

MAR 2 1 2006
WAYS & MEANS CALENDAR

HOUSE FILE 2753
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 2688)
(SUCCESSOR TO HSB 721)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the issuance of permits to carry weapons.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HF 2753

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TL5B 5852HZ 81
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1 Section 1. Section 724.7, Code 2005, is amended to read as
2 follows:

3 724.7 NONPROFESSIONAL PERMIT TO CARRY WEAPONS.

4 Any person who can reasonably justify going armed may be
5 issued a nonprofessional permit to carry weapons. Such
6 permits shall be on a form prescribed and published by the
7 commissioner of public safety, which shall be readily
8 distinguishable from the professional permit, and shall
9 identify the holder thereof, and state the reason for the
10 issuance of the permit, and the limits of the authority
11 granted by such permit. All permits so issued shall be for a
12 ~~definite period as established by the issuing officer, but in~~
13 ~~no event shall exceed a period of twelve months~~ of three
14 years.

15 Sec. 2. Section 724.9, Code 2005, is amended to read as
16 follows:

17 724.9 ~~FIREARM~~ FIREARMS TRAINING PROGRAM PROGRAMS.

18 ~~A training program to qualify persons in the safe use of~~
19 ~~firearms shall be provided by the issuing officer of permits,~~
20 ~~as provided in section 724.11.~~

21 1. The commissioner of public safety shall establish
22 minimum standards for a training program designed to qualify
23 persons in the safe use of firearms and shall include a course
24 of instruction designed to qualify a person on a firing range.
25 The program shall include at a minimum an eight-hour course of
26 instruction. The course of instruction shall include the
27 following topics:

28 a. Firearms safety in the classroom, at home, on the
29 firing range, and while carrying the firearm.

30 b. A physical demonstration performed by the applicant
31 that demonstrates the applicant's ability to safely load and
32 unload a revolver and a semiautomatic pistol and the
33 applicant's marksmanship.

34 c. The basic principles of marksmanship.

35 d. The law relating to firearms pursuant to chapter 724.

1 e. The law relating to the justifiable use of force
2 pursuant to chapter 704.

3 f. A live fire test administered to the applicant while in
4 the presence of a qualified firearms safety instructor as
5 defined in section 724.9B of twenty rounds from a standing
6 position or its equivalent at a distance from a B-27
7 silhouette target, or an equivalent target, of seven yards.

8 2. The commissioner of public safety shall approve the
9 training program, and the county sheriff or the commissioner
10 of public safety conducting the training program within their
11 respective jurisdictions may contract with a private
12 organization or use the services of other agencies, or may use
13 a combination of the two, to provide such a training program
14 that meets the minimum standards specified in subsection 1.

15 Any person eligible to be issued a permit to carry weapons may
16 enroll in such course. A fee sufficient to cover the cost of
17 the program may be charged to each person attending.

18 Certificates of completion, on a form prescribed and published
19 by the commissioner of public safety, shall be issued by a
20 qualified firearms safety instructor subject to the

21 restrictions of section 724.9A to each person who successfully
22 completes the program. No A person shall not be issued either

23 a professional or nonprofessional permit unless the person has
24 received a certificate of completion or is a certified peace

25 officer. No A peace officer or correctional officer, except a
26 certified peace officer, shall not go armed with a pistol or

27 revolver unless the officer has received a certificate of
28 completion, provided that this requirement shall not apply to

29 ~~persons who are employed in this state as peace officers on~~
30 ~~January 17, 1978 until July 17, 1978, or~~ to peace officers of
31 other jurisdictions exercising their legal duties within this
32 state.

33 Sec. 3. NEW SECTION. 724.9A CERTIFICATE OF COMPLETION.

34 A qualified firearms safety instructor shall not issue a
35 certificate of completion to an applicant for a permit to

1 carry weapons who does any of the following:

2 1. Fails to follow the orders of the qualified firearms
3 safety instructor or the qualified firearms safety
4 instructor's designee.

