

CHAPTER 1174

WEAPONS

S. F. 2213

AN ACT amending the weapons chapter of the criminal code revision to authorize a peace officer to go armed anywhere in the state at all times when he or she obtains a professional permit to carry weapons, to forbid a convicted felon to obtain a permit to carry weapons, to eliminate the need for a seller who is a federal firearm licensee to report sales or transfers of ownership of revolvers or pistols to other federal firearm licensees, to eliminate the need for a federal firearm licensee to obtain a permit to purchase a pistol or revolver, to eliminate the need for anyone to obtain a permit to purchase an antique firearm, and to forbid making a pistol or revolver available to a person under twenty-one.

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

Section 1. Section seven hundred twenty-four point one (724.1), Code 1977 Supplement, is amended by striking subsection two (2).

Sec. 2. Section seven hundred twenty-four point one (724.1), Code 1977 Supplement, is amended by adding the following new subsections:

NEW SUBSECTION. A short-barreled rifle or short-barreled shotgun. A short-barreled rifle or short-barreled shotgun is a rifle with a barrel or barrels less than sixteen inches in length or a shotgun with a barrel or barrels less than eighteen inches in length, as measured from the face of the closed bolt or standing breech to the muzzle, or any rifle or shotgun with an overall length less than twenty-six inches.

NEW SUBSECTION. An offensive weapon or part or combination of parts therefor shall not include the following:

a. An antique firearm. An antique firearm is any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898 or any firearm which is a replica of such a firearm if such replica is not designed or redesigned for using conventional rimfire or centerfire ammunition or which uses only rimfire or centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

b. A collector's item. A collector's item is any firearm other than a machine gun that by reason of its date of manufacture, value, design, and other characteristics is not

likely to be used as a weapon. The commissioner of public safety shall designate by rule firearms which he or she determines to be collector's items and shall revise or update the list of firearms at least annually.

c. Any device which is not designed or redesigned for use as a weapon; any device which is designed solely for use as a signaling, pyrotechnic, line-throwing, safety, or similar device; or any 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.

Sec. 3. Section seven hundred twenty-four point four (724.4), subsection seven (7), Code 1977 Supplement, is amended to read as follows:

7. Any person while he or she is lawfully engaged in target practice on a range designed for that purpose or while actually engaged in lawful hunting ~~for game in any place designated by local law as a hunting area.~~

Sec. 4. Section seven hundred twenty-four point six (724.6), Code 1977 Supplement, is amended to read as follows:

724.6 PROFESSIONAL PERMIT TO CARRY WEAPONS. A person may be issued a permit to carry weapons when the person's employment as a peace officer, correctional officer, security guard, private detective licensed under chapter 80A, bank messenger or other person transporting property of a value requiring security, or in police work, reasonably justifies that person going armed. Such permits shall be on a form prescribed and published by the commissioner of public safety, shall identify the holder thereof, and shall state the nature of the employment requiring his or her going armed. A permit so issued, other than to a peace officer, shall authorize the person to whom it is issued to go armed anywhere in the state, only while engaged in such employment, and while going to and from the place of such employment. A permit issued to a certified peace officer shall authorize that peace officer to go armed anywhere in the state at all times. Any such permit shall expire twelve months after the date when issued. When such employment is terminated, the holder of such permit shall surrender his or her permit to the issuing officer for cancellation.

Sec. 5. Section seven hundred twenty-four point eight (724.8), subsections two (2) and five (5), Code 1977 Supplement, is amended to read as follows:

2. The person has never been convicted of a ~~forcible~~ felony.

5. The issuing officer reasonably determines ~~from competent evidence~~ that the applicant does not constitute a danger to any person.

Sec. 6. Section seven hundred twenty-four point ten (724.10), Code 1977 Supplement, is amended to read as follows:

724.10 APPLICATION FOR PERMIT TO CARRY WEAPONS. No person shall be issued a permit to carry weapons unless the person has completed and signed an application on a form to be prescribed and published by the commissioner of public safety. The application shall state the full name, social security number (optional), 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. Any person who knowingly makes a false statement on such application commits an aggravated misdemeanor.

