

Iowa Right to Carry Reform Bill

724.4C. Possession or carrying of weapons while intoxicated. [New Section]

1. Except as provided in this section, a person under the influence of alcohol or an illegally used or possessed controlled substance who carries a loaded firearm on his person, or within his immediate access and control while in a vehicle, commits a simple misdemeanor.
2. If a person arrested under this section has a permit to carry weapons issued pursuant to section 724.6 or 724.7, the issuing officer may suspend such permit pursuant to section 724.13.
3. This section shall not apply if the person is going armed while in the person's own dwelling or place of business or on land owned or possessed by the person.

724.7 Nonprofessional permit to carry weapons.

Any person who ~~can reasonably justify going armed~~ meets the criteria of section 724.8 and the training requirements of section 724.9 and who files an application in accordance with 724.10 ~~may~~ shall be issued a nonprofessional permit to carry weapons. Such permits shall be on a form prescribed and published by the commissioner of public safety, which shall be readily distinguishable from the professional permit, and shall identify the holder thereof, ~~and state the reason for the issuance of the permit, and the limits of the authority granted by such permit.~~ All permits so issued shall be for ~~a definite period as established by the issuing officer, but in no event shall exceed a period of twelve months~~ five years and shall be valid throughout the state, except where the possession or carrying of a firearm is prohibited by federal or state law.

724.8 Persons eligible for permit to carry weapons.

No person shall be issued a professional or nonprofessional permit to carry weapons unless the person:

1. ~~The person is eighteen~~ Is twenty-one years of age or older.
2. ~~The person has never been convicted of a felony.~~
3. ~~The person is not addicted to the use of alcohol or any controlled substance.~~
4. ~~2. The person has~~ Has no history of repeated acts of violence resulting in:
 - a. an arrest;
 - b. a prosecution; or
 - c. a written finding by any agency of a state or the United States issued after an investigation and sustaining an allegation of abuse or violence against another person.
5. ~~The issuing officer reasonably determines that the applicant does not constitute a danger to any person.~~
6. ~~3. The person has~~ Has never been convicted of any crime defined in chapter 708, except "assault" as defined in section 708.1 and "harassment" as defined in section 708.7.
4. Has never been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, as defined in 18 U.S.C. 921(a)(20).
5. Is not a fugitive from justice, as defined in 18 U.S.C. 921(a)(15).

6. Is not an unlawful user of or addicted to any controlled substance.
7. Has not been adjudicated a mental defective or committed to a mental institution, as those terms are defined in 27 CFR 478.11.
8. Is not an alien, as defined in 18 U.S.C. 922(g)(5).
9. Has not been dishonorably discharged from the Armed Forces.
10. Has not renounced his or her United States citizenship.
11. Is not subject to a restraining order, as defined in 18 U.S.C. 922(g)(8).
12. Has not been convicted of a misdemeanor crime of domestic violence, as defined in 18 U.S.C. 921(a)(33).
13. Is not under indictment for crime punishable for a term of more than one year, as defined in 18 U.S.C. 921(a)(20).

724.9 Firearm training program.

~~A training program to qualify persons in the safe use of firearms shall be provided by the issuing officer of permits, as provided in section 724.11. The commissioner of public safety shall approve the training program and the county sheriff or the commissioner of public safety conducting the training program within their respective jurisdictions may contract with a private organization or use the services of other agencies, or may use a combination of the two, to provide such training. Any person eligible to be issued a permit to carry weapons may enroll in such course. A fee sufficient to cover the cost the program may be charged each person attending. Certificates of completion, on a form prescribed and published by the commissioner of public safety, shall be issued to each person who successfully completes the program. No person shall be issued either a professional or nonprofessional permit unless the person has received a certificate of completion or is a certified peace officer. No peace officer or correctional officer, except a certified peace officer, shall go armed with a pistol or revolver unless the officer has received a certificate of completion, provided that this requirement shall not apply to persons who are employed in this state as peace officers on January 1, 1978 until July 1, 1978, or to peace officers of other jurisdictions exercising their legal duties within this state.~~

An applicant shall demonstrate competence with a handgun by any one of the following, but no applicant shall be required to submit to any additional demonstration of competence, nor shall any proof of demonstrated competence expire:

1. Completing any National Rifle Association firearms safety or firearms training course;
2. Completing any firearms safety or firearms training course or class offered to the general public by a law-enforcement agency, junior college, college, or private or public institution or organization or by a firearms training school utilizing instructors certified by the National Rifle Association or the Department of Public Safety;
3. Completing any law-enforcement firearms safety or firearms training course or class offered for security guards, investigators, special deputies, or any division or subdivision of law enforcement or security enforcement;

4. Presenting evidence of equivalent experience with a firearm through participation in an organized shooting competition;

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

(i) For personnel released or retired from active duty, possession of an "Honorable Discharge" or "General Discharge Under Honorable Conditions" as evidenced by a Department of Defense Form 214 (DD-214) or any successor to such form.