5 2. Handles a firearm in a manner that, in the judgment of
6 the qualified firearms safety instructor, poses a danger to
7 the applicant or others.

8 3. During the live fire testing portion of the training
9 program, fails to hit the silhouette portion of the targets
10 with at least eighteen rounds.

11 Sec. 4. NEW SECTION. 724.9B QUALIFIED FIREARMS SAFETY
12 INSTRUCTOR.

13 A firearms safety instructor shall be considered to be a
14 qualified firearms safety instructor if the instructor has any
15 of the following qualifications:

16 1. Is a valid firearms safety instructor certified by the
17 national rifle association holding a rating as a personal
18 protection instructor or pistol marksmanship instructor.

19 2. Submits a photocopy of a certificate of completion of a
20 firearms safety instructor course offered by a local, state,
21 or federal governmental agency.

22 3. Submits a photocopy of a certificate of completion of a
23 firearms safety instructor course approved by the department
24 of public safety.

25 4. Has successfully completed a firearms safety instructor
26 course given by or under the supervision of any state, county,
27 municipal, or federal law enforcement agency.

28 5. Is a certified police officer firearms safety
29 instructor.

30 6. Is a certified law enforcement academy firearms safety
31 instructor.

32 Sec. 5. Section 724.11, Code 2005, 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 persons who are nonresidents of the state,
3 or whose need to go armed arises out of employment by the
4 state, shall be made to the commissioner of public safety. In
5 either case, the issuance of the permit shall be by and at the
6 discretion of the sheriff or commissioner, who shall, before
7 issuing the permit, determine that the requirements of
8 sections 724.6 to 724.10 have been satisfied. However, the
9 training program requirements in section 724.9 may shall be
10 waived for renewal permits. If the sheriff or the
11 commissioner restricts or denies an application for a permit
12 under this section, the sheriff or commissioner shall provide
13 a written statement of the reasons for the restriction or
14 denial.

15 2. The issuing officer shall collect a fee of ten thirty
16 dollars, except from a duly appointed peace officer or
17 correctional officer, for each permit issued. Renewal permits
18 or duplicate permits shall be issued for a fee of five
19 dollars. The issuing officer shall notify the commissioner of
20 public safety of the issuance of any permit at least monthly
21 and forward to the commissioner an amount equal to two dollars
22 for each permit issued and one dollar for each renewal or
23 duplicate permit issued. All such fees received by the
24 commissioner shall be paid to the treasurer of state and
25 deposited in the operating account of the department of public
26 safety to offset the cost of administering this chapter. Any
27 unspent balance as of June 30 of each year shall revert to the
28 general fund as provided by section 8.33.

29 Sec. 6. NEW SECTION. 724.11A RECIPROCITY.

30 A person possessing a valid out-of-state permit to carry a
31 weapon shall be entitled to the privileges and subject to the
32 restrictions prescribed by this chapter provided the state
33 that issued the license recognizes weapons permits issued in
34 Iowa.

35 Sec. 7. NEW SECTION. 724.13A IMMUNITY.

1 The sheriff or the commissioner of public safety shall not
2 be liable for damages in any civil action arising from the
3 alleged wrongful issuance, renewal, or failure to revoke a
4 permit to carry weapons provided that the sheriff or the
5 commissioner acted in good faith and without malice in
6 carrying out the sheriff's or the commissioner's official
7 duties.

8 Sec. 8. NEW SECTION. 724.21A HEARING ON RESTRICTION OR
9 DENIAL OF PERMIT TO CARRY WEAPONS.

10 1. In any case where the sheriff or the commissioner of
11 public safety restricts or denies an application for a permit
12 to carry weapons, the restricted or denied applicant shall
13 have the right to appeal the restriction or denial to the
14 commissioner of public safety within thirty days of receiving
15 written notice of the restriction or denial.

16 2. A restriction of or denial of an application for a
17 permit to carry weapons may be appealed by filing with the
18 commissioner of public safety a copy of the restriction or
19 denial and a written statement that clearly states the
20 applicant's reasons rebutting the restriction or denial along
21 with a fee of ten dollars. Additional information which may
22 be pertinent to the applicant's request for a permit should
23 also be included.

