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FILE FEB 18 1976

SENATE FILE 1166

By REDMOND

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

### A BILL FOR

1 An Act relating to the possession and use of firearms and  
2 dangerous weapons and providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. OFFENSIVE WEAPONS. An offen-  
2 sive weapon is any device or instrumentality of the follow-  
3 ing types:

4 1. A machine gun which is a firearm which shoots or is  
5 designed to shoot more than one shot, without manual reloading,  
6 by a single function of the trigger.

7 2. A shotgun having a barrel shorter than eighteen inches  
8 in length, or a rifle having a barrel shorter than sixteen  
9 inches in length.

10 3. Any weapon other than a shotgun or muzzle loading rifle  
11 or musket, which fires or can be made to fire a projectile  
12 by the explosion of a propellant charge, which has a barrel  
13 or tube with the bore of more than six tenths of an inch in  
14 diameter, or the ammunition or projectile therefor, but not  
15 including antique weapons kept for display.

16 4. A bomb, grenade, or mine, whether explosive, incendiary,  
17 or poison gas; any rocket having a propellant charge of more  
18 than four ounces; any missile having an explosive charge of  
19 more than one-quarter ounce; or any device similar to any  
20 of these.

21 5. Any part or combination of parts either designed or  
22 intended to be used to convert any device into an offensive  
23 weapon as described in subsections one (1) through four (4),  
24 of this section, or to be assembled into such an offensive  
25 weapon.

26 Sec. 2. NEW SECTION. AUTHORITY TO POSSESS. Any of the  
27 following is authorized to possess an offensive weapon when  
28 his or her duties or lawful activities require such possession:

29 1. Any peace officer.

30 2. Any member of the armed forces of the United States  
31 or of the national guard.

32 3. Any person in the service of the United States.

33 4. Any person who under the laws of this state and the  
34 United States, is lawfully engaged in the business of supplying  
35 those authorized to possess such devices.

1 5. Any person, firm or corporation who under the laws  
2 of this state and the United States is lawfully engaged in  
3 the improvement, invention or manufacture of firearms.

4 6. Any correctional officer, serving in an institution  
5 under the authority of the division of adult corrections.

6 Sec. 3. NEW SECTION. UNAUTHORIZED POSSESSION OF OFFEN-  
7 SIVE WEAPONS. Any person, other than a person authorized  
8 by this Act, who knowingly possesses an offensive weapon commits  
9 a public offense and, upon conviction, shall be imprisoned  
10 in the state penitentiary for not to exceed five years or  
11 be fined not to exceed one thousand dollars or be subject  
12 to both such fine and imprisonment.

13 Sec. 4. NEW SECTION. PISTOL OR REVOLVER--UNAUTHORIZED  
14 POSSESSION. Any person who knowingly possesses a pistol or  
15 revolver and who has not been issued a permit to possess a  
16 pistol or revolver pursuant to the provisions of this Act  
17 shall, upon conviction, be imprisoned in the state penitentiary  
18 for not to exceed two years or be fined not to exceed five  
19 thousand dollars or be subject to both such fine and imprison-  
20 ment.

21 Sec. 5. NEW SECTION. AUTHORITY TO ISSUE PERMITS.

22 1. The commissioner of public safety may issue a permit  
23 to possess a pistol or revolver to:

24 a. A peace officer.

25 b. A correctional officer, serving in an institution under  
26 the jurisdiction of the department of social services, division  
27 of adult corrections.

28 c. A private investigator licensed pursuant to chapter  
29 eighty A (80A) of the Code.

30 d. A person who pursuant to rules promulgated by the  
31 commissioner of public safety justifies his or her need to  
32 possess a pistol or revolver.

33 2. The commissioner of public safety shall not issue a  
34 permit to possess a pistol or revolver to:

35 a. A person who has been convicted of a felony. "Felony"

1 means a conviction in a court of this or any other state or  
2 of the United States, of an offense classified as a felony  
3 by the law under which he or she was convicted at the time  
4 of his or her conviction.

5 b. A person who has a history of drug or alcohol abuse.

6 c. A person who has a history of mental illness.

7 d. A person who is under the age of eighteen years.

8 e. A person who has a history of repeated acts of violence.

9 Sec. 6. NEW SECTION. APPLICATION. The application for  
10 a permit to possess a pistol or revolver shall be on a form  
11 prescribed by the commissioner of public safety and shall  
12 be made to the sheriff of the county in which the applicant  
13 resides, or if the applicant is not a resident of this state  
14 or whose need for a permit to possess a pistol or revolver  
15 arises out of his or her employment with the state, the  
16 application shall be made to the commissioner of public safety.  
17 Upon receipt of an application for a permit to possess a  
18 pistol or revolver the sheriff shall forward the application  
19 to the commissioner of public safety who shall approve or  
20 disapprove the application. Any person who knowingly falsifies  
21 any information required on the application shall, upon  
22 conviction, be guilty of a misdemeanor and be imprisoned in  
23 the county jail for not to exceed thirty days or be fined  
24 not to exceed one hundred dollars or be subject to both such  
25 fine and imprisonment.