Sec. 7. Section seven hundred twenty-four point eleven (724.11), Code 1977 Supplement, is amended to read as follows:

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 through 724.10, inclusive, have been satisfied. However, the training program requirements in section 724.9 may be waived for renewal permits. The issuing officer shall collect a fee of five 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 two dollars. 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 thirtieth of each year shall revert to the general fund as provided by section 8.33.

Sec. 8. Section seven hundred twenty-four point fifteen (724.15), Code 1977 Supplement, is amended by striking the section and inserting in lieu thereof the following:

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.
 - e. The person has never been convicted of a crime defined in chapter seven hundred eight (708) of the Code, except "assault" as defined in section seven hundred eight point one (708.1) of the Code and "harrassment" as defined in section seven hundred eight point seven (708.7) of the Code.
 - f. The person has never been adjudged mentally defective.
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.
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 one

(1) of this section, he or she may immediately invalidate the permit.

Sec. 9. Section seven hundred twenty-four point sixteen (724.16), Code 1977 Supplement, is amended to read as follows:

724.16 ANNUAL PERMIT TO PURCHASE ACQUIRE REQUIRED. Any person who purchases acquires ownership of a pistol or revolver without a valid annual permit to purchase acquire pistols or revolvers or any person who ~~sells~~ transfers ownership of a pistol or revolver to a person who does not have in his or her possession a valid annual permit to purchase acquire pistols or revolvers is guilty of a simple misdemeanor.

Sec. 10. Section seven hundred twenty-four point seventeen (724.17), Code 1977 Supplement, is amended to read as follows:

724.17 APPLICATION FOR ANNUAL PERMIT TO PURCHASE ACQUIRE. The application for a an annual permit to purchase acquire pistols or revolvers may be made to the sheriff of any the county of the applicant's residence and shall be on a form prescribed and published by the commissioner of public safety. The application shall state the full name of the applicant, the social security number of the applicant, the residence of the applicant, and the age of the applicant.

Sec. 11. Section seven hundred twenty-four point eighteen (724.18), Code 1977 Supplement, is amended to read as follows:

724.18 ~~MAILING-OF~~ PROCEDURE FOR MAKING APPLICATION FOR ANNUAL PERMIT TO PURCHASE ACQUIRE. A person may ~~by-mail-or~~ personally request the sheriff to mail an application for a an annual permit to purchase acquire pistols or revolvers, and the sheriff shall immediately forward to such person an application for a an annual permit to purchase acquire pistols or revolvers. A person ~~may~~ shall upon completion of the application ~~mail~~ personally deliver such application to the sheriff who shall note the period of validity on the application and shall immediately ~~forward~~ issue the annual permit to purchase acquire pistols or revolvers to the applicant. For the purposes of this section the date of application shall be the date on which the sheriff received the completed application.

Sec. 12. Section seven hundred twenty-four point nineteen (724.19), Code 1977 Supplement, is amended to read as follows:

724.19 ISSUANCE OF ANNUAL PERMIT TO PURCHASE ACQUIRE. The annual permit to purchase acquire pistols or revolvers shall be issued to the applicant immediately upon completion of the application unless the applicant is disqualified under

the provisions of section seven hundred twenty-four point fifteen (724.15) of the Code and shall be on a form prescribed and published by the commissioner of public safety. The permit shall contain the name of the permittee, the social security number of the permittee, the residence of the permittee, and the effective date of the permit.

Sec. 13. The headnote of section seven hundred twenty-four point twenty (724.20), Code 1977 Supplement, is amended to read as follows:

724.20 VALIDITY OF ANNUAL PERMIT TO PURCHASE ACQUIRE PISTOLS OR REVOLVERS.

Sec. 14. Section seven hundred twenty-four point twenty-one (724.21), Code 1977 Supplement, is amended to read as follows:

724.21 GIVING FALSE INFORMATION WHEN PURCHASING ACQUIRING WEAPON. A person who gives a false name or presents false identification, or otherwise gives false information to one from whom the person seeks to purchase acquire a pistol or revolver, commits an aggravated misdemeanor.

Sec. 15. Section seven hundred twenty-four point twenty-two (724.22), Code 1977 Supplement, is amended by striking the section and inserting in lieu thereof the following:

724.22 SALE TO MINORS.

1. Except as provided in subsection three (3) of this section, a person who sells, loans, gives, or makes available a rifle or shotgun or ammunition for a rifle or shotgun to a minor commits a simple misdemeanor.