24 3. The commissioner of public safety shall grant an
25 aggrieved applicant an opportunity to be heard within forty-
26 five days of receipt of a request for an appeal. If the
27 sheriff is the issuing officer, the commissioner shall notify
28 the sheriff of the hearing and the sheriff shall participate
29 in the hearing. The hearing may be held by telephone
30 conference at the discretion of the commissioner of public
31 safety.

32 4. After the hearing, the commissioner of public safety
33 shall order that the denial of the application or the
34 restriction of the permit be either rescinded or sustained.
35 An applicant aggrieved by the final judgment of the

1 commissioner of public safety sustaining the restriction or
2 denial shall have the right to judicial review in accordance
3 with the terms of the Iowa administrative procedure Act,
4 chapter 17A.

5 Sec. 9. NEW SECTION. 724.21B ANNUAL REPORT -- APPEALS
6 UPON DENIAL.

7 The department shall submit a report annually no later than
8 January 31 to the members of the general assembly as provided
9 in section 7A.11 concerning appeals filed from restrictions or
10 denials of permits to carry weapons. The report shall include
11 but not be limited to the number of appeals filed and the
12 number of successful and unsuccessful appeals by county, and
13 the number of applications for, restrictions of, and denials
14 of permits to carry weapons by county.

15 EXPLANATION

16 This bill relates to the issuance of weapons permits.

17 The bill provides that a nonprofessional permit to carry
18 weapons shall be issued for a three-year period and changes
19 the fee for a permit to carry weapons from \$10 to \$30.
20 Current law allows the permit to be issued for a period
21 determined by the commissioner of public safety or the sheriff
22 not to exceed one year.

23 The bill provides that if the sheriff or commissioner
24 restricts or denies an application for a concealed weapons
25 permit, the sheriff or commissioner shall provide a written
26 statement of the reasons for the denial.

27 The bill amends current law relating to a firearms training
28 program. The bill provides that the commissioner of public
29 safety shall establish minimum firearms safety standards. The
30 bill specifies that the commissioner of public safety shall
31 establish certain minimum training standards relating to the
32 qualifications of persons in the safe use of firearms and
33 shall include a course of instruction designed to qualify a
34 person on a firing range.

35 The bill provides that a qualified firearms safety

1 instructor shall issue a certificate of completion to a person
2 who successfully completes the training program, including
3 certain specific requirements relating to live fire ammunition
4 testing on a firing range. The bill specifically provides
5 that a person who does not follow the orders of the qualified
6 firearms safety instructor, handles a firearm in a manner that
7 poses a danger to the applicant or others, or who, during the
8 live fire testing portion of the training program, fails to
9 hit the silhouette portion of the targets with at least 18
10 rounds, shall not be issued a certificate of completion.
11 Under the bill, an applicant for a permit to carry weapons
12 shall not be issued a permit to carry weapons unless the
13 applicant has received a certificate of completion or is a
14 certified peace officer.

15 The bill defines a qualified firearms safety instructor as
16 a person who meets any of the following qualifications:

- 17 1. Is a valid firearms safety instructor certified by the
18 national rifle association holding a rating as a personal
19 protection instructor or pistol marksmanship instructor.
- 20 2. Submits a photocopy of a certificate of completion of a
21 firearms safety instructor course offered by a local, state,
22 or federal governmental agency.
- 23 3. Submits a photocopy of a certificate of completion of a
24 firearms safety instructor course approved by the department
25 of public safety.
- 26 4. Has successfully completed a firearms safety instructor
27 course given by or under the supervision of any state, county,
28 municipal, or federal law enforcement agency.
- 29 5. Is a certified police officer firearms safety
30 instructor.
- 31 6. Is a certified law enforcement academy firearms safety
32 instructor.

