

CHAPTER 299

FIREARMS

H. F. 568

AN ACT relating to the sale or transfer of firearms to residents of Iowa and adjacent states.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. A resident of Iowa not otherwise precluded by applicable
2 law, may purchase firearms, rifles, shotguns, ammunition, reloading com-
3 ponents, or firearms accessories in states contiguous to Iowa. This authori-
4 zation is enacted in conformance with Gun Control Act of 1968, 18 U.S.C.
5 section nine hundred twenty-two (922) (b) (3) (A). In the event that present-
6 ly enacted federal restrictions on the purchase of firearms, rifles, shotguns,
7 ammunition, reloading components, or firearms accessories are repealed by
8 the United States Congress or set aside by courts of competent jurisdiction,
9 this section shall in no way be interpreted to prohibit or restrict the pur-
10 chase of firearms, shotguns, rifles, ammunition, reloading components, or
11 firearms accessories by residents of Iowa otherwise competent to purchase
12 the same in contiguous or other states.

13 A dealer licensed in Iowa may sell or deliver a rifle or shotgun, and a
14 collector licensed in Iowa may sell or deliver a rifle or shotgun if it is a
15 curio or relic, to a resident of an adjacent state, if the purchaser's state of
16 residence permits such sale or delivery by law, the sale fully complies with
17 the legal conditions of Iowa and the adjacent state, and the purchaser
18 and licensee have, prior to the sale or delivery for sale of the rifle or shot-
19 gun, complied with all the requirements of the Federal Gun Control Act
20 of 1968.

Approved June 6, 1969.

CHAPTER 300

EXPLOSIVE OR INCENDIARY DEVICES

H. F. 159

AN ACT to prohibit the use, sale, or possession of explosive or incendiary devices, including "Molotov cocktails", and to provide penalties therefor.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Chapter six hundred ninety-seven (697), Code 1966, is
2 hereby amended as follows:

3 1. By adding the following section:

4 As used in this Act, unless the context otherwise indicates:

5 a. "Explosive device" means any material, container containing a chem-
6 ical compound or mixture that is commonly used or intended for the pur-
7 pose of producing an explosion, that contains any oxidizing and combusti-
8 ble materials or other ingredients, in such proportions, quantities or pack-
9 ing that an ignition by fire, by friction, by concussion or by detonation of
10 any part of the compound or mixture may cause such a sudden genera-
11 tion of highly heated gases that the resultant gaseous pressures are capable
12 of producing destructive effects on contiguous objects.

13 *b.* "Incendiary device" means any inflammable material or container
14 containing an inflammable liquid or material whose ignition, by fire, fric-
15 tion, concussion, detonation, or other method is intended to produce de-
16 structive effects primarily through combustion rather than explosion.

17 *c.* "Molotov cocktail" means a breakable container containing an ex-
18 plosive or inflammable liquid or other substance, having a wick or similar
19 device capable of being ignited, and may be described as either an explosive
20 or incendiary device. A "molotov cocktail" is not intended to mean a de-
21 vice commercially manufactured primarily for the purpose of illumination
22 or other such uses.

23 2. By adding the following section:

24 It shall be unlawful for any person to receive, possess, sell, purchase,
25 or manufacture a bomb, bombshell, grenade, or incendiary or explosive de-
26 vice including but not limited to black powder bombs and molotov cock-
27 tails, or, with intent to assemble them, the materials which may be as-
28 sembled into any such device and any person violating any of the provi-
29 sions of this section shall be guilty of a felony and shall, upon conviction
30 thereof, be punished by a fine of not more than two thousand dollars or
31 by imprisonment in the penitentiary or men's or women's reformatory for
32 not more than five years, or by both such fine and imprisonment, or by
33 imprisonment in the county jail for not more than six months; provided,
34 however, that this section shall not apply to military and law-enforcement
35 agencies and their personnel, and persons, firms, or corporations engaged
36 in business, occupational or recreational use of commercial explosives,
37 fireworks, firearms, or ammunition when possession and use is otherwise
38 authorized or permitted by law. This Act shall have no application to the
39 possession or sale of rifle, pistol, or shotgun ammunition; nor shall it pro-
40 hibit the use, sale, or possession of primers, percussion caps, brass, powder,
41 and other components and supplies for hand loading or reloading rifle, pis-
42 tol, or shotgun ammunition or loading muzzle-loading arms, where the
43 same is for lawful purposes.

44 3. By striking lines five (5) through nine (9) of section six hundred ninety-
45 seven point one (697.1), Code 1966, and inserting in lieu thereof the words,
46 "where its combustion or explosion will or is likely to destroy the same, any
47 explosive or incendiary device or molotov cocktail, and by reason of the
48 combustion or explosion thereof any person is killed, he shall be guilty of
49 murder."

50 4. By striking lines one (1) through three (3) and the word "material"
51 from line four (4) of section six hundred ninety-seven point two (697.2),
52 Code 1966, and inserting in lieu thereof: "If any person willfully deposits
53 or throws any explosive or incendiary device or molotov cocktail".

54 5. By striking line eight (8) and the words "explosive material, by the ex-
55 plosion" in line nine (9) of section six hundred ninety-seven point three
56 (697.3), Code 1966, and inserting in lieu thereof, "explosive or incendiary
57 device or molotov cocktail, by the combustion or explosion".

58 6. By adding in line six (6) of section six hundred ninety-seven point four
59 (697.4), Code 1966, after the word "explosion" the words "or combustion".
60 Also amend section six hundred ninety-seven point four (697.4) by striking
61 from lines seven (7), eight (8) and nine (9) the words "dynamite, nitroglyc-
62 erin, giant powder, or other explosive material" and inserting in lieu
63 thereof the words "explosive or incendiary device or molotov cocktail".

Approved June 6, 1969.