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FILED MAR 30 1978

SENATE FILE 2213

By COMMITTEE ON JUDICIARY
Approved 2/30 (p. 493)

Passed Senate, Date 4-6-78 (p. 758) Passed House, Date _____
Vote: Ayes 45 Nays 1 Vote: Ayes _____ Nays _____
Approved 6/22/78

A BILL FOR

1 An Act amending the weapons chapter of the criminal code revi-
2 sion to authorize a peace officer to go armed anywhere in
3 the state at all times when he or she obtains a professional
4 permit to carry weapons, to forbid a convicted felon to
5 obtain a permit to carry weapons, to eliminate the need for
6 a seller who is a federal firearm licensee to report sales
7 or transfers of ownership of revolvers or pistols to other
8 federal firearm licensees, to eliminate the need for a
9 federal firearm licensee to obtain a permit to purchase a
10 pistol or revolver, to eliminate the need for anyone to
11 obtain a permit to purchase an antique firearm, and to for-
12 bid making a pistol or revolver available to a person under
13 twenty-one.

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

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1 Section 1. Section seven hundred twenty-four point four
2 (724.4), subsection seven (7), Code 1977 Supplement is amended
3 to read as follows:

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

8 Sec. 2. Section seven hundred twenty-four point six
9 (724.6), Code 1977 Supplement, is amended to read as follows:

10 724.6 PROFESSIONAL PERMIT TO CARRY WEAPONS. A person
11 may be issued a permit to carry weapons when the person's
12 employment as a peace officer, correctional officer, security
13 guard, private detective licensed under chapter 80A, bank
14 messenger or other person transporting property of a value
15 requiring security, or in police work, reasonably justifies
16 that person going armed. Such permits shall be on a form
17 prescribed and published by the commissioner of public safety,
18 shall identify the holder thereof, and shall state the nature
19 of the employment requiring his or her going armed. A permit
20 so issued, other than to a peace officer, shall authorize
21 the person to whom it is issued to go armed anywhere in the
22 state, only while engaged in such employment, and while going
23 to and from the place of such employment. A permit issued
24 to a certified peace officer shall authorize that peace officer
25 to go armed anywhere in the state at all times. Any such
26 permit shall expire twelve months after the date when issued.
27 When such employment is terminated, the holder of such permit
28 shall surrender his or her permit to the issuing officer for
29 cancellation.

30 Sec. 3. Section seven hundred twenty-four point eight
31 (724.8), subsection two (2), Code 1977 Supplement, is amended
32 to read as follows:

33 2. The person has never been convicted of a ~~foreible~~
34 felony.

35 Sec. 4. Section seven hundred twenty-four point ten

1 (724.10), Code 1977 Supplement, is amended to read as follows:
2 724.10 APPLICATION FOR PERMIT TO CARRY WEAPONS. No person
3 shall be issued a permit to carry weapons unless the person
4 has completed and signed an application on a form to be
5 prescribed and published by the commissioner of public safety.
6 The application shall state the full name, social security
7 number (optional), residence, and age of the applicant, and
8 shall state whether the applicant has ever been convicted
9 of a felony, whether the person is addicted to the use of
10 alcohol or any controlled substance, and whether the person
11 has any history of mental illness or repeated acts of violence.
12 Any person who knowingly makes a false statement on such
13 application commits an aggravated misdemeanor.

14 Sec. 5. Section seven hundred twenty-four point eleven
15 (724.11), Code 1977 Supplement, is amended to read as follows:
16 724.11 ISSUANCE OF PERMIT TO CARRY WEAPONS. Applications
17 for permits to carry weapons shall be made to the sheriff
18 of the county in which the applicant resides. Applications
19 from persons who are nonresidents of the state, or whose need
20 to go armed arises out of employment by the state, shall be
21 made to the commissioner of public safety. In either case,
22 the issuance of the permit shall be by and at the discretion
23 of the sheriff or commissioner, who shall, before issuing
24 the permit, determine that the requirements of sections 724.6
25 through 724.10, inclusive, have been satisfied. However,
26 the training program requirements in section 724.9 may be
27 waived for renewal permits. The issuing officer shall collect
28 a fee of five dollars, except from a duly appointed peace
29 officer or correctional officer, for each permit issued.
30 Renewal permits or duplicate permits shall be issued for a
31 fee of two dollars. The issuing officer shall notify the
32 commissioner of public safety of the issuance of any permit
33 at least monthly and forward to the commissioner an amount
34 equal to two dollars for each permit issued and one dollar
35 for each renewal or duplicate permit issued. All such fees