33 The bill provides that a person possessing a valid out-of-
34 state permit to carry a weapon shall be entitled to the
35 privileges and subject to the restrictions prescribed by this

1 chapter provided that the state that issued the license
2 recognizes weapons permits issued in Iowa.

3 The bill provides that the sheriff or the commissioner of
4 public safety shall not be liable for damages in any civil
5 action arising from the alleged wrongful issuance, renewal, or
6 failure to revoke a permit to carry weapons provided that the
7 sheriff or commissioner acted in good faith and without malice
8 in carrying out the sheriff's or commissioner's official
9 duties.

10 The bill further provides a right of appeal in cases where
11 the sheriff or the commissioner of public safety restricts or
12 denies an application for a permit to carry weapons. The bill
13 provides that an applicant who has been issued a restricted
14 permit or who has been denied a permit to carry weapons shall,
15 within 30 days of receiving written notice of the restriction
16 or denial, file a copy of the restriction or denial along with
17 a written statement that states the applicant's reasons
18 rebutting the restriction or denial with a \$10 fee. The bill
19 provides that the commissioner of public safety shall grant an
20 aggrieved applicant an opportunity for a hearing within 45
21 days of receipt of a request for an appeal, and that the
22 hearing may be held by telephone conference. After the
23 hearing, the commissioner shall order that the restriction or
24 denial of the permit be either rescinded or sustained. An
25 aggrieved applicant shall have the right to judicial review in
26 accordance with the Iowa administrative procedure Act.

27 The bill further provides that the department of public
28 safety shall submit an annual report no later than January 31
29 to the members of the general assembly concerning appeals
30 filed from restrictions or denials of permits to carry
31 weapons, including the number of appeals filed, both
32 successfully and unsuccessfully, by county, and the number of
33 applications for, restrictions of, and denials of permits to
34 carry weapons by county.

35

HOUSE FILE 2753

H-8334

1 Amend House File 2753 as follows:

- 2 1. Page 4, by striking lines 33 and 34 and
3 inserting the following: "that issued the permit to
4 carry a weapon recognizes such permits issued in Iowa
5 and has weapons permit restrictions that are as strict
6 as the requirements of this state as determined by the
7 commissioner of public safety."
8 2. By renumbering as necessary.

By SHOULTZ of Black Hawk
HOGG of Linn

H-8334 FILED MARCH 21, 2006

HOUSE FILE 2753

H-8352

1 Amend House File 2753 as follows:

- 2 1. Page 4, by striking lines 33 and 34 and
3 inserting the following: "that issued the permit to
4 carry a weapon recognizes such permits issued in Iowa
5 and has weapons permit requirements that are as strict
6 as the requirements of this state as determined by the
7 commissioner of public safety."
8 2. By renumbering as necessary.

By SHOULTZ of Black Hawk
HOGG of Linn

H-8352 FILED MARCH 22, 2006

Fiscal Services Division
Legislative Services Agency
Fiscal Note

HF 2753 - Weapons Permits (LSB 5852 HZ)

Analyst: Jennifer Acton (Phone: [515] 281-7846) (jennifer.acton@legis.state.ia.us)

Fiscal Note Version - New

Description

House File 2753 relates to the issuance of weapons permits. The \$10 annual fee for a permit to carry a weapon is changed to a \$30, three-year permit. The Bill establishes an appeal process, which includes a \$10 fee. The Bill also provides that a valid out-of-State permit to carry a weapon issued by certain other States will be recognized as a valid permit in Iowa. The Bill requires the Department of Public Safety to submit an annual report no later than January 31 to the General Assembly, including appeals filed from denials of permits to carry weapons, the number of appeals filed by county, and the number of applications and denials of permits to carry weapons by county.

Background

The Department of Public Safety currently receives \$2 per new permit and \$1 per renewal permit. In calendar year 2004, there were 26,700 nonprofessional permits issued in Iowa. In FY 2005, the Department of Public Safety received \$30,000 in revenue from new and renewed permits.