(ii) For personnel on active duty or serving in one of the National Guard or reserve components of the Armed Forces, possession of certification of completion of basic training with service record evidence of having successfully completed small arms training and qualification.

6. Obtaining or previously having held a license to carry a firearm in Iowa or a locality thereof, unless such license has been revoked for cause;

7. Completing any federal, state, or local governmental law enforcement agency firearms training course and qualifying to carry a firearm in the course of official governmental duties.

A photocopy of a certificate of completion of any of the courses or classes; an affidavit from the instructor, school, club, organization, or group that conducted or taught such course or class attesting to the completion of the course or class by the applicant; or a copy of any document which shows completion of the course or class or evidences participation in firearms competition shall constitute evidence of qualification under this subsection.

724.10 Application for permit to carry weapons – ~~criminal history background check required.~~

The application shall state the full name, driver's license or nonoperator's identification card number, residence, and age of the applicant, and shall state whether the applicant ~~has ever been convicted of a felony, whether the person is addicted to the use of alcohol or any controlled substance, and whether the person has any history of mental illness or repeated acts of violence~~ meets the criteria specified in sections 724.8 and 724.9. It shall additionally include any waivers necessary for the issuing officer to obtain the information required for the background check required under this section.

The applicant shall also display an identification card that bears a distinguishing number assigned to the cardholder, the full name, date of birth, sex, residence address, and a brief description and colored photograph of the cardholder. ~~The sheriff issuing officer shall, upon receipt of an initial or renewal application under this section, conduct~~ immediately conduct a ~~criminal history background~~ check concerning each applicant by obtaining criminal history data from the department of public safety, which data shall include an inquiry of the National Instant Criminal Background System maintained by the Federal

Bureau of Investigation or any successor agency, as well as data from any other agency that shall be necessary to make a determination as to whether or not the applicant meets the criteria of section 724.8. A person who knowingly makes a false statement of material fact on an application submitted under this section or knowingly submits any materially falsified or forged documents in connection with such application commits a class "D" felony.

724.11 Issuance of permit to carry weapons.

Applications for permits to carry weapons shall be made to the sheriff of the county in which the applicant resides. Applications from persons who are nonresidents of the state, or whose need to go armed arises out of employment by the state, shall be made to the commissioner of public safety. In either case, ~~the issuance of the permit shall be by and at the discretion of the sheriff or commissioner, who~~ shall, before issuing the permit, determine that the requirements of sections 724.6 to 724.10 have been satisfied. However, the training program requirements in section 724.9 ~~may~~ shall be waived for renewal permits. The issuing officer shall collect a fee of ten dollars, except from a duly appointed peace officer or correctional officer, for each permit issued. Renewal permits or duplicate permits shall be issued for a fee of five dollars, provided the application for such renewal permit is received by the issuing officer at least 30 days before the expiration of the applicant's current permit. The issuing officer shall notify the commissioner of public safety of the issuance of any permit at least monthly and forward to the commissioner an amount equal to two dollars for each permit issued and one dollar for each renewal or duplicate permit issued. All such fees received by the commissioner shall be paid to the treasurer of state and deposited in the operating account of the department of public safety to offset the cost of administering this chapter. Any unspent balance as of June 30 of each year shall revert to the general fund as provided by section 8.33. The sheriff or commissioner of public safety shall approve or reject an initial or renewal application submitted under this section within 30 days of the receipt of the application. If the issuing officer has not received a response to an information request necessary to determine the applicant's eligibility by the end of this 30-day period, and the applicant is otherwise eligible, the issuing officer shall issue a conditional permit to the applicant. The conditional permit shall be readily distinguishable in appearance from a five-year permit and shall be immediately revoked if the information subsequently received indicates the applicant is ineligible for a permit, and the application is denied. A person whose application for a permit under this chapter is denied may seek review in accordance with the Administrative Procedure Act, including judicial review in the case of a final decision sustaining the denial.

724.11A Reciprocity with other states – conditions [New Section].

The attorney general shall compare Iowa nonprofessional permit issuance statutes with the permit issuance statutes in states with which reciprocity is sought or requested in order to determine whether the laws of the other state meet or exceed the requirements of this chapter for the issuance of a nonprofessional permit. The secretary of state may enter into reciprocity agreements with other states with respect to nonprofessional permits after

the attorney general has notified the secretary of state that the other states' statutes qualify under this section.