1 received by the commissioner shall be paid to the treasurer
2 of state and deposited in the operating account of the
3 department of public safety to offset the cost of administering
4 this chapter. Any unspent balance as of June thirtieth of
5 each year shall revert to the general fund as provided by
6 section 8.33.

7 Sec. 6. Section seven hundred twenty-four point fifteen
8 (724.15), Code 1977 Supplement, is amended to read as follows:

9 724.15 REPORT AND RECORD OF SALES. Any person who sells
10 or transfers ownership of a revolver or pistol other than
11 an antique firearm, whether such person is a dealer or
12 otherwise, shall report within five days to the county sheriff
13 the sale or transfer of such weapon, on forms prescribed and
14 published by the commissioner of public safety, and on the
15 forms shall set forth the time of selling or transfer, the
16 age, occupation, place of employment or business, name and
17 residence of such recipient of such weapon, together with
18 the model, caliber, serial number, and make of such weapon,
19 and the sheriff on receipt of such information shall make
20 a permanent record of the same in a book specially kept for
21 that purpose. A copy of this report shall be forwarded by
22 the sheriff to the commissioner of public safety. Any person
23 who fails to make a report as required by this section shall
24 be guilty of a simple misdemeanor.

25 PARAGRAPH DIVIDED. Any person who transfers the ownership
26 of a revolver or pistol to a person related to him or her
27 within the second degree of consanguinity or affinity shall
28 be exempt from the reporting requirements of this section.

29 A federal firearm licensee who sells or transfers the
30 ownership of a revolver or pistol to another federal firearm
31 licensee shall be exempt from the reporting requirements of
32 this section.

33 Sec. 7. Section seven hundred twenty-four point sixteen
34 (724.16), Code 1977 Supplement, is amended by striking the
35 section and inserting in lieu thereof the following:

1 724.16 PERMIT TO PURCHASE REQUIRED.

2 1. A person who purchases a pistol or revolver, other
3 than an antique firearm, without a valid permit to purchase
4 pistols or revolvers is guilty of a simple misdemeanor. This
5 subsection shall not apply to a federal firearm licensee who
6 purchases a handgun for resale.

7 2. A person who sells a pistol or revolver, other than
8 an antique firearm, to a person who does not have in his or
9 her possession a valid permit to purchase pistols or revolvers
10 is guilty of a simple misdemeanor. This subsection shall not
11 apply to a person who sells a handgun to a federal firearm
12 licensee who purchases it for resale.

13 Sec. 8. Section seven hundred twenty-four point seventeen
14 (724.17), Code 1977 Supplement, is amended to read as follows:

15 724.17 APPLICATION FOR PERMIT TO PURCHASE. The application
16 for a permit to purchase pistols or revolvers may be made
17 to the sheriff of any county and shall be on a form prescribed
18 and published by the commissioner of public safety. The
19 application shall state the full name of the applicant, the
20 social security number of the applicant (optional), the
21 residence of the applicant, and the age of the applicant.

22 Sec. 9. Section seven hundred twenty-four point twenty-
23 two (724.22), Code 1977 Supplement, is amended by striking
24 the section and inserting in lieu thereof the following:

25 724.22 SALE TO MINORS.

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

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

35 3. A parent, guardian, or another with the express consent

1 of the minor's parent or guardian may allow a minor to possess
2 a rifle or shotgun or the ammunition therefor which may be
3 lawfully used.

4 4. A person eighteen, nineteen, or twenty years of age
5 may possess a firearm and the ammunition therefor while on
6 military duty or while a peace officer or correctional officer,
7 when such duty requires the possession of such a weapon or
8 while the person receives instruction in the proper use thereof
9 from an adult instructor.