Assumptions

1. The five-year average of new permits issued is 660, which would result in \$1,300 in revenue to the Department of Public Safety.
2. It is estimated that approximately 1,000 appeals per year may be heard. The \$10 appeal application fee will generate approximately \$10,000 in revenue to the General Fund annually.
3. The Bill does not address where the \$10 application fee is deposited. For purposes of this analysis, it is assumed to be deposited into the General Fund. It is unclear if the intent of the Bill is for the Department to keep the revenue to offset costs; although, the \$2 new permit fee and the \$1 renewal fee are retained by the Department and will continue to be used to offset costs of the current weapon permit program.
4. The appeals process for denials of applications established in the Bill will require the Department of Public Safety to hire 2.0 FTE positions (Executive Officer 1's) to hear and decide the appeals cases and 1.0 FTE position for a secretary. The time estimated to prepare for the hearing, hold the hearing, and issue a decision is 3.5 hours per appeal. The cost for hiring additional staff is estimated at \$177,000. (Included is \$16,500 in one-time costs.) The Bill does not provide an appropriation to offset these costs.
5. The Bill requires the Department to hold an appeal hearing within 45 days of the receipt of a request for an appeal. If this legislation is enacted, the Department plans to fill the required vacancies immediately in order to comply with the 45 day hearing requirement.

Fiscal Impact

In FY 2007, the Department of Public Safety will receive \$30,000 in new and renewal permit revenue (current level). In FY 2008 and FY 2009, the Department will have a revenue reduction of \$28,700 due to the change in the permit cycle from an annual permit to the three-year permit. The total estimated fiscal impact of HF 2753 is \$177,000 in FY 2007 and \$189,200 in FY 2008 and FY 2009. The revenue impact to the General Fund is approximately \$10,000 per year in additional revenue.

Overall Fiscal Impact of HF 2753

	FY 2007	FY 2008
Revenue to the General Fund		
General Fund Denial Hearing Application Fee	\$ 10,000	\$ 10,000
Expenditures		
Public Safety Personnel Expenses	\$ 177,000	\$ 160,500
Permit Revenue Reduction	0	28,700
	\$ 177,000	\$ 189,200

Sources

Department of Public Safety
Iowa Sheriffs and Deputies Association

/s/ Holly M. Lyons

March 28, 2006

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

Alans
Baudler
Shultz

Succeeded By
SF 02753

HSB 721
PUBLIC SAFETY

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON BAUDLER)

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the issuance of permits to carry weapons.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 724.6, subsection 1, Code 2005, is
2 amended to read as follows:

3 1. A person ~~may~~ shall be issued a permit to carry weapons
4 when the person's employment in a private investigation
5 business or private security business licensed under chapter
6 80A, or a person's employment as a peace officer, correctional
7 officer, security guard, bank messenger or other person
8 transporting property of a value requiring security, or in
9 police work, reasonably justifies that person going armed.
10 The permit shall be on a form prescribed and published by the
11 commissioner of public safety, shall identify the holder, and
12 shall state the nature of the employment requiring the holder
13 to go armed. A permit so issued, other than to a peace
14 officer, shall authorize the person to whom it is issued to go
15 armed anywhere in the state, only while engaged in the
16 employment, and while going to and from the place of the
17 employment. A permit issued to a certified peace officer
18 shall authorize that peace officer to go armed anywhere in the
19 state at all times. Permits shall expire twelve months after
20 the date when issued except that permits issued to peace
21 officers and correctional officers are valid through the
22 officer's period of employment unless otherwise canceled.
23 When the employment is terminated, the holder of the permit
24 shall surrender it to the ~~issuing-officer~~ commissioner of
25 public safety for cancellation.

26 Sec. 2. Section 724.7, Code 2005, is amended to read as
27 follows:

28 724.7 NONPROFESSIONAL PERMIT TO CARRY WEAPONS.