724.11B Validity of nonresident permits to carry weapons and reciprocity agreements. [New Section]

A valid license or permit issued under a statute that the attorney general has found qualifies under section 724.11A shall be given the same legal effect in this state as a nonprofessional permit to carry weapons issued under this chapter.

724.13 Revocation of permit to carry weapons.

~~The issuing officer may revoke any professional permit to carry weapons when the officer learns that any of the conditions required for the issuance of that permit as stated in sections 724.6 to 724.10 have ceased to exist, or when the officer learns that that permit was improperly issued. When the issuing officer revokes a permit, the officer shall notify the permit holder of such revocation on a form prescribed and published by the commissioner of public safety, and shall forward a copy of the form to the commissioner of public safety. From the time the permit holder receives notice of revocation, the permit shall cease to have any force or effect. Permit revocations may be reviewed by writ of certiorari. A person whose permit has been revoked this section may seek review and a contested hearing under the Iowa Administrative Procedures Act.~~

Pursuant to section 17A.18A, an issuing officer who finds that a person who has been issued a permit to carry weapons under this chapter has been arrested for a disqualifying offense or is the subject of proceedings that could lead to the person's ineligibility for such permit may immediately suspend such permit. An officer proceeding under this section shall immediately notify the permit holder on a form prescribed and published by the commissioner of public safety, and the suspension shall become effective upon the permit holder's receipt of such notice. If suspension is based upon an arrest or a proceeding that does not result in a disqualifying conviction or finding against the permit holder, the commissioner of public safety shall immediately reinstate the permit upon receipt of proof of the matter's final disposition. If the arrest leads to a disqualifying conviction or the proceedings to a disqualifying finding, the issuing officer shall revoke the permit. The issuing officer may also institute proceedings under the Administrative Procedure Act of Chapter 17A to revoke the permit of a person whom the officer later finds was not qualified for such a permit at the time of issuance or who the officer finds provided materially false information on the permit application. A person aggrieved by a final decision sustaining a suspension or revocation under this section may seek judicial review in a court of competent jurisdiction, in accordance with the Administrative Procedure Act.

724.15 Annual Permit to acquire pistols or revolvers.

1. Any person who acquires ownership of any pistol or revolver shall first obtain an annual permit. An annual permit shall not be issued to any person unless:
 - a. The person is twenty-one years of age or older.
 - b. The person has never been convicted of a felony.
 - c. The person is not addicted to the use of ~~alcohol~~ or a controlled substance.

- d. The person has no history of repeated acts of violence resulting in:
- i. an arrest;
 - ii. a prosecution; or
 - iii. a written finding by any agency of a state or the United States issued after an investigation and sustaining an allegation of abuse or violence against another person.
- e. The person has never been convicted of a crime defined in chapter 708, except "assault" as defined in section 708.1 and "harassment" as defined in section 708.7.
- f. The person has never been adjudged mentally incompetent.
2. Any person who acquires ownership of a pistol or revolver shall not be required to obtain an annual permit if:
- a. The person transferring the pistol or revolver and the person acquiring the pistol or revolver are licensed firearms dealers under federal law;
 - b. The pistol or revolver acquired is an antique firearm, a collector's item, a device which is not designed or redesigned for use as a weapon, a device which is designed solely for use as a signaling, pyrotechnic, line-throwing, safety, or similar device, or a firearm which is unserviceable by reason of being unable to discharge a shot by means of an explosive and is incapable of being readily restored to a firing condition; or
 - c. The person acquiring the pistol or revolver is authorized to do so on behalf of a law enforcement agency.
 - d. The person has obtained a valid permit to carry weapons, as provided in section 724.11.
 - e. The person transferring the pistol or revolver and the person acquiring the pistol or revolver are related to one another within the second degree of consanguinity or affinity unless the person transferring the pistol or revolver knows that the person acquiring the pistol or revolver would be ineligible to obtain a permit.
3. The annual permit to acquire pistols or revolvers shall authorize the permit holder to acquire one or more pistols or revolvers during the period that the permit remains valid. ~~If the issuing officer determines that the applicant has become disqualified under the provisions of subsection 1, the issuing officer may immediately invalidate the permit.~~
4. Pursuant to section 17A.18A, an issuing officer who finds that a person who has been issued a permit to acquire weapons under this chapter has been arrested for a disqualifying offense or is the subject of proceedings that could lead to the person's ineligibility for such permit may immediately suspend such permit. An officer proceeding under this subsection shall immediately notify the permit holder on a form prescribed and published by the commissioner of public safety, and the suspension shall become effective upon the permit holder's receipt of such notice. If suspension is based upon an arrest or a proceeding that does not result in a disqualifying conviction or finding against the permit holder, the commissioner of public safety shall immediately reinstatement the permit upon receipt of proof of the matter's final disposition. If the arrest leads to a disqualifying conviction or the proceedings to a disqualifying finding, the issuing officer shall revoke the permit. The issuing officer may also institute proceedings under the Administrative Procedure Act of Chapter 17A to revoke the permit of a person whom the officer later finds was not qualified for such a permit at the time of issuance or who the officer finds provided materially false information on the permit application. A person aggrieved by a final decision sustaining a suspension or revocation under this

section may seek judicial review in a court of competent jurisdiction, in accordance with the Administrative Procedure Act.

