

HOUSE FILE \_\_\_\_\_

BY SORENSON

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

### A BILL FOR

1 An Act relating to the carrying of weapons.

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

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1 Section 1. Section 80A.13, Code 2009, is amended to read  
2 as follows:

3 80A.13 CAMPUS WEAPON REQUIREMENTS.

4 An individual employed by a college or university, or by a  
5 private security business holding a contract with a college or  
6 university, who performs private security duties on a college  
7 or university campus and who carries a weapon while performing  
8 these duties shall meet all of the following requirements:

9 ~~1. File with the sheriff of the county in which the campus~~  
10 ~~is located evidence that the individual has successfully~~  
11 ~~completed an approved firearms training program under section~~  
12 ~~724.9. This requirement does not apply to armored car~~  
13 ~~personnel.~~

14 ~~2. Possess a permit to carry weapons issued by the sheriff~~  
15 ~~of the county in which the campus is located under sections~~  
16 ~~724.6 through 724.11. This requirement does not apply to~~  
17 ~~armored car personnel.~~

18 ~~3. File~~ file with the sheriff of the county in which the  
19 campus is located a sworn affidavit from the employer  
20 outlining the nature of the duties to be performed and  
21 justification of the need to go armed.

22 Sec. 2. Section 724.4, Code 2009, is amended to read as  
23 follows:

24 724.4 CARRYING WEAPONS.

25 1. ~~Except as otherwise provided in this section, a person~~  
26 ~~who goes armed with a dangerous weapon concealed on or about~~  
27 ~~the person, or who, within the limits of any city, goes armed~~  
28 ~~with a pistol or revolver, or any loaded firearm of any kind,~~  
29 ~~whether concealed or not, or who knowingly carries or~~  
30 ~~transports in a vehicle a pistol or revolver, commits an~~  
31 ~~aggravated misdemeanor.~~ A person who goes armed with a  
32 dangerous weapon with the intent to commit a crime of violence  
33 commits a class "D" felony. This subsection applies  
34 regardless of whether the dangerous weapon is concealed or not  
35 concealed on or about the person and regardless of whether the

1 dangerous weapon is transported in a vehicle. For purposes of  
2 this subsection, "crime of violence" means a felony which has,  
3 as an element of the offense, the use of physical force by one  
4 person against another person.

5 2. A person who goes armed with a knife concealed on or  
6 about the person, if the person uses the knife in the  
7 commission of a crime, commits an aggravated misdemeanor.

8 3. A person who goes armed with a knife concealed on or  
9 about the person, if the person does not use the knife in the  
10 commission of a crime:

11 a. If the knife has a blade exceeding eight inches in  
12 length, commits an aggravated misdemeanor.

13 b. If the knife has a blade exceeding five inches but not  
14 exceeding eight inches in length, commits a serious  
15 misdemeanor.

16 4. ~~Subsections 1 through 3 do~~ Subsection 3 does not apply  
17 to any of the following:

18 a. A person who goes armed with a dangerous weapon in the  
19 person's own dwelling or place of business, or on land owned  
20 or possessed by the person.

21 b. A peace officer, when the officer's duties require the  
22 person to carry such weapons.

23 ~~c. A member of the armed forces of the United States or of~~  
24 ~~the national guard or person in the service of the United~~  
25 ~~States, when the weapons are carried in connection with the~~  
26 ~~person's duties as such.~~

27 ~~d. A correctional officer, when the officer's duties~~  
28 ~~require, serving under the authority of the Iowa department of~~  
29 ~~corrections.~~

30 e. c. A person who for any lawful purpose carries an  
31 unloaded pistol, revolver, or other dangerous weapon inside a  
32 closed and fastened container or securely wrapped package  
33 which is too large to be concealed on the person.

34 ~~f. A person who for any lawful purpose carries or~~  
35 ~~transports an unloaded pistol or revolver in a vehicle inside~~

1 a-closed-and-fastened-container-or-securely-wrapped-package  
2 which-is-too-large-to-be-concealed-on-the-person-or-inside-a  
3 cargo-or-luggage-compartment-where-the-pistol-or-revolver-will  
4 not-be-readily-accessible-to-any-person-riding-in-the-vehicle  
5 or-common-carrier-

6 g--A-person-while-the-person-is-lawfully-engaged-in-target  
7 practice-on-a-range-designed-for-that-purpose-or-while  
8 actually-engaged-in-lawful-hunting-

9 h- d. A person who carries a knife used in hunting or  
10 fishing, while actually engaged in lawful hunting or fishing.