29 Any person who can reasonably justify going armed ~~may~~ shall
30 be issued a nonprofessional permit to carry weapons. Such
31 permits shall be on a form prescribed and published by the
32 commissioner of public safety, which shall be readily
33 distinguishable from the professional permit, and shall
34 identify the holder thereof, and state the reason for the
35 issuance of the permit, ~~and the limits of the authority~~

1 granted-by-such-permit. All permits so issued shall be for a
2 definite period as-established-by-the-issuing-officer,-but-in
3 no-event-shall-exceed-a-period-of-twelve-months of three
4 years.

5 Sec. 3. Section 724.8, subsection 5, Code 2005, is amended
6 to read as follows:

7 5. The ~~issuing-officer~~ commissioner of public safety
8 reasonably determines that the applicant does not constitute a
9 danger to any person.

10 Sec. 4. Section 724.9, Code 2005, is amended to read as
11 follows:

12 724.9 ~~FIREARM~~ FIREARMS TRAINING PROGRAM PROGRAMS.

13 ~~A-training-program-to-qualify-persons-in-the-safe-use-of~~
14 ~~firearms-shall-be-provided-by-the-issuing-officer-of-permits,~~
15 ~~as-provided-in-section-724.11.~~

16 1. The commissioner of public safety shall establish
17 minimum standards for a training program designed to qualify
18 persons in the safe use of firearms and shall include a course
19 of instruction designed to qualify a person on a firing range.
20 The program shall include at a minimum an eight-hour course of
21 instruction. The course of instruction shall include the
22 following topics:

23 a. Firearms safety in the classroom, at home, on the
24 firing range, and while carrying the firearm.

25 b. A physical demonstration performed by the applicant
26 that demonstrates the applicant's ability to safely load and
27 unload a revolver and a semiautomatic pistol and the
28 applicant's marksmanship.

29 c. The basic principles of marksmanship.

30 d. The law relating to firearms pursuant to chapter 724.

31 e. The law relating to the justifiable use of force
32 pursuant to chapter 704.

33 f. A live fire test administered to the applicant while in
34 the presence of a qualified firearms safety instructor as
35 defined in section 724.9B of twenty rounds from a standing

1 position or its equivalent at a distance from a B-27
2 silhouette target, or an equivalent target, of seven yards.

3 2. The commissioner of public safety ~~shall approve the~~
4 ~~training program, and the county sheriff or the commissioner~~
5 ~~of public safety conducting the training program within their~~
6 ~~respective jurisdictions~~ may contract with a private
7 organization or use the services of other agencies, or may use
8 a combination of the two, to provide such a training program
9 that meets the minimum standards specified in subsection 1.
10 Any person eligible to be issued a permit to carry weapons may
11 enroll in such course. A fee sufficient to cover the cost of
12 the program may be charged to each person attending.

13 Certificates of completion, ~~on a form prescribed and published~~
14 ~~by the commissioner of public safety,~~ shall be issued by a
15 qualified firearms safety instructor subject to the
16 restrictions of section 724.9A to each person who successfully
17 completes the program. No A person shall not be issued either
18 a professional or nonprofessional permit unless the person has
19 received a certificate of completion or is a certified peace
20 officer. No A peace officer or correctional officer, except a
21 certified peace officer, shall not go armed with a pistol or
22 revolver unless the officer has received a certificate of
23 completion, provided that this requirement shall not apply to
24 ~~persons who are employed in this state as peace officers on~~
25 ~~January 17, 1978 until July 17, 1978, or~~ to peace officers of
26 other jurisdictions exercising their legal duties within this
27 state.

28 Sec. 5. NEW SECTION. 724.9A CERTIFICATE OF COMPLETION.

29 A qualified firearms safety instructor shall not issue a
30 certificate of completion to an applicant for a permit to
31 carry weapons who fails to do any of the following:

32 1. Follow the orders of the qualified firearms safety
33 instructor or the qualified firearms safety instructor's
34 designee.

35 2. Handle a firearm in a manner that, in the judgment of

1 the qualified firearms safety instructor, poses a danger to
2 the applicant or others.

3 3. During the live fire testing portion of the training
4 program, fails to hit the silhouette portion of the targets
5 with at least fifteen rounds.