724.23 Records Kept by Commissioner.

The commissioner of public safety shall maintain a permanent record of all valid permits to carry weapons and of current permit revocations. Information that would personally identify applicants or holders of nonprofessional permits, including but not limited to the applicant's or permit holder's name, Social Security number, date of birth, driver's license or other identification number, and residential or business address, shall be kept confidential in accordance with section 22.7.

22.7 Confidential Records

The following public records shall be kept confidential, unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release such information:

1. Personal information in records regarding a student, prospective student, or former student maintained, created, collected or assembled by or for a school corporation or educational institution maintaining such records. This subsection shall not be construed to prohibit a postsecondary education institution from disclosing to a parent or guardian information regarding a violation of a federal, state, or local law, or institutional rule or policy governing the use or possession of alcohol or a controlled substance if the child is under the age of twenty-one years and the institution determines that the student committed a disciplinary violation with respect to the use or possession of alcohol or a controlled substance regardless of whether that information is contained in the student's education records.

2. Hospital records, medical records, and professional counselor records of the condition, diagnosis, care, or treatment of a patient or former patient or a counselee or former counselee, including outpatient. However, confidential communications between a crime victim and the victim's counselor are not subject to disclosure except as provided in section 915.20A. However, the Iowa department of public health shall adopt rules which provide for the sharing of information among agencies and providers concerning the maternal and child health program including but not limited to the statewide child immunization information system, while maintaining an individual's confidentiality.

3. Trade secrets which are recognized and protected as such by law.

4. Records which represent and constitute the work product of an attorney, which are related to litigation or claim made by or against a public body.

5. Peace officers' investigative reports, and specific portions of electronic mail and telephone billing records of law enforcement agencies if that information is part of an ongoing investigation, except where disclosure is authorized elsewhere in this Code. However, the date, time, specific location, and immediate facts and circumstances surrounding a crime or incident shall not be kept confidential under this section, except in those unusual circumstances where disclosure would plainly and seriously jeopardize an investigation or pose a clear and present danger to the safety of an individual. Specific portions of electronic mail and telephone billing records may only be kept confidential under this subsection if the length of time prescribed for commencement of prosecution

or the finding of an indictment or information under the statute of limitations applicable to the crime that is under investigation has not expired.

6. Reports to governmental agencies which, if released, would give advantage to competitors and serve no public purpose.

7. Appraisals or appraisal information concerning the purchase of real or personal property for public purposes, prior to public announcement of a project.

8. Iowa department of economic development information on an industrial prospect with which the department is currently negotiating.

9. Criminal identification files of law enforcement agencies. However, records of current and prior arrests and criminal history data shall be public records.

10. Personal information in confidential personnel records of the military division of the department of public defense of the state.

11. Personal information in confidential personnel records of public bodies including but not limited to cities, boards of supervisors and school districts.

12. Financial statements submitted to the department of agriculture and land stewardship pursuant to chapter 203 or chapter 203C, by or on behalf of a licensed grain dealer or warehouse operator or by an applicant for a grain dealer license or warehouse license.

13. The records of a library which, by themselves or when examined with other public records, would reveal the identity of the library patron checking out or requesting an item or information from the library. The records shall be released to a criminal or juvenile justice agency only pursuant to an investigation of a particular person or organization suspected of committing a known crime. The records shall be released only upon a judicial determination that a rational connection exists between the requested release of information and a legitimate end and that the need for the information is cogent and compelling.

14. The material of a library, museum or archive which has been contributed by a private person to the extent of any limitation that is a condition of the contribution.

15. Information concerning the procedures to be used to control disturbances at adult correctional institutions. Such information shall also be exempt from public inspection under section 17A.3. As used in this subsection disturbance means a riot or a condition that can reasonably be expected to cause a riot.

16. Information in a report to the Iowa department of public health, to a local board of health, or to a local health department, which identifies a person infected with a reportable disease.

17. Records of identity of owners of public bonds or obligations maintained as provided in section 76.10 or by the issuer of the public bonds or obligations. However, the issuer of the public bonds or obligations and a state or federal agency shall have the right of access to the records.