11 i--A-person-who-has-in-the-person's-possession-and-who  
12 displays-to-a-peace-officer-on-demand-a-valid-permit-to-carry  
13 weapons-which-has-been-issued-to-the-person,--and-whose-conduct  
14 is-within-the-limits-of-that-permit--A-person-shall-not-be  
15 convicted-of-a-violation-of-this-section-if-the-person  
16 produces-at-the-person's-trial-a-permit-to-carry-weapons-which  
17 was-valid-at-the-time-of-the-alleged-offense-and-which-would  
18 have-brought-the-person's-conduct-within-this-exception-if-the  
19 permit-had-been-produced-at-the-time-of-the-alleged-offense-

20 j- e. A law enforcement officer from another state when  
21 the officer's duties require the officer to carry the weapon  
22 and the officer is in this state for any of the following  
23 reasons:

24 (1) The extradition or other lawful removal of a prisoner  
25 from this state.

26 (2) Pursuit of a suspect in compliance with chapter 806.

27 (3) Activities in the capacity of a law enforcement  
28 officer with the knowledge and consent of the chief of police  
29 of the city or the sheriff of the county in which the  
30 activities occur or of the commissioner of public safety.

31 k- f. A person engaged in the business of transporting  
32 prisoners under a contract with the Iowa department of  
33 corrections or a county sheriff, a similar agency from another  
34 state, or the federal government.

35 Sec. 3. Section 724.4B, subsection 2, paragraph a, Code

1 2009, is amended to read as follows:

2 a. A person listed under section 724.4, subsection 4,  
3 paragraphs ~~paragraph~~ "b" through "~~f~~", "~~c~~", or "~~j~~" "~~e~~".

4 Sec. 4. Section 724.6, subsection 1, Code 2009, is amended  
5 to read as follows:

6 1. A person ~~may-be-issued-a-permit-to-carry-weapons-when~~  
7 ~~the-person's-employment~~ who is employed in a private  
8 investigation business or private security business licensed  
9 under chapter 80A, ~~or-a-person's-employment~~ as a peace  
10 officer, correctional officer, security guard, bank messenger  
11 or other person transporting property of a value requiring  
12 security, or in police work, whose employment reasonably  
13 justifies that person going armed, shall be issued a  
14 professional permit to carry weapons if the person applies for  
15 the permit and meets the requirements of sections 724.8  
16 through 724.10. The permit shall be on a form prescribed and  
17 published by the commissioner of public safety, shall identify  
18 the holder, and shall state the nature of the employment  
19 requiring the holder to go armed. A permit so issued, other  
20 than to a peace officer, shall authorize the person to whom it  
21 is issued to go armed anywhere in the state, ~~only~~ while  
22 engaged in the employment, and while going to and from the  
23 place of the employment. A permit issued to a certified peace  
24 officer shall authorize that peace officer to go armed  
25 anywhere in the state at all times. Permits shall expire  
26 ~~twelve-months~~ five years after the date when issued except  
27 that permits issued to peace officers and correctional  
28 officers are valid through the officer's period of employment  
29 unless otherwise canceled. When the employment is terminated,  
30 the holder of the permit shall surrender it to the issuing  
31 officer for cancellation.

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

34 724.7 NONPROFESSIONAL PERMIT TO CARRY WEAPONS.

35 Any person ~~who-can-reasonably-justify-going-armed-may not~~

1 otherwise prohibited from possessing or transporting a firearm  
2 and who meets the requirements in sections 724.8 through  
3 724.10 shall be issued a nonprofessional permit to carry  
4 weapons if the person applies for such permit. Such permits  
5 shall be on a form prescribed and published by the  
6 commissioner of public safety, which shall be readily  
7 distinguishable from the professional permit, and shall  
8 identify the holder thereof, and state the reason for the  
9 issuance of the permit,~~and the limits of the authority~~  
10 ~~granted by such permit.~~ All permits so issued shall be for a  
11 definite five-year period as established by the issuing  
12 ~~officer, but in no event shall exceed a period of twelve~~  
13 months.

14 Sec. 6. Section 724.8, subsection 5, Code 2009, is amended  
15 to read as follows:

16 5. ~~The issuing officer reasonably determines that the~~  
17 ~~applicant does not constitute a danger to any person~~ person is  
18 not otherwise prohibited by state or federal law from  
19 possessing or transporting a firearm.

20 Sec. 7. Section 724.9, Code 2009, is amended to read as  
21 follows:

22 724.9 FIREARM TRAINING PROGRAM.

