

SF 2379 of 2010 Frequently Asked Questions / Answers

QUESTION: When does SF 2379 become effective?

ANSWER: All sections of SF 2379 become effective January 1, 2011.

QUESTION: I currently have an Iowa nonprofessional permit to carry weapons issued during calendar year 2010. Will I be grandfathered in, and if so, will my permit become a five year permit?

ANSWER: Your current Iowa nonprofessional permit will be valid until the expiration date shown on the permit (unless revoked). All restrictions that appear on the current permit will remain valid. You also have the option to apply for a new unrestricted five-year permit after January 1, 2011, and before your current permit expires.

QUESTION: My current Iowa nonprofessional permit to carry weapons expires December 31, 2010. Will I be able to apply for a new five-year permit in late 2010 so that it becomes valid on January 1, 2011?

ANSWER: Possibly. The new law takes effect January 1, 2011, so a person renewing a current permit cannot be issued one of the new five year permits prior to that date. However, there is nothing that prohibits an issuing officer from accepting applications for permit renewal prior to the effective date of the new law as a means of preparing to implement the new law. Just as there is nothing to prohibit the acceptance of applications prior to January 1, 2011, there is also no requirement that an issuing officer accept applications. As such, some issuing officers may begin accepting renewal applications prior to January 1, 2011, perhaps in November 2010, if the new forms are ready. Under the new law, renewal applications must be submitted at least 30 days prior to the expiration of the current permit, so to be considered a renewal of a permit expiring Dec. 31, 2010, the renewal application would need to be submitted by Dec. 1, 2010.

If the forms are not ready, or the issuing officer of your jurisdiction does not accept applications prior to January 1, 2011, you could either: A) apply for the renewal of your annual permit* in 2010 so that the renewal would be made under the current law prior to January 1, 2011, (which may not be an option if the sheriff only issues permits on a calendar year basis under current law), or B) file an application for a new permit on or after January 1, 2011.

** Be aware that under current law, the issuing officer has the option to issue an Iowa nonprofessional permit to carry weapons for any amount of time up to 12 months; it does not have to be for a full year.*

NOTE: Be aware that if you hold a permit that expires sometime during January 2011, issues similar to those described above would be involved. If your issuing officer does not accept applications prior to January 1, 2011, a renewal application could not be made until Jan. 1, 2011, and in order to be considered a renewal application, it must be submitted at least 30 days prior to the expiration date of the current permit, and the issuing officer has 30 days to process the application, which means that renewal of the permit might not be approved until after the current permit expires.

QUESTION: Can my permit be restricted?

ANSWER: No. Permits issued after January 1, 2011, are valid statewide and cannot be further restricted by the issuing officer. All carry permits and permits to acquire pistols or revolvers are invalid when the permit holder is intoxicated. This is defined as any one of the following: 1) while under the influence of an alcoholic beverage or other drug or a combination of such substances, 2) while having an alcohol concentration of .08 or more, or 3) while any amount of a controlled substance is present in the person, as measured in the person's blood or urine.

QUESTION: How long is my permit valid?

ANSWER: Nonprofessional permits to carry will be valid for five years from the date of issue (unless revoked). Professional permits to carry will remain valid for one year from the date of issuance (unless revoked).

QUESTION: Under the new law, do I have to carry my handgun concealed?

ANSWER: Iowa law has not changed in this regard. You may carry concealed or you may carry openly; however, most permit holders carry concealed to avoid making it obvious that the person is armed, thus avoiding unnecessary attention, concern, or alarm.

QUESTION: Can I carry other weapons besides my handgun?

ANSWER: Iowa law has not changed in this regard. An Iowa carry permit still allows for the concealed or open carrying of handguns, rifles, and shotguns, excluding those classified by Iowa law as offensive weapons (federal NFA or Class 3). An Iowa carry permit also allows the concealed carrying of other non-firearm dangerous weapons such as knives with blades in excess of five inches, switchblade knives, Tasers/stun guns, or any other dangerous weapon. NOTE: *Non-firearm dangerous weapons may be carried openly without a permit. Non-firearm dangerous weapons may also be regulated by local ordinance that is more stringent than Iowa law.*

QUESTION: Does my Iowa permit to carry allow me to have a loaded firearm anywhere in my vehicle?

ANSWER: Yes.

QUESTION: If I am stopped by a law enforcement officer in Iowa, am I required to declare that I am carrying a loaded firearm?