18. Communications not required by law, rule, procedure, or contract that are made to a government body or to any of its employees by identified persons outside of government, to the extent that the government body receiving those communications from such persons outside of government could reasonably believe that those persons would be discouraged from making them to that government body if they were available for general public examination. As used in this subsection, "*persons outside of government*" does not include persons or employees of persons who are communicating

with respect to a consulting or contractual relationship with a government body or who are communicating with a government body with whom an arrangement for compensation exists. Notwithstanding this provision:

a. The communication is a public record to the extent that the person outside of government making that communication consents to its treatment as a public record.

b. Information contained in the communication is a public record to the extent that it can be disclosed without directly or indirectly indicating the identity of the person outside of government making it or enabling others to ascertain the identity of that person.

c. Information contained in the communication is a public record to the extent that it indicates the date, time, specific location, and immediate facts and circumstances surrounding the occurrence of a crime or other illegal act, except to the extent that its disclosure would plainly and seriously jeopardize a continuing investigation or pose a clear and present danger to the safety of any person. In any action challenging the failure of the lawful custodian to disclose any particular information of the kind enumerated in this paragraph, the burden of proof is on the lawful custodian to demonstrate that the disclosure of that information would jeopardize such an investigation or would pose such a clear and present danger.

19. Examinations, including but not limited to cognitive and psychological examinations for law enforcement officer candidates administered by or on behalf of a governmental body, to the extent that their disclosure could reasonably be believed by the custodian to interfere with the accomplishment of the objectives for which they are administered.

20. Information concerning the nature and location of any archaeological resource or site if, in the opinion of the state archaeologist, disclosure of the information will result in unreasonable risk of damage to or loss of the resource or site where the resource is located. This subsection shall not be construed to interfere with the responsibilities of the federal government or the state historic preservation officer pertaining to access, disclosure, and use of archaeological site records.

21. Information concerning the nature and location of any ecologically sensitive resource or site if, in the opinion of the director of the department of natural resources after consultation with the state ecologist, disclosure of the information will result in unreasonable risk of damage to or loss of the resource or site where the resource is located. This subsection shall not be construed to interfere with the responsibilities of the federal government or the director of the department of natural resources and the state ecologist pertaining to access, disclosure, and use of the ecologically sensitive site records.

22. Reports or recommendations of the Iowa insurance guaranty association filed or made pursuant to section 515B.10, subsection 1, paragraph "a", subparagraph (2).

23. Information or reports collected or submitted pursuant to section 508C.12, subsections 3 and 5, and section 508C.13, subsection 2, except to the extent that release is permitted under those sections.

24. Records of purchases of alcoholic liquor from the alcoholic beverages division of the department of commerce which would reveal purchases made by an individual class "E" liquor control licensee. However, the records may be revealed for law

enforcement purposes or for the collection of payments due the division pursuant to section 123.24.

25. Financial information, which if released would give advantage to competitors and serve no public purpose, relating to commercial operations conducted or intended to be conducted by a person submitting records containing the information to the department of agriculture and land stewardship for the purpose of obtaining assistance in business planning.

26. Applications, investigation reports, and case records of persons applying for county general assistance pursuant to section 252.25.

27. Marketing and advertising budget and strategy of a nonprofit corporation which is subject to this chapter. However, this exemption does not apply to salaries or benefits of employees who are employed by the nonprofit corporation to handle the marketing and advertising responsibilities.

28. The information contained in records of the centralized employee registry created in chapter 252G, except to the extent that disclosure is authorized pursuant to chapter 252G.

29. Records and information obtained or held by independent special counsel during the course of an investigation conducted pursuant to section 68B.31A. Information that is disclosed to a legislative ethics committee subsequent to a determination of probable cause by independent special counsel and made pursuant to section 68B.31 is not a confidential record unless otherwise provided by law.

30. Information contained in a declaration of paternity completed and filed with the state registrar of vital statistics pursuant to section 144.12A, except to the extent that the information may be provided to persons in accordance with section 144.12A.

31. Memoranda, work products, and case files of a mediator and all other confidential communications in the possession of a mediator, as provided in chapters 86 and 216. Information in these confidential communications is subject to disclosure only as provided in sections 86.44 and 216.15B, notwithstanding any other contrary provision of this chapter.

32. Social security numbers of the owners of unclaimed property reported to the treasurer of state pursuant to section 556.11, subsection 2, included on claim forms filed with the treasurer of state pursuant to section 556.19, included in outdated warrant reports received by the treasurer of state pursuant to section 556.2C, or stored in record systems maintained by the treasurer of state for purposes of administering chapter 556, or social security numbers of payees included on state warrants included in records systems maintained by the department of administrative services for the purpose of documenting and tracking outdated warrants pursuant to section 556.2C.