10 Sec. 10. Section seven hundred twenty-four point twenty-
11 four (724.24), unnumbered paragraph one (1), Code 1977
12 Supplement, is amended to read as follows:

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

27 Sec. 11. Section seven hundred twenty-four point twenty-
28 five (724.25), Code 1977 Supplement, is amended to read as
29 follows:

30 724.25 FELONY AND ANTIQUE FIREARM DEFINED.

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

1 3. Eliminate the need for a seller who is a federal firearm
2 licensee to report sales or transfers of ownership of revolvers
3 or pistols to other federal firearm licensees.

4 4. Eliminate the need for a federal firearm licensee to
5 obtain a permit to purchase a pistol or revolver.

6 5. Eliminate the need for anyone to obtain a permit to
7 purchase an antique firearm.

8 6. With certain exceptions, forbid making a pistol or
9 revolver available to a person under 21.

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SENATE FILE 2213

S-5489

1 Amend Senate File 2213 as follows:
2 1. Page 3, by striking lines 33 through page 4,
3 line 24.
4 2. Page 6, line 26, by striking the words "
5 Code 1977 Supplement, is repealed." and by inserting
6 in lieu thereof the following:
7 "section seven hundred twenty-four point sixteen
8 (724.16); section seven hundred twenty-four point
9 seventeen (724.17); section seven hundred twenty-
10 four point eighteen (724.18); section seven hundred
11 twenty-four point nineteen (724.19); and section
12 seven hundred twenty-four point twenty (724.20)
13 are repealed."

S-5489 FILED *4/5 4/6 (p. 756)*
APRIL 5, 1978

BY EUGENE M. HILL

SENATE FILE 2213

S-5490

1 Amend Senate File 2213 as follows:
2 1. Page 3, by striking lines 33 through page 4,
3 line 21.
4 2. Page 6, line 26, by striking the words "
5 Code 1977 Supplement, is repealed." and by inserting
6 in lieu thereof the following:
7 "section seven hundred twenty-four point sixteen
8 (724.16); section seven hundred twenty-four point
9 seventeen (724.17); section seven hundred twenty-
10 four point eighteen (724.18); section seven hundred
11 twenty-four point nineteen (724.19); and section
12 seven hundred twenty-four point twenty (724.20)
13 are repealed."

5497 - S-5490 FILED *Last 4/6 (p. 756)* BY EUGENE M. HILL
APRIL 5, 1978

SENATE FILE 2213

S-5500

- 1 Amend Senate File 2213 as follows:
- 2 1. Page 4, line 30, by inserting after the
- 3 number "(4)", the words and number "and five (5)".
- 4 2. Page 5, by inserting after line 9, the
- 5 following new subsection:
- 6 "5. A parent or guardian of a minor child
- 7 fourteen years of age or older may allow the child to
- 8 possess a pistol or revolver or the ammunition therefor
- 9 for any lawful purpose while under the direct super-
- 10 vision of the parent or guardian."

S-5500 FILED & ADOPTED (p. 757) BY RICHARD R. RAMSEY
APRIL 6, 1978

LOWELL L. JUNKINS
WILLIAM D. PALMER
CALVIN O. HULTMAN
DALE L. TIEDEN
C. W. HUTCHINS

SENATE FILE 2213

S-5502

- 1 Amend Senate File 2213 as follows:
- 2 1. Page 5, line 6, by inserting after the word
- 3 "officer" the words ", security guard".

S-5502 FILED & ADOPTED (p. 757) BY RICHARD R. RAMSEY
APRIL 6, 1978

DALE L. TIEDEN

SENATE FILE 2213

S-5497

- 1 Amend the Hill amendment, S-5490, to Senate File
- 2 2213 as follows:
- 3 1. Page 1, line 12, by adding after the figure
- 4 "(724.20)" the words ", Code 1977 Supplement,".