ANSWER: No, but it is really good idea. Iowa law does not require such a declaration; however, as a safety measure for both the permit holder and the officer, making such a declaration voluntarily is recommended and encouraged.

QUESTION: Will my Iowa driver's license be flagged to indicate that I have an Iowa permit to carry?

ANSWER: No. Iowa law does not provide for this.

QUESTION: Is fingerprint submission a required element of the application process?

ANSWER: There is no change to Iowa law regarding the submission of fingerprints (the Iowa Code is silent on the topic). Fingerprint submission is neither required, nor prohibited. An issuing officer who does not generally require fingerprints might wish to do so to clear up matters of identity. Fingerprints might also help to accelerate the process of an appeal to the FBI of a denial based on a NICS check.

QUESTION: I live in another state. Can I get an Iowa nonprofessional permit to carry weapons?

ANSWER: No. Iowa nonprofessional permits to carry weapons will only be issued to qualified Iowa residents. Nonresidents will still be able to apply for professional permits to carry weapons if needed for employment related reasons.

QUESTION: I live in another state. Will Iowa honor my concealed weapon permit issued in another state?

ANSWER: Iowa will honor any valid carry permit issued by any other state and will grant all privileges to such permit holders as those granted to Iowa residents including the concealed or open carrying of a firearm (excluding those classified by Iowa law as offensive weapons (federal NFA or Class 3)) and the concealed carrying of other non-firearm dangerous weapons such as knives with blades in excess of five inches, switchblade knives, Tasers/stun guns, or any other dangerous weapon. Non-firearm dangerous weapons may be carried openly without a permit. Non-firearm dangerous weapons may also be regulated by local ordinance that is more stringent than Iowa law. You do not have to be a resident of the state from which your permit was issued. However, an Iowa resident may only carry with an Iowa issued permit.

QUESTION: My state requires a reciprocity agreement before it can recognize an out-of-state permit. Will Iowa enter into such a reciprocity agreement?

ANSWER: No. Iowa law does not provide for entering into reciprocity agreements with states that require them. Iowa will honor any valid permit issued in any other state.

QUESTION: Will Iowa publish a list of states whose permits will be honored, and will Iowa publish a list of states that will honor the Iowa permit?

ANSWER: No. Iowa will honor any valid permit issued by any other state. Iowa permit holders will need to check with other states to determine if their Iowa permit will be honored in that state.

QUESTION: What are the training requirements for a new Iowa professional or nonprofessional permit to carry weapons?

ANSWER:

- Completion of any National Rifle Association (NRA) handgun safety training course.
 - Completion of any handgun safety training course available to the general public offered by a law enforcement agency, community college, college, private or public institution or organization, or firearms training school, utilizing instructors certified by the National Rifle Association or certain other firearms training certifying bodies (such as the Iowa Law Enforcement Academy).
 - Completion of any handgun safety training course offered for security guards, investigators, special deputies, or any division or subdivision of a law enforcement or security enforcement agency approved by the Iowa Department of Public Safety.
 - Completion of small arms training while serving with the armed forces of the United States as evidenced by any of the following:
 - For personnel released or retired from active duty, possession of an honorable discharge or general discharge under honorable conditions.
 - For personnel on active duty or serving in one of the national guard or reserve components of the armed forces of the United States, possession of a certificate of completion of basic training with a service record of successful completion of small arms training and qualification.
 - Completion of a law enforcement agency firearms training course that qualifies a peace officer to carry a firearm in the normal course of the peace officer's duties.
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QUESTION: Is range qualification a part of the mandatory training requirements for a new Iowa professional or nonprofessional permit to carry weapons?

ANSWER: No. Range qualification may be part of a training program identified above; however, range qualification is not a mandatory element of training for initial issuance of a permit.

QUESTION: What documentation of training is acceptable for the application for a new Iowa professional or nonprofessional permit to carry weapons? Can I still use the Iowa firearms safety training program Form WP-0?

ANSWER: As of January 1, 2011, Iowa law will no longer authorize the Iowa Department of Public Safety to publish the Form WP-0; it will no longer be valid and usable after January 1, 2011. The following documentation will be acceptable:

- A photocopy of a certificate of completion or any similar document indicating completion of any course or class identified above.
 - An affidavit from the instructor, school, organization, or group that conducted or taught a course or class identified above attesting to the completion of the course or class by the applicant.
 - A photocopy of DD Form 214 or other documentation showing honorable or general discharge under honorable conditions from military service.
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QUESTION: Can there be additional training requirements imposed by the Iowa Department of Public Safety or a Sheriff's Office for a new or renewal Iowa professional or nonprofessional permit to carry weapons?