33. Data processing software, as defined in section 22.3A, which is developed by a government body.

34. A record required under the Iowa financial transaction reporting Act listed in section 529.2, subsection 9.

35. Records of the Iowa department of public health pertaining to participants in the gambling treatment program except as otherwise provided in this chapter.

36. Records of a law enforcement agency or the state department of transportation regarding the issuance of a driver's license under section 321.189A.

37. Mediation communications as defined in section 679C.102, except written mediation agreements that resulted from a mediation which are signed on behalf of a governing body. However, confidentiality of mediation communications resulting from mediation conducted pursuant to chapter 216 shall be governed by chapter 216.

38. *a.* Records containing information that would disclose, or might lead to the disclosure of, private keys used in an electronic signature or other similar technologies as provided in chapter 554D.

b. Records which if disclosed might jeopardize the security of an electronic transaction pursuant to chapter 554D.

39. Information revealing the identity of a packer or a person who sells livestock to a packer as reported to the department of agriculture and land stewardship pursuant to section 202A.2.

40. The portion of a record request that contains an internet protocol number which identifies the computer from which a person requests a record, whether the person using such computer makes the request through the IowaAccess network or directly to a lawful custodian. However, such record may be released with the express written consent of the person requesting the record.

41. Medical examiner records and reports, including preliminary reports, investigative reports, and autopsy reports. However, medical examiner records and reports shall be released to a law enforcement agency that is investigating the death, upon the request of the law enforcement agency, and autopsy reports shall be released to the decedent's immediate next of kin upon the request of the decedent's immediate next of kin unless disclosure to the decedent's immediate next of kin would jeopardize an investigation or pose a clear and present danger to the public safety or the safety of an individual. Information regarding the cause and manner of death shall not be kept confidential under this subsection unless disclosure would jeopardize an investigation or pose a clear and present danger to the public safety or the safety of an individual.

42. Information obtained by the commissioner of insurance in the course of an investigation as provided in section 523C.23.

43. Information obtained by the commissioner of insurance pursuant to section 502.607.

44. Information provided to the court and state public defender pursuant to section 3B.4, subsection 5; section 814.11, subsection 7; or section 815.10, subsection 5.

45. The critical asset protection plan or any part of the plan prepared pursuant to section 29C.8 and any information held by the homeland security and emergency management division that was supplied to the division by a public or private agency or organization and used in the development of the critical asset protection plan to include, but not be limited to, surveys, lists, maps, or photographs. However, the administrator shall make the list of assets available for examination by any person. A person wishing to examine the list of assets shall make a written request to the administrator on a form approved by the administrator. The list of assets may be viewed at the division's offices during normal working hours. The list of assets shall not be copied in any manner. Communications and asset information not required by law, rule, or procedure that are provided to the administrator by persons outside of government and for which the administrator has signed a nondisclosure agreement are exempt from public disclosures. The homeland security and emergency management division may provide all or part of

the critical asset plan to federal, state, or local governmental agencies which have emergency planning or response functions if the administrator is satisfied that the need to know and intended use are reasonable. An agency receiving critical asset protection plan information from the division shall not disseminate the information without prior approval of the administrator.

46. Military personnel records recorded by the county recorder pursuant to section 331.608.

47. A report regarding interest held in agricultural land required to be filed pursuant to chapter 10B.

48. Sex offender registry records under chapter 692A, except as provided in section 692A.121.

49. Confidential information, as defined in section 86.45, subsection 1, filed with the workers' compensation commissioner.

50. Information concerning security procedures or emergency preparedness information developed and maintained by a government body for the protection of governmental employees, visitors to the government body, persons in the care, custody, or under the control of the government body, or property under the jurisdiction of the government body, if disclosure could reasonably be expected to jeopardize such employees, visitors, persons, or property.

a. Such information includes but is not limited to information directly related to vulnerability assessments; information contained in records relating to security measures such as security and response plans, security codes and combinations, passwords, restricted area passes, keys, and security or response procedures; emergency response protocols; and information contained in records that if disclosed would significantly increase the vulnerability of critical physical systems or infrastructures of a government body to attack.

b. This subsection shall only apply to information held by a government body that has adopted a rule or policy identifying the specific records or class of records to which this subsection applies and which is contained in such a record.

51. The information contained in the information program established in section 124.551, except to the extent that disclosure is authorized pursuant to section 124.553.