6 Sec. 6. NEW SECTION. 724.9B QUALIFIED FIREARMS SAFETY
7 INSTRUCTOR.

8 A firearms safety instructor shall be considered to be a
9 qualified firearms safety instructor if the instructor has any
10 of the following qualifications:

11 1. Is a valid firearms safety instructor certified by the
12 national rifle association holding a rating as a personal
13 protection instructor or pistol marksmanship instructor.

14 2. Submits a photocopy of a certificate of completion of a
15 firearms safety instructor course offered by a local, state,
16 or federal governmental agency.

17 3. Submits a photocopy of a certificate of completion of a
18 firearms safety instructor course approved by the department
19 of public safety.

20 4. Has successfully completed a firearms safety instructor
21 course given by or under the supervision of any state, county,
22 municipal, or federal law enforcement agency.

23 5. Is a certified police officer firearms safety
24 instructor.

25 6. Is a certified law enforcement academy firearms safety
26 instructor.

27 Sec. 7. Section 724.11, Code 2005, is amended to read as
28 follows:

29 724.11 ISSUANCE OF PERMIT TO CARRY WEAPONS.

30 Applications for permits to carry weapons shall be made to
31 ~~the-sheriff-of-the-county-in-which-the-applicant-resides-~~
32 ~~Applications-from-persons-who-are-nonresidents-of-the-state,~~
33 ~~or-whose-need-to-go-armed-arises-out-of-employment-by-the~~
34 ~~state,-shall-be-made-to~~ the commissioner of public safety. In
35 ~~either-case,-the~~ The issuance of the permit shall be by and-at

1 ~~the-discretion-of~~ the sheriff-or commissioner, who shall,
2 ~~before-issuing-the-permit,~~-determine-that issue the permit
3 after determining the requirements of sections 724.6 to 724.10
4 have been satisfied. However, the training program
5 requirements in section 724.9 ~~may~~ shall be waived for renewal
6 permits. The ~~issuing-officer~~ commissioner shall collect a fee
7 of ten thirty dollars, except from a duly appointed peace
8 officer or correctional officer, for each permit issued.
9 Renewal permits or duplicate permits shall be issued for a fee
10 of five dollars. The ~~issuing-officer-shall-notify-the~~
11 commissioner of public safety shall keep a monthly record of
12 the issuance of any permit ~~at-least-monthly-and-forward-to-the~~
13 ~~commissioner-an-amount-equal-to~~ and shall collect an
14 additional fee of two dollars for each permit issued and one
15 dollar for each renewal or duplicate permit issued. All such
16 fees received by the commissioner shall be paid to the
17 treasurer of state and deposited in the operating account of
18 the department of public safety to offset the cost of
19 administering this chapter. Any unspent balance as of June 30
20 of each year shall revert to the general fund as provided by
21 section 8.33.

22 Sec. 8. NEW SECTION. 724.11A RECIPROCITY.

23 A person possessing a valid out-of-state permit to carry a
24 weapon shall be entitled to the privileges and subject to the
25 restrictions prescribed by this chapter provided the state
26 that issued the license recognizes weapons permits issued in
27 Iowa.

28 Sec. 9. Section 724.13, Code 2005, is amended to read as
29 follows:

30 724.13 REVOCATION OF PERMIT TO CARRY WEAPONS.

31 The ~~issuing-officer~~ commissioner of public safety may
32 revoke any permit to carry weapons when the ~~officer~~
33 commissioner learns that any of the conditions required for
34 the issuance of that permit as stated in sections 724.6 to
35 724.10 have ceased to exist, or when the ~~officer~~ commissioner

1 learns that that permit was improperly issued. When the
2 ~~issuing-officer~~ commissioner revokes a permit, the officer
3 commissioner shall notify the permit holder of such revocation
4 on a form prescribed and published by the commissioner-of
5 ~~public-safety,-and-shall-forward-a-copy-of-the-form-to-the~~
6 commissioner-of-public-safety commissioner's office. From the
7 time the permit holder receives notice of revocation, the
8 permit shall cease to have any force or effect. Permit
9 revocations may be reviewed by writ of certiorari.

