry weapons.

31 PROHIBITED TRANSFERS OF FIREARMS. The bill strikes
32 the language of current Code section 724.16, relating to
33 transferring a pistol or revolver to a person without a
34 permit or acquiring a pistol or revolver without a permit and
35 substitutes language prohibiting the transfer of a firearm to

1 another person who does not possess a permit if the person
2 knows or reasonably should know the person is prohibited from
3 receiving or possessing a firearm under Code section 724.26
4 or federal law. The bill also provides that a person shall
5 not loan or rent a firearm to another person for temporary use
6 during lawful activities if the person knows or reasonably
7 should know the person is prohibited from receiving or
8 possessing a firearm under Code section 724.26 or federal
9 law. A person who violates this provision commits a class "D"
10 felony.

11 OPTIONAL PERMITS TO ACQUIRE AND PERMITS TO ACQUIRE FIREARMS.
12 Current law provides that any person who intends to purchase a
13 pistol or revolver is required to first obtain an annual permit
14 to acquire pistols or revolvers unless the person is otherwise
15 exempt from obtaining such a permit. The bill in Code section
16 724.15 eliminates this type of mandatory permit and provides
17 instead for an optional permit to acquire firearms in order to
18 satisfy the requirements of federal law allowing the holder of
19 such a permit to acquire firearms from a federally licensed
20 firearms dealer. A person is not required to obtain a permit
21 to acquire firearms to purchase firearms from a federally
22 licensed firearms dealer if the person possesses a valid permit
23 to carry weapons issued in accordance with Iowa law or if the
24 person has otherwise completed a satisfactory national instant
25 criminal background check required by federal law to purchase
26 firearms from a federally licensed firearms dealer.

27 Under the bill, a person who applies for an optional permit
28 to acquire firearms is not eligible for the permit if the
29 person is less than 21 years of age or is prohibited by Code
30 section 724.26 (felon in possession of a firearm), federal
31 law, or court order from possessing, shipping, transporting,
32 or receiving a firearm.

33 The bill in Code section 724.17 provides that an application
34 for a permit to acquire firearms is made to the sheriff of the
35 county of the applicant's residence. A person may request the

1 sheriff to mail a permit to acquire firearms under Code section
2 724.18, and the bill requires the sheriff to immediately
3 forward the application to the person. An applicant who is
4 a United States citizen is only required to provide certain
5 basic identifying documentation. An applicant who is not a
6 United States citizen must provide additional information and
7 is subject to an immigration alien query through a database
8 maintained by the United States immigration and customs
9 enforcement. All applicants are subject to a criminal history
10 background check. Corresponding amendments are made to Code
11 sections 724.11A and 724.21.

12 The bill under Code section 724.18 provides that the permit
13 to acquire shall be issued to the applicant within 30 days of
14 receiving the completed application unless the applicant is
15 disqualified after a criminal history check and immigration
16 alien query, if applicable. The bill provides under Code
17 section 724.19 that the permit shall have a uniform appearance,
18 size, and content, but shall not contain the permittee's
19 social security number. Such permits shall not be issued for
20 a particular weapon and shall not contain information about a
21 particular weapon including the make, model, or serial number
22 of the weapon, or any ammunition used in that weapon.

23 The bill in Code section 724.15 provides that the permit to
24 acquire firearms may be suspended or revoked by the issuing
25 officer and the aggrieved permit holder may file an appeal with
26 an administrative law judge.

27 Current law in Code section 724.17 provides that a person who
28 makes what the person knows to be a false statement of material
29 fact on an application for a permit to acquire firearms
30 or who submits what the person knows to be any materially
31 falsified or forged documentation in connection with such an
32 application commits a class "D" felony. Under the bill in Code
33 section 724.16 a person who transfers ownership of a firearm
34 to a person that the transferor knows is prohibited under
35 Code section 724.26 (felon in possession of a firearm) from

1 possessing, shipping, transporting, or receiving a firearm
2 commits a class "D" felony.

3 The bill makes a conforming change to Code section 724.27
4 relating to the restoration of firearms rights.

5 ISSUANCE OF OPTIONAL PERMIT TO ACQUIRE AND PERMIT TO
6 ACQUIRE. The bill provides in Code section 724.20 that an
7 optional permit to acquire a firearm shall be valid five years
8 from the date of the issuance of the permit. Current law
9 provides that a permit to acquire is valid three days after
10 the date of the application and becomes invalid one year
11 after the date of the application for the permit to acquire.
12 The bill specifies that the permit to acquire firearms shall
13 have a uniform appearance, size, and content prescribed and
14 published by the commissioner of public safety. The bill
15 further specifies that the permit shall contain the name of
16 the permittee and the effective date of permit, but shall not
17 contain the permittee's social security number.