26 Sec. 7. NEW SECTION. ISSUANCE. The commissioner of  
27 public safety shall notify the sheriff of the county from  
28 which the application originated of the commissioner's decision  
29 to approve or disapprove the application and the sheriff shall  
30 immediately notify the applicant of the commissioner's  
31 decision. If the application was made to the commissioner,  
32 he or she shall notify the applicant of his or her decision.  
33 If the commissioner approves the application he or she shall  
34 forward the permit to the applicant, but not sooner than  
35 fifteen days from the date of application.

1       Sec. 8. NEW SECTION. LENGTH OF PERMIT. Permits to possess  
2 a pistol or revolver issued to a peace officer or correctional  
3 officer shall be valid until the officer's duties as a peace  
4 officer or correctional officer are terminated. Upon the  
5 termination of a person's employment as a peace officer or  
6 correctional officer, the person's immediate supervisor shall  
7 require that the person surrender his or her permit to possess  
8 a pistol or revolver. All other permits to possess a pistol  
9 or revolver shall expire one year after the date of issuance.

10       Sec. 9. NEW SECTION. RENEWAL OF PERMIT. An application  
11 to renew a permit to possess a pistol or revolver shall be  
12 processed in the same manner as the original application.

13       Sec. 10. NEW SECTION. REVOCATION OF PERMITS. The com-  
14 missioner of public safety may revoke any permit to possess  
15 a pistol or revolver when he or she learns that any of the  
16 conditions required for the issuance of that permit have  
17 ceased to exist, or when he or she learns that that permit  
18 was improperly issued. When the commissioner of public safety  
19 revokes a permit, he or she shall notify the permit holder  
20 of such revocation on a form prescribed and published by the  
21 commissioner of public safety. From the time the permit  
22 holder receives notice of revocation, the permit shall cease  
23 to have any force or effect, except as provided in section  
24 eleven (11) of this Act. Permit revocations may be reviewed  
25 by writ of certiorari.

26       Sec. 11. NEW SECTION. EFFECT OF REVOCATION OR FAILURE  
27 TO RENEW. Any person who has his or her permit to possess  
28 a pistol or revolver revoked, or has not had his or her permit  
29 to possess a pistol or revolver renewed, shall have two months  
30 to lawfully dispose of any pistol or revolver he or she may  
31 possess.

32       Sec. 12. NEW SECTION. FEE. Each application and appli-  
33 cation for renewal shall be accompanied by a fee in an amount  
34 to be determined by the commissioner of public safety, but  
35 only in an amount calculated to defer the cost of administering

1 the permit system.

2 Sec. 13. NEW SECTION. EXISTING PERMITS. Any permit  
3 issued by virtue of the authority granted by chapter six hun-  
4 dred ninety-five (695) of the Code prior to the effective  
5 date of this Act shall remain in effect until its normal  
6 expiration date.

7 Sec. 14. NEW SECTION. EXEMPTIONS. Members of the armed  
8 forces of the United States national guard, and persons  
9 employed by the United States are exempt from the provisions  
10 of sections four (4) through twelve (12) of this Act when  
11 authorized to carry a pistol or revolver in the performance  
12 of their duties.

13 Sec. 15. NEW SECTION. SALE OF PISTOL OR REVOLVER. Any  
14 person who sells, gives, lends, or in any manner provides  
15 another person, who has not been issued a permit to carry  
16 a pistol or revolver or who is not exempt pursuant to section  
17 fourteen (14) of this Act, with a pistol or revolver shall,  
18 upon conviction, be imprisoned in the state penitentiary for  
19 not to exceed one year or be fined not to exceed two thousand  
20 dollars or be subject to both such fine and imprisonment.

21 Sec. 16. NEW SECTION. SALE OF PISTOL OR REVOLVER TO  
22 MINORS. Any person who sells, gives, lends or in any manner  
23 provides a person under the age of eighteen years with a  
24 pistol or revolver shall, upon conviction, be imprisoned in  
25 the state penitentiary for not to exceed two years or be fined  
26 not to exceed five thousand dollars or be subject to both  
27 such fine and imprisonment.

28 Sec. 17. NEW SECTION. REPORT AND RECORD OF SALES. Any  
29 person who sells a pistol or revolver, whether such person  
30 is a dealer or otherwise, shall report within seventy-two  
31 hours to the county sheriff the sale of such weapon, on forms  
32 prescribed and published by the commissioner of public safety,  
33 and on the forms shall set forth the time of selling, the  
34 age, occupation, place of employment or business, name and  
35 residence of such purchaser of such weapon, together with

1 the number, make, and other marks of identification of such  
2 weapon, and the sheriff on receipt of such information shall  
3 forward a copy of this report to the commissioner of public  
4 safety who shall make a permanent record of the same. Any  
5 person who fails to make a report as required by this section  
6 shall, upon conviction, be imprisoned in the county jail for  
7 not to exceed thirty days or fined not to exceed one hundred  
8 dollars or be subject to both such fine and imprisonment.