10 Sec. 10. NEW SECTION. 724.13A IMMUNITY.

11 The commissioner of public safety shall not be liable for
12 damages in any civil action arising from the alleged wrongful
13 issuance, renewal, or failure to revoke a permit to carry
14 weapons provided that the commissioner acted in good faith and
15 without malice in carrying out the commissioner's official
16 duties.

17 EXPLANATION

18 This bill relates to the issuance of weapons permits.
19 Current law provides that a county sheriff in the county in
20 which an applicant for a weapons permit resides, or the
21 commissioner of public safety if the applicant is a
22 nonresident of the state, has discretion in determining
23 whether or not to issue a concealed weapons permit to an
24 applicant after the sheriff or the commissioner determines the
25 applicant meets certain requirements. The bill eliminates
26 that discretion and provides that the commissioner of public
27 safety and not the sheriff of the county in which the
28 applicant for a permit to carry weapons resides shall issue a
29 permit to carry weapons upon determining that the requirements
30 have been satisfied. The bill provides that the training
31 program requirements shall be waived for renewal permits.

32 The bill changes the fee for a permit to carry weapons from
33 \$10 to \$30.

34 The bill provides that a nonprofessional permit to carry
35 weapons shall be issued for a three-year period. Current law

1 allows the permit to be issued for a period determined by the
2 commissioner of public safety or the sheriff not to exceed one
3 year.

4 The bill amends current law relating to a firearms training
5 program. The bill provides that the commissioner of public
6 safety shall establish minimum firearms safety standards. The
7 bill specifies that the commissioner of public safety shall
8 establish certain minimum training standards relating to the
9 qualifications of persons in the safe use of firearms and
10 shall include a course of instruction designed to qualify a
11 person on a firing range.

12 The bill provides that a qualified firearms safety
13 instructor shall issue a certificate of completion to a person
14 who successfully completes the training program, including
15 certain specific requirements relating to live fire ammunition
16 testing on a firing range. The bill specifically provides
17 that a person who does not follow the orders of the qualified
18 firearms safety instructor, handles a firearm in a manner that
19 poses a danger to the applicant or others, or who, during the
20 live fire testing portion of the training program, fails to
21 hit the silhouette portion of the targets with at least 15
22 rounds, shall not be issued a certificate of completion.
23 Under the bill, an applicant for a permit to carry weapons
24 shall not be issued a permit to carry weapons unless the
25 applicant has received a certificate of completion or is a
26 certified peace officer.

27 The bill defines a qualified firearms safety instructor as
28 a person who meets any of the following qualifications:

29 1. Is a valid firearms safety instructor certified by the
30 national rifle association holding a rating as a personal
31 protection instructor or pistol marksmanship instructor.

32 2. Submits a photocopy of a certificate of completion of a
33 firearms safety instructor course offered by a local, state,
34 or federal governmental agency.

35 3. Submits a photocopy of a certificate of completion of a

1 firearms safety instructor course approved by the department
2 of public safety.

3 4. Has successfully completed a firearms safety instructor
4 course given by or under the supervision of any state, county,
5 municipal, or federal law enforcement agency.

6 5. Is a certified police officer firearms safety
7 instructor.

8 6. Is a certified law enforcement academy firearms safety
9 instructor.

10 The bill provides that a person possessing a valid out-of-
11 state permit to carry a weapon shall be entitled to the
12 privileges and subject to the restrictions prescribed by this
13 chapter provided that the state that issued the license
14 recognizes weapons permits issued in Iowa.

15 The bill further provides that the commissioner of public
16 safety shall not be liable for damages in any civil action
17 arising from the alleged wrongful issuance, renewal, or
18 failure to revoke a permit to carry weapons provided that the
19 commissioner acted in good faith and without malice in
20 carrying out the commissioner's official duties.

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