S-5497 FILED & ADOPTED (p. 756) BY EUGENE M. HILL
APRIL 6, 1978

6400
1 Section 1. Section seven hundred twenty-four point four
2 (724.4), subsection seven (7), Code 1977 Supplement is amended
3 to read as follows:

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

8 Sec. 2. Section seven hundred twenty-four point six
9 (724.6), Code 1977 Supplement, is amended to read as follows:

10 724.6 PROFESSIONAL PERMIT TO CARRY WEAPONS. A person
11 may be issued a permit to carry weapons when the person's
12 employment as a peace officer, correctional officer, security
13 guard, private detective licensed under chapter 80A, bank
14 messenger or other person transporting property of a value
15 requiring security, or in police work, reasonably justifies
16 that person going armed. Such permits shall be on a form
17 prescribed and published by the commissioner of public safety,
18 shall identify the holder thereof, and shall state the nature
19 of the employment requiring his or her going armed. A permit
20 so issued, other than to a peace officer, shall authorize
21 the person to whom it is issued to go armed anywhere in the
22 state, only while engaged in such employment, and while going
23 to and from the place of such employment. A permit issued
24 to a certified peace officer shall authorize that peace officer
25 to go armed anywhere in the state at all times. Any such
26 permit shall expire twelve months after the date when issued.
27 When such employment is terminated, the holder of such permit
28 shall surrender his or her permit to the issuing officer for
29 cancellation.

30 Sec. 3. Section seven hundred twenty-four point eight
31 (724.8), subsection two (2), Code 1977 Supplement, is amended
32 to read as follows:

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

35 Sec. 4. Section seven hundred twenty-four point ten

1 (724.10), Code 1977 Supplement, is amended to read as follows:

2 724.10 APPLICATION FOR PERMIT TO CARRY WEAPONS. No person
3 shall be issued a permit to carry weapons unless the person
4 has completed and signed an application on a form to be
5 prescribed and published by the commissioner of public safety.
6 The application shall state the full name, social security
7 number (optional), residence, and age of the applicant, and
8 shall state whether the applicant has ever been convicted
9 of a felony, whether the person is addicted to the use of
10 alcohol or any controlled substance, and whether the person
11 has any history of mental illness or repeated acts of violence.
12 Any person who knowingly makes a false statement on such
13 application commits an aggravated misdemeanor.

14 Sec. 5. Section seven hundred twenty-four point eleven
15 (724.11), Code 1977 Supplement, is amended to read as follows:

16 724.11 ISSUANCE OF PERMIT TO CARRY WEAPONS. Applications
17 for permits to carry weapons shall be made to the sheriff
18 of the county in which the applicant resides. Applications
19 from persons who are nonresidents of the state, or whose need
20 to go armed arises out of employment by the state, shall be
21 made to the commissioner of public safety. In either case,
22 the issuance of the permit shall be by and at the discretion
23 of the sheriff or commissioner, who shall, before issuing
24 the permit, determine that the requirements of sections 724.6
25 through 724.10, inclusive, have been satisfied. However,
26 the training program requirements in section 724.9 may be
27 waived for renewal permits. The issuing officer shall collect
28 a fee of five dollars, except from a duly appointed peace
29 officer or correctional officer, for each permit issued.
30 Renewal permits or duplicate permits shall be issued for a
31 fee of two dollars. The issuing officer shall notify the
32 commissioner of public safety of the issuance of any permit
33 at least monthly and forward to the commissioner an amount
34 equal to two dollars for each permit issued and one dollar
35 for each renewal or duplicate permit issued. All such fees

1 received by the commissioner shall be paid to the treasurer
2 of state and deposited in the operating account of the
3 department of public safety to offset the cost of administering
4 this chapter. Any unspent balance as of June thirtieth of
5 each year shall revert to the general fund as provided by
6 section 8.33.

7 Sec. 6. Section seven hundred twenty-four point fifteen
8 (724.15), Code 1977 Supplement, is amended to read as follows:

9 724.15 REPORT AND RECORD OF SALES. Any person who sells
10 or transfers ownership of a revolver or pistol other than
11 an antique firearm, whether such person is a dealer or
12 otherwise, shall report within five days to the county sheriff
13 the sale or transfer of such weapon, on forms prescribed and
14 published by the commissioner of public safety, and on the
15 forms shall set forth the time of selling or transfer, the
16 age, occupation, place of employment or business, name and
17 residence of such recipient of such weapon, together with
18 the model, caliber, serial number, and make of such weapon,
19 and the sheriff on receipt of such information shall make
20 a permanent record of the same in a book specially kept for
21 that purpose. A copy of this report shall be forwarded by
22 the sheriff to the commissioner of public safety. Any person
23 who fails to make a report as required by this section shall
24 be guilty of a simple misdemeanor.