23 A training program to qualify persons in the safe use of  
24 firearms shall be provided by the issuing officer of permits,  
25 as provided in section 724.11. ~~The commissioner of public~~  
26 ~~safety shall approve the training program, and the county~~  
27 ~~sheriff or the commissioner of public safety conducting the~~  
28 ~~training program within their respective jurisdictions may~~  
29 ~~shall contract with a private organization or use the services~~  
30 ~~of other agencies, or may use a combination of the two, a~~  
31 private individual or a professional organization who shall  
32 conduct the training consistent with the standards set forth  
33 by the national rifle association to provide such training.  
34 Any person eligible to be issued a permit to carry weapons may  
35 enroll in such course. A fee sufficient to cover the cost of

1 the program may be charged each person attending.  
2 Certificates of completion, on a form prescribed and published  
3 by the commissioner of public safety, shall be issued to each  
4 person who successfully completes the program. No A person  
5 shall not be issued either a professional or nonprofessional  
6 permit unless the person has received a certificate of  
7 completion or is a certified peace officer. No-peace-officer  
8 or-correctional-officer,-except-a-certified-peace-officer,-  
9 shall-go-armed-with-a-pistol-or-revolver-unless-the-officer  
10 has-received-a-certificate-of-completion,-provided-that-this  
11 requirement-shall-not-apply-to-persons-who-are-employed-in  
12 this-state-as-peace-officers-on-January-1,-1978-until-July-1,-  
13 1978,-or-to-peace-officers-of-other-jurisdictions-exercising  
14 their-legal-duties-within-this-state-

15 Sec. 8. Section 724.11, Code 2009, is amended to read as  
16 follows:

17 724.11 ISSUANCE OF PERMIT TO CARRY WEAPONS.

18 ~~Applications-for-permits~~ An application for a permit to  
19 carry weapons, if made, shall be made to the sheriff of the  
20 county in which the applicant resides. Applications from  
21 persons who are nonresidents of the state, or whose need to go  
22 armed arises out of employment by the state, shall be made to  
23 the commissioner of public safety. In either case, the  
24 issuance of the permit shall be by ~~and-at-the-discretion-of~~  
25 the sheriff or commissioner, who shall, before issuing the  
26 permit, determine that the requirements of sections ~~724.6-to~~  
27 724.8 through 724.10 have been satisfied and the person is not  
28 otherwise prohibited by state or federal law from possessing  
29 or transporting a firearm. ~~However,-the-training-program~~  
30 ~~requirements-in-section-724.9-may-be-waived-for-renewal~~  
31 ~~permits-~~ The issuing officer shall collect a fee of ten fifty  
32 dollars, except from a duly appointed peace officer or  
33 correctional officer, for each permit issued. Renewal permits  
34 or duplicate permits shall be issued for a fee of five  
35 dollars. The issuing officer shall notify the commissioner of

1 public safety of the issuance of any permit at least monthly  
2 and forward to the commissioner an amount equal to two dollars  
3 for each permit issued and one dollar for each renewal or  
4 duplicate permit issued. All such fees received by the  
5 commissioner shall be paid to the treasurer of state and  
6 deposited in the operating account of the department of public  
7 safety to offset the cost of administering this chapter. Any  
8 unspent balance as of June 30 of each year shall revert to the  
9 general fund as provided by section 8.33.

10 Sec. 9. Section 724.5, Code 2009, is repealed.

11 EXPLANATION

12 This bill relates to the carrying of weapons.

13 Current law provides that a person who goes armed with a  
14 dangerous weapon concealed on or about the person, or who,  
15 within the limits of any city, goes armed with a pistol or  
16 revolver, or any loaded firearm of any kind, whether concealed  
17 or not, or who knowingly carries or transports in a vehicle a  
18 pistol or revolver, commits an aggravated misdemeanor unless  
19 certain circumstances apply including if the person has in the  
20 person's possession a valid permit to carry weapons. The bill  
21 eliminates this provision and provides that a person who goes  
22 armed with a dangerous weapon with the intent to commit a  
23 crime of violence commits a class "D" felony regardless of  
24 whether the dangerous weapon is concealed or not concealed on  
25 or about the person and regardless of whether the dangerous  
26 weapon is transported in a vehicle. For purposes of the bill,  
27 "crime of violence" means a felony which has, as an element of  
28 the offense, the use of physical force by one person against  
29 another person. A class "D" felony is punishable by  
30 confinement for no more than five years and a fine of at least  
31 \$750 but not more than \$7,500.

32 The bill eliminates the requirement that a person,  
33 including a person employed in a certain occupation whose  
34 employment reasonably justifies that person going armed with a  
35 dangerous weapon, must have and carry a professional or



1 nonprofessional permit to carry a weapon and makes it optional  
2 to apply for and receive such permits. However, if a person  
3 applies for either permit, the issuing officer (sheriff or  
4 commissioner of public safety) shall issue the permit if  
5 certain requirements are met. Such permits shall be issued  
6 for a five-year period at a cost of \$50. If a person chooses  
7 to apply for a professional or nonprofessional permit to carry  
8 weapons, the person is required to complete a firearm training  
9 program conducted by a private individual or a professional  
10 organization who shall conduct the training consistent with  
11 the standards set forth by the national rifle association.

12 The bill also repeals Code section 724.5 relating to a  
13 person's duty to carry a weapons permit if the person goes  
14 armed with a revolver, pistol, or pocket billy concealed upon  
15 the person, currently a simple misdemeanor.

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