ANSWER: An issuing officer cannot impose additional training requirements in excess of those identified in SF 2379.

QUESTION: Will I have to identify the firearms and/or other dangerous weapons that I will be carrying under the authority of my Iowa permit to carry?

ANSWER: No. The identification of specific weapons or ammunition to be carried under the authority of the permit is not allowed.

QUESTION: What are the training requirements for the renewal of an Iowa professional or nonprofessional permit to carry weapons?

ANSWER: For renewal of a permit, the training program requirements for a new Iowa professional or nonprofessional permit to carry weapons shall apply or the renewal applicant may choose to qualify on a firing range under the supervision of an instructor certified by the National Rifle Association or certain other firearms training certifying bodies (such as the Iowa Law Enforcement Academy). Such training or qualification must occur within the twelve-month period prior to the expiration of the applicant's current permit.

QUESTION: If my most recent Iowa permit to carry expired two months ago, will my permit application be considered an application for a new permit or for a renewal?

ANSWER: There is a requirement that an application for the renewal of a current permit must be received by the issuing officer at least thirty days prior to the expiration date of the current permit to be eligible for the statutory \$25.00 renewal fee. Otherwise, the statutory permit issuance fee will be \$50.00. The same application form and background check requirements will apply to both new and renewal applications.

QUESTION: I am an Iowa resident and work as a private security officer and currently have an Iowa professional permit to carry weapons so that I can carry while working. Will I still have to obtain an annual Iowa professional permit to carry or can I use my Iowa nonprofessional permit to carry weapons to carry while working?

ANSWER: The Iowa law allows the use of a nonprofessional permit to carry weapons while working at a job in Iowa that requires the carrying of weapons. However, the employer may require an Iowa professional permit to carry as a condition of employment.

QUESTION: I am not an Iowa resident. I work as a private security officer in Iowa and currently have an Iowa professional permit to carry weapons so that I can carry while working. Will I still have to obtain an annual Iowa professional permit to carry or can I use a carry permit issued by another state to carry while working?

ANSWER: The Iowa law will continue to provide for the use of a nonresident professional permit to carry weapons while working at a job in Iowa that required the carrying of weapons, and beginning January 1, 2011, Iowa will recognize a valid carry permit issued by another state, so a valid carry permit issued by another state could be used by a nonresident who works as a private security officer in Iowa. However, the employer may require an Iowa professional permit to carry as a condition of employment.

QUESTION: Can the owner of private property (to include businesses/employers) regulate the carrying of weapons on their private property?

ANSWER: The topic of firearms restrictions on private property and in the workplace is not addressed in Iowa firearms law.

QUESTION: When will administrative rules be available?

ANSWER: Work will begin in the near future so that administrative rules will be in place by January 1, 2011, however, any such rules will be adopted within the limits of rulemaking authority granted to the Iowa Department of Public Safety. There are numerous sections of the new law that will stand alone, as written, and DPS does not have authority to provide additional clarifications or other guidance by rule, except as specifically authorized in Iowa Code Chapter 724.

QUESTION: When and where will the new application forms be available?

ANSWER: Work will begin in the near future so that forms can be revised, printed and distributed to issuing officers by November. Application forms will also be made available on the Iowa Department of Public Safety web site.

QUESTION: Will Iowa be issuing a wallet sized card or plastic card?

ANSWER: Current administrative rules allow for the issuance of a wallet sized nonprofessional permit to carry for those sheriffs' offices that choose to do so. At present, it is anticipated that this optional practice will continue to be authorized by DPS rule.

QUESTION: Do any of the requirements of SF 2379 impact or otherwise change the provisions of the Law Enforcement Officers Safety Act of 2004 (LEOSA) regarding the carrying of concealed firearms by qualified law enforcement officers, qualified reserve law enforcement officers or qualified retired law enforcement officers?

ANSWER: No. SF 2379 does not address any element of LEOSA; the current requirements and procedures remain the same (e.g., firearms only, must be concealed, ID not valid as permit to acquire, etc.).

QUESTION: If I am denied a permit and wish to appeal the denial, how would I do that?

ANSWER: Applicants who are denied have different options available for an appeal, but the appeal options available depend on the reason for the denial. Given the complexity of this topic, it will be addressed in a separate FAQ to be released at a later date.