

CHAPTER 234

MACHINE GUNS—POSSESSION OR CONTROL

H. F. 83

AN ACT to prohibit the possession or control of machine guns, to prohibit any person from assisting another in obtaining possession of such gun, to determine and fix the punishment for a violation of such prohibition; to declare certain exceptions, to authorize the destruction of such guns, and to prescribe in part the substance of the indictment or information in such cases and the evidence by which it may be sustained.

Be it enacted by the General Assembly of the State of Iowa:

1 SECTION 1. **Possession.** No person, firm, partnership, or corpo-
2 ration shall knowingly have in his or its possession or under his or
3 its control any machine gun which is capable of being fired from
4 the shoulder or hip of a person, and by the recoil of such gun.

1 SEC. 2. **Aiding possession.** No person, firm, partnership, or cor-
2 poration shall do any act with the intent to enable any other person,
3 firm, partnership, or corporation to obtain possession of such gun.

1 SEC. 3. **Punishment.** A violation of either of the two preceding
2 sections shall be punished as follows:

3 1. If the accused has prior to conviction been convicted of an
4 offense which would constitute a felony under the laws of this state,
5 by imprisonment in the penitentiary or men's or women's reformatory
6 for five (5) years.

7 2. If such prior conviction for felony be not charged or estab-
8 lished, by imprisonment in the penitentiary or men's or women's
9 reformatory for a period not exceeding three (3) years.

10 3. By a fine in all cases of not less than five hundred dollars
11 (\$500) nor more than two thousand dollars (\$2,000).

1 SEC. 4. **Exceptions.** The three preceding sections shall not apply
2 to:

3 1. Peace officers as herein provided.

4 2. Persons who are members of the National Guards.

5 3. Persons in the service of the government of the United States.

6 4. Banks.

1 SEC. 5. **Interpretative clause.** The preceding section shall not be
2 construed to exempt any person therein specified when the possession
3 charged had no connection with the official duties or service of said
4 person.

1 SEC. 6. **Relics.** It shall be a defense that the machine gun or
2 machine which the accused is charged with possessing was a gun
3 which was in general use prior to November 11 (eleven), 1918 (nine-
4 teen hundred eighteen), and was, prior to the commencement of the
5 prosecution, rendered permanently unfit for use, and was possessed
6 solely as a relic.

1 SEC. 7. **Finding or summary seizure.** Possession of such machine
2 gun by finding or by summary seizure shall not be deemed an offense
3 provided the finder or person seizing immediately delivers the same
4 to some peace officer of the county in which the gun is found.

1 SEC. 8. **Duty of peace officers—order.** A peace officer to whom
2 such gun is delivered shall forthwith redeliver it to the sheriff. The
3 sheriff shall forthwith report such possession to the district court
4 or to a judge thereof who, in vacation or term time, may enter a
5 summary order for the destruction of such gun or such order as
6 may be necessary in order to preserve it as evidence.

1 SEC. 9. **Indictment.** When the state relies on prior judgments of
2 convictions of the accused in aggravation of the punishment, such
3 judgments shall be referred to in the indictment or information by
4 stating the court, date, and place of rendition.

1 SEC. 10. **Evidence.** A duly authenticated copy of a judgment of
2 prior conviction of felony shall be prima facie evidence of such
3 conviction and of the finality and conclusiveness thereof.

1 SEC. 11. However, this law shall not apply to any person or per-
2 sons, firm, or corporation engaged or interested in the improvement,
3 the invention, or manufacture of fire arms.

1 SEC. 12. **Publication clause.** This act is deemed of immediate
2 importance and shall take effect from and after its publication in
3 two (2) newspapers of this state as provided by law.

Approved April 19, A. D. 1927.

I hereby certify that the foregoing act was published in the Grinnell Herald April
22, 1927, and the Belmont Herald Press April 27, 1927.

W. C. RAMSAY, *Secretary of State.*

CHAPTER 235

ARSON

S. F. 74

AN ACT to repeal sections twelve thousand nine hundred eighty-four (12984) to twelve
thousand nine hundred ninety-one (12991), inclusive, and to enact substitutes there-
for; also to repeal section thirteen thousand eighty-four (13084) of the code, all
relating to arson.

Be it enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Sections twelve thousand nine hundred eighty-four
2 (12984) to twelve thousand nine hundred ninety-one (12991), in-
3 clusive, of the code, are repealed and the following is enacted in lieu
4 thereof.

1 SEC. 2. Any person who wilfully and maliciously sets fire to or
2 burns or causes to be burned or who aids, counsels or procures the