52. *a.* The following records relating to a charitable donation made to a foundation acting solely for the support of an institution governed by the state board of regents, to a foundation acting solely for the support of an institution governed by chapter 260C, to a private foundation as defined in section 509 of the Internal Revenue Code organized for the support of a government body, or to an endow Iowa qualified community foundation, as defined in section 15E.303, organized for the support of a government body:

(1) Portions of records that disclose a donor's or prospective donor's personal, financial, estate planning, or gift planning matters.

(2) Records received from a donor or prospective donor regarding such donor's prospective gift or pledge.

(3) Records containing information about a donor or a prospective donor in regard to the appropriateness of the solicitation and dollar amount of the gift or pledge.

(4) Portions of records that identify a prospective donor and that provide information on the appropriateness of the solicitation, the form of the gift or dollar amount requested by the solicitor, and the name of the solicitor.

(5) Portions of records disclosing the identity of a donor or prospective donor, including the specific form of gift or pledge that could identify a donor or prospective donor, directly or indirectly, when such donor has requested anonymity in connection with the gift or pledge. This subparagraph does not apply to a gift or pledge from a publicly held business corporation.

b. The confidential records described in paragraph "*a*", subparagraphs (1) through (5), shall not be construed to make confidential those portions of records disclosing any of the following:

- (1) The amount and date of the donation.
- (2) Any donor-designated use or purpose of the donation.
- (3) Any other donor-imposed restrictions on the use of the donation.

(4) When a pledge or donation is made expressly conditioned on receipt by the donor, or any person related to the donor by blood or marriage within the third degree of consanguinity, of any privilege, benefit, employment, program admission, or other special consideration from the government body, a description of any and all such consideration offered or given in exchange for the pledge or donation.

c. Except as provided in paragraphs "*a*" and "*b*", portions of records relating to the receipt, holding, and disbursement of gifts made for the benefit of regents institutions and made through foundations established for support of regents institutions, including but not limited to written fund-raising policies and documents evidencing fund-raising practices, shall be subject to this chapter.

d. This subsection does not apply to a report filed with the ethics and campaign disclosure board pursuant to section 8.7.

53. Information obtained and prepared by the commissioner of insurance pursuant to section 507.14.

54. Information obtained and prepared by the commissioner of insurance pursuant to section 507E.5.

55. An intelligence assessment and intelligence data under chapter 692, except as provided in section 692.8A.

56. Individually identifiable client information contained in the records of the state database created as a homeless management information system pursuant to standards developed by the United States department of housing and urban development and utilized by the Iowa department of economic development.

57. The following information contained in the records of any governmental body relating to any form of housing assistance:

- a.* An applicant's social security number.
- b.* An applicant's personal financial history.
- c.* An applicant's personal medical history or records.

d. An applicant's current residential address when the applicant has been granted or has made application for a civil or criminal restraining order for the personal protection of the applicant or a member of the applicant's household.

58. Information filed with the commissioner of insurance pursuant to sections 523A.204 and 523A.502A.

59. The information provided in any report, record, claim, or other document submitted to the treasurer of state pursuant to chapter 556 concerning unclaimed or abandoned property, except the name and last known address of each person appearing to

be entitled to unclaimed or abandoned property paid or delivered to the treasurer of state pursuant to that chapter.

60. Information possessed by the office of energy independence, the Iowa power fund board, or the due diligence committee associated with the office and the board, relating to a prospective applicant with which the office, board, or committee is currently negotiating, or an award recipient, shall only be released as provided in section 469.6, subsection 6.

61. Information in a record that would permit a governmental body subject to chapter 21 to hold a closed session pursuant to section 21.5 in order to avoid public disclosure of that information, until such time as final action is taken on the subject matter of that information. Any portion of such a record not subject to this subsection, or not otherwise confidential, shall be made available to the public. After the governmental body has taken final action on the subject matter pertaining to the information in that record, this subsection shall no longer apply. This subsection shall not apply more than ninety days after a record is known to exist by the governmental body, unless it is not possible for the governmental body to take final action within ninety days. The burden shall be on the governmental body to prove that final action was not possible within the ninety-day period.

62. Records of the department on aging pertaining to clients served by the office of substitute decision maker.

63. Records of the department on aging pertaining to clients served by the elder abuse prevention initiative.

64. Information obtained by the superintendent of credit unions in connection with a complaint response process as provided in section 533.501, subsection 3.

65. Information that would personally identify applicants or holders of nonprofessional permits to carry weapons issued under chapter 724. Such information shall include but not be limited to the applicant's or permit holder's name, Social Security number, date of birth, driver's license or other identification number, and residential or business address. This subsection does not include numerical statistics pertaining to the issuance, denial, revocation, and administration of such permits.