25 PARAGRAPH DIVIDED. Any person who transfers the ownership
26 of a revolver or pistol to a person related to him or her
27 within the second degree of consanguinity or affinity shall
28 be exempt from the reporting requirements of this section.

29 A federal firearm licensee who sells or transfers the
30 ownership of a revolver or pistol to another federal firearm
31 licensee shall be exempt from the reporting requirements of
32 this section.

33 Sec. 7. Section seven hundred twenty-four point sixteen
34 (724.16), Code 1977 Supplement, is amended by striking the
35 section and inserting in lieu thereof the following:

1 724.16 PERMIT TO PURCHASE REQUIRED.

2 1. A person who purchases a pistol or revolver, other
3 than an antique firearm, without a valid permit to purchase
4 pistols or revolvers is guilty of a simple misdemeanor. This
5 subsection shall not apply to a federal firearm licensee who
6 purchases a handgun for resale.

7 2. A person who sells a pistol or revolver, other than
8 an antique firearm, to a person who does not have in his or
9 her possession a valid permit to purchase pistols or revolvers
10 is guilty of a simple misdemeanor. This subsection shall not
11 apply to a person who sells a handgun to a federal firearm
12 licensee who purchases it for resale.

13 Sec. 8. Section seven hundred twenty-four point seventeen
14 (724.17), Code 1977 Supplement, is amended to read as follows:

15 724.17 APPLICATION FOR PERMIT TO PURCHASE. The application
16 for a permit to purchase pistols or revolvers may be made
17 to the sheriff of any county and shall be on a form prescribed
18 and published by the commissioner of public safety. The
19 application shall state the full name of the applicant, the
20 social security number of the applicant (optional), the
21 residence of the applicant, and the age of the applicant.

22 Sec. 9. Section seven hundred twenty-four point twenty-
23 two (724.22), Code 1977 Supplement, is amended by striking
24 the section and inserting in lieu thereof the following:

25 724.22 SALE TO MINORS.

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

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

35 3. A parent, guardian, or another with the express consent

629- 1 of the minor's parent or guardian may allow a minor to possess
2 a rifle or shotgun or the ammunition therefor which may be
3 lawfully used.

623-4 4. A person eighteen, nineteen, or twenty years of age
5 may possess a firearm and the ammunition therefor while on
6 military duty or while a peace officer, security guard or
7 correctional officer, when such duty requires the possession
8 of such a weapon or while the person receives instruction
9 in the proper use thereof from an adult instructor.

623- 10 5. A parent or guardian of a minor child fourteen years
624- 11 of age or older may allow the child to possess a pistol or
12 revolver or the ammunition therefor for any lawful purpose
645, 646- 13 while under the direct supervision of the parent or guardian.

14 Sec. 10. Section seven hundred twenty-four point twenty-
15 four (724.24), unnumbered paragraph one (1), Code 1977
16 Supplement, is amended to read as follows:

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

31 Sec. 11. Section seven hundred twenty-four point twenty-
32 five (724.25), Code 1977 Supplement, is amended to read as
33 follows:

34 724.25 FELONY AND ANTIQUE FIREARM DEFINED.

35 1. As used in ~~section~~ sections seven hundred twenty-four

1 point eight (724.8), subsection two (2) of the Code Supplement,
 2 and 724.26, the word "felony" means any offense punishable
 3 in the jurisdiction where it occurred by imprisonment for
 4 a term exceeding one year.

5 2. As used in this chapter an antique firearm means any
 6 firearm (including any firearm with a match lock, flint lock,
 7 percussion cap, or similar type of ignition system)
 8 manufactured in or before 1898. An antique firearm also means
 9 a replica of a firearm so described if the replica is not
 10 designed or redesigned for using rimfire or conventional
 11 centerfire fixed ammunition or if the replica uses rimfire
 12 or conventional centerfire fixed ammunition which is no longer
 13 manufactured in the United States and which is not readily
 14 available in the ordinary channels of commercial trade.

15 Sec. 12. Section seven hundred twenty-four point twenty-
 16 seven (724.27), Code 1977 Supplement, is amended to read as