9       Sec. 18. NEW SECTION. CARRYING WEAPONS. Any person who  
10 goes armed with a dangerous weapon concealed on or about his  
11 person or who goes armed with a loaded rifle or shotgun within  
12 the limits of any city shall, upon conviction, be imprisoned  
13 in the state penitentiary for not to exceed two years or be  
14 fined not to exceed five thousand dollars or be subject to  
15 both such fine and imprisonment. "Dangerous weapon" means  
16 an instrument or device designed primarily for use in inflict-  
17 ing death or injury upon a human being or other living crea-  
18 ture, and which is capable of inflicting death upon a human  
19 being when used in the manner for which it was designed.

20       The provisions of this section shall not apply to a peace  
21 officer, member of the armed forces of the United States,  
22 person in the service of the United States, or correctional  
23 officer when authorized to carry such weapons in the perfor-  
24 mance of their duties.

25       Sec. 19. NEW SECTION. PURCHASE OR SALE OF FIREARMS IN  
26 CONTIGUOUS STATES. A resident of Iowa not otherwise pre-  
27 cluded by applicable law, may purchase firearms, rifles, shot-  
28 guns, ammunition, reloading components, or firearms accessor-  
29 ies in states contiguous to Iowa. This authorization is  
30 enacted in conformance with the Gun Control Act of 1968, 18  
31 U.S.C., section 922 (b) (3) (A). In the event that presently  
32 enacted federal restrictions on the purchase of firearms,  
33 rifles, shotguns, ammunition, reloading components, or firearms  
34 accessories are repealed or set aside by courts of competent  
35 jurisdiction, this section shall in no way be interpreted

1 to prohibit or restrict the purchase of firearms, shotguns,  
2 rifles, ammunition, reloading components, or firearms acces-  
3 sories by residents of Iowa otherwise competent to purchase  
4 the same in contiguous or other states.

5 A dealer licensed in Iowa may sell or deliver a rifle or  
6 shotgun, and a collector licensed in Iowa may sell or deliver  
7 a rifle or shotgun if it is a curio or relic, to a resident  
8 of an adjacent state, if the purchaser's state of residence  
9 permits such sale or delivery by law, the sale fully complies  
10 with the legal conditions of Iowa and the adjacent state,  
11 and the purchaser and licensee have, prior to the sale or  
12 delivery for sale of the rifle or shotgun, complied with all  
13 the requirements of the federal Gun Control Act of 1968.

14 Sec. 20. NEW SECTION. DEALERS EXEMPT. The provisions  
15 of this Act shall not apply to any person lawfully engaged  
16 in the sale, manufacture, repair, or transportation of  
17 offensive weapons, pistols, revolvers, or other firearms,  
18 while the person possesses such weapons in the normal course  
19 of his or her business.

20 Sec. 21. NEW SECTION. TAX CREDIT. Any person who, between  
21 July 1, 1976 and December 31, 1976, surrenders a pistol or  
22 revolver to the commissioner of public safety or the sheriff  
23 of the county in which he or she resides shall be granted  
24 a tax credit of five dollars on his or her 1976 state income  
25 tax for each pistol or revolver surrendered. The commissioner  
26 of public safety shall verify the surrender of the pistol  
27 or revolver. One copy of such form shall be provided to the  
28 person surrendering the pistol or revolver for inclusion in  
29 his or her 1976 state income tax return and one copy of the  
30 form shall be forwarded to the department of revenue.

31 Sec. 22. NEW SECTION. EFFECTIVE DATE. The effective  
32 date of sections one (1) through twenty (20) and section  
33 twenty-three (23) of this Act shall be January 1, 1977.

34 Sec. 23. Chapter six hundred ninety-five (695), Code 1975,  
35 is repealed.

EXPLANATION

1  
2 This bill provides for a revision of the Iowa laws govern-  
3 ing the possession of weapons; providing penalties for the  
4 unlawful possession of offensive weapons, pistols, and revol-  
5 vers. This bill also makes it unlawful for a person to carry  
6 a loaded shotgun or rifle within the limits of a city and  
7 for a person to carry a concealed dangerous weapon. In  
8 addition, this bill provides that a person cannot possess  
9 a pistol or revolver unless he or she has been issued a permit  
10 by the commissioner of public safety. In addition, this bill  
11 allows a five-dollar tax credit to any person who surrenders  
12 a pistol or revolver to a sheriff or the commissioner of  
13 public safety.

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