724.27 Offenders' Rights Restored.

The provisions of:

(1) section 724.8, subsection 2 3, and subsection 4 as it applies to those convicted of a "crime punishable by imprisonment for a term exceeding one year" or those who have been convicted of a "misdemeanor crime of domestic violence," as those terms are defined in 18 U.S.C. 921;

(2) section 724.15, subsection 1, paragraphs "b" and "e"; and

(3) section 724.26

shall not apply to a person who is eligible to have the person's civil rights regarding firearms restored under section 914.7 and who is pardoned or has had the person's civil rights restored by the President of the United States or the chief executive of a state and who is expressly authorized by the President of the United States or such chief executive to receive, transport, or possess firearms or destructive devices.

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229.24 Records of involuntary hospitalization proceeding to be confidential.

1. All papers and records pertaining to any involuntary hospitalization or application for involuntary hospitalization of any person under this chapter, whether part of the permanent record of the court or of a file in the department of human services, are subject to inspection only upon an order of the court for good cause shown. Nothing in this section shall prohibit a hospital from complying with the requirements of this chapter and of chapter 230 relative to financial responsibility for the cost of care and treatment provided a patient in that hospital, nor from properly billing any responsible relative or third-party payer for such care and treatment, nor a court from forwarding to the department of public safety a copy of an order issued under section 724.31, nor the department of public safety from forwarding a copy of such order to the Federal Bureau of Investigation.

2. If authorized in writing by a person who has been the subject of any proceeding or report under sections 229.6 to 229.13 or section 229.22, or by the parent or guardian of that person, information regarding that person which is confidential under subsection may be released to any designated person.

3. If all or part of the costs associated with hospitalization of an individual under this chapter are chargeable to a county of legal settlement, the clerk of the district court shall provide to the county of legal settlement and to the county in which the hospitalization order is entered, in a form prescribed by the mental health, mental retardation, developmental disabilities, and brain injury commission, the following information pertaining to the individual which would be confidential under subsection 1:

- a. Administrative information, as defined in section 228.1.
- b. An evaluation order under this chapter and the location of the individual's placement under the order.
- c. A hospitalization or placement order under this chapter and the location of the individual's placement under the order.
- d. The date, location, and disposition of any hearing concerning the individual held under this chapter.
- e. Any payment source available for the costs of the individual's care.

724.31 Persons subject to mental health-related orders, commitments, or findings -- disabilities -- restoration -- reporting

1. A court that:

- a. Orders commitment or treatment pursuant to section 125.84;
- b. Orders commitment pursuant to section 222.31;
- c. Orders commitment or treatment pursuant to section 229.14;
- d. Appoints a guardian or conservator pursuant to section 231E.6;
- e. Grants a petition filed pursuant to section 597.6;
- f. Issues an order pursuant to section 633.244;
- g. Appoints a guardian pursuant to section 633.556; or
- h. Finds a defendant incompetent to stand trial pursuant to section 812.5

shall make a finding as to whether the subject of the proceeding is a person to whom the provisions of 18 U.S.C. 922(d)(4) and (g)(4) apply, and if so, shall inform the person of

the applicable prohibitions and shall order the person not to ship, transport, possess, or receive any firearms or ammunition and to make immediate arrangements for the disposition of any firearms or ammunition owned or possessed by the individual. If the person is unable to make lawful disposition by other means, the department of public safety may take custody of any firearms or ammunition owned or possessed by the person for such time as the order issued under this subsection remains in effect. The clerk of the court shall forward a copy of the order to the department of public safety, which in turn shall forward a copy to the Federal Bureau of Investigation, or its successor agency, for inclusion in the National Instant Criminal Background Check System database.

2. A person who is subject to an order issued under subsection 1 may petition the court that issued such order or the corresponding court of the county where the individual resides to cancel the order and restore the person's right to ship, transport, possess, and receive firearms and ammunition. A copy of the petition shall also be served on the Department of Human Services and the District Attorney's Office of the county in which the original order, commitment, or finding occurred, and such department and office may as it deems appropriate appear, support, object to, and present evidence relevant to the relief sought by the petitioner. The court shall receive evidence concerning:

a. The circumstances of the original order of prohibition;

b. The applicant's mental health and criminal history records, if any;

c. The applicant's reputation; and

d. Changes in the applicant's condition or circumstances relevant to the relief sought.

The court shall grant the petition if it finds by a preponderance of the evidence that the petitioner will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest. The petitioner may appeal a denial of the requested relief, and review shall be *de novo*. A person may file a petition for relief under this section no more than once every two years.

3. When a court issues an order granting a petition for relief under subsection 2, the clerk of the court shall immediately forward a copy of the order to the department of public safety, which in turn shall immediately forward a copy to the Federal Bureau of Investigation, or its successor agency, for inclusion in the National Instant Criminal Background Check System database.