2. Except as provided in subsection four (4) and five (5) of this section, a person who sells, loans, gives, or makes available a pistol or revolver or ammunition for a pistol or revolver to a person below the age of twenty-one commits a simple misdemeanor.

3. A parent, guardian, spouse who is eighteen years of age or older, or another with the express consent of the minor's parent or guardian or spouse who is eighteen years of age or older may allow a minor to possess a rifle or shotgun or the ammunition therefor which may be lawfully used.

4. A person eighteen, nineteen, or twenty years of age may possess a firearm and the ammunition therefor while on military duty or while a peace officer, security guard or correctional officer, when such duty requires the possession of such a weapon or while the person receives instruction in the proper use thereof from an instructor who is twenty-one years of age or older.

5. A parent or guardian or spouse who is twenty-one years of age or older, of a person fourteen years of age but less than twenty-one may allow the person to possess a pistol or revolver or the ammunition therefor for any lawful purpose while under the direct supervision of the parent or guardian or spouse who is twenty-one years of age or older, or while the person receives instruction in the proper use thereof from an instructor twenty-one years of age or older, with the consent of such parent, guardian or spouse.

6. For the purposes of this section, caliber twenty-two (.22) rimfire ammunition shall be deemed to be rifle ammunition.

Sec. 16. Section seven hundred twenty-four point twenty-four (724.24), unnumbered paragraph one (1), Code 1977 Supplement, is amended to read as follows:

A resident of Iowa not otherwise precluded by applicable law, may purchase ~~firearms~~, rifles, shotguns, ammunition, reloading components, or firearms accessories in states contiguous to Iowa. This authorization is enacted in conformance with the Gun Control Act of 1968, 18 U.S.C., section 922 (b) (3) (A). In the event that presently enacted federal restrictions on the purchase of firearms, rifles, shotguns, ammunition, reloading components, or firearms accessories are repealed or set aside by courts of competent jurisdiction, this section shall in no way be interpreted to prohibit or restrict the purchase of firearms, shotguns, rifles, ammunition, reloading components, or firearms accessories by residents of Iowa otherwise competent to purchase the same in contiguous or other states.

Sec. 17. Section seven hundred twenty-four point twenty-five (724.25), Code 1977 Supplement, is amended to read as follows:

724.25 FELONY AND ANTIQUE FIREARM DEFINED.

1. As used in ~~section~~ sections seven hundred twenty-four point eight (724.8), subsection two (2) of the Code Supplement, and 724.26, the word "felony" means any offense punishable in the jurisdiction where it occurred by imprisonment for a term exceeding one year.

2. As used in this chapter an antique firearm means any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898. An antique firearm also means a replica of a firearm so described if the replica is not designed or redesigned for using rimfire or conventional

centerfire fixed ammunition or if the replica uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

Sec. 18. Section seven hundred twenty-four point twenty-seven (724.27), Code 1977 Supplement, is amended to read as follows:

724.27 EXCEPTION TO SECTION SECTIONS SEVEN HUNDRED TWENTY-FOUR POINT EIGHT (724.8), SUBSECTION TWO (2) AND SEVEN HUNDRED TWENTY-FOUR POINT FIFTEEN (724.15), SUBSECTION ONE (1) OF THE CODE SUPPLEMENT, AND 724.26. The provisions of ~~section~~ sections seven hundred twenty-four point eight (724.8), subsection two (2) and seven hundred twenty-four point fifteen (724.15), subsection one (1), paragraphs b and e of the Code Supplement, and 724.26 shall not apply to a person who is pardoned or has had his or her 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.

Sec. 19. Section seven hundred twenty-four point fourteen (724.14), Code 1977 Supplement, is repealed.

Sec. 20. This Act is effective January 1, 1979.

Approved June 22, 1978

CHAPTER 1175

NAME CHANGE FOR MARRIED PERSONS

H. F. 2116

AN ACT exempting certain married persons from the requirement that certain information be given prior to a name change.

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

Section 1. Acts of the Sixty-seventh General Assembly, 1977 Session, chapter one hundred thirty-six (136), section one (1), as it amends chapter five hundred ninety-five (595), Code 1977, is amended to read as follows:

Upon marriage either party may request on the application for a marriage license a name change to that of the other party or to some other surname mutually agreed upon by the parties. The names used on the marriage license shall become