18 DENIAL, SUSPENSION, OR REVOCATION — PERMIT TO CARRY
19 WEAPONS AND PERMIT TO ACQUIRE FIREARMS. If an applicant under
20 Code section 724.21A appeals the decision by the sheriff or
21 commissioner to deny an application, or suspend or revoke a
22 permit to carry weapons or a permit to acquire firearms, and
23 it is later determined the applicant is eligible to be issued
24 or possess such a permit, the bill provides that the applicant
25 shall be awarded any costs related to the administrative
26 hearing and reasonable attorney fees if applicable. However,
27 if the decision of the sheriff or commissioner to deny the
28 application, or suspend or revoke the permit is upheld on
29 appeal, the political subdivision of the state representing the
30 sheriff or the commissioner shall be awarded court costs and
31 reasonable attorney fees if applicable.

32 POSSESSION OF PISTOL, REVOLVER, OR AMMUNITION BY PERSONS
33 UNDER 14 YEARS OF AGE. Under the bill in Code section
34 724.22(5), a parent or guardian or spouse who is 21 years of
35 age or older, or an instructor 21 years of age or older with

1 the consent of the parent or guardian or spouse, may allow
2 a minor of any age to possess a pistol or revolver or the
3 ammunition therefor, which then may be lawfully used. Current
4 law prohibits a parent or guardian or spouse who is 21 years
5 of age or older from allowing a minor under 14 years of age
6 from possessing a pistol, revolver, or the ammunition. This
7 provision takes effect upon enactment.

8 Except for the circumstances under Code section 724.22(4)
9 (security personnel) or Code section 724.22(5), under current
10 law, a person who sells, loans, gives, or makes available a
11 pistol or revolver or ammunition for a pistol or revolver to a
12 person below the age of 21 commits a serious misdemeanor for a
13 first offense and a class "D" felony for second and subsequent
14 offenses.

15 PERMIT TO CARRY AND PERMIT TO ACQUIRE RECORDS —
16 CONFIDENTIALITY. Current law requires the commissioner of
17 public safety to maintain a permanent record of all valid
18 permits to carry weapons and of current permit revocations.

19 The bill provides in Code section 724.23 that,
20 notwithstanding any other law or rule to the contrary, the
21 commissioner of public safety and any issuing officer (county
22 sheriff) shall keep confidential personally identifiable
23 information of holders of permits to carry weapons and
24 permits to acquire firearms. The release of any confidential
25 information, except as otherwise provided in the bill, requires
26 a court order or the consent of the person whose personally
27 identifiable information is the subject of the information
28 request. The bill does not prohibit release of statistical
29 information relating to the issuance, denial, revocation, or
30 administration of nonprofessional permits to carry weapons and
31 permits to acquire firearms if such information does not reveal
32 the identity of any individual permit holder, the release
33 of information to a law enforcement agency investigating a
34 violation of law or where probable cause exists, the release
35 for purposes of conducting a background check, or the release

1 of information relating to the validity of a professional
2 permit to carry weapons to an employer who requires an employee
3 or an agent of the employer to possess a professional permit to
4 carry weapons as part of the duties of the employee or agent.
5 This provision applies to holders of nonprofessional permits to
6 carry weapons and permits to acquire firearms and to applicants
7 for nonprofessional permits to carry weapons and permits to
8 acquire firearms on or after the effective date of the bill.
9 This provision takes effect upon enactment.

10 FRAUDULENT PURCHASE OF FIREARMS OR AMMUNITION. The bill
11 provides that a person who knowingly solicits, persuades,
12 encourages, or entices a licensed firearms dealer or private
13 seller of firearms or ammunition to transfer a firearm or
14 ammunition under circumstances that the person knows would
15 violate the laws of this state or of the United States commits
16 a class "D" felony. A person who knowingly provides materially
17 false information to a licensed firearms dealer or private
18 seller of firearms or ammunition with the intent to deceive the
19 firearms dealer or seller about the legality of a transfer of a
20 firearm or ammunition commits a class "D" felony. Any person
21 who willfully procures another to engage in conduct prohibited
22 by this Code section shall be held accountable as a principal.

23 The Code section does not apply to a law enforcement officer
24 acting in the officer's official capacity or to a person acting
25 at the direction of such law enforcement officer.

26 This new Code section takes effect upon enactment.

27 RULES. The bill specifies that the department of public
28 safety shall adopt rules pursuant to Code chapter 17A to
29 administer Code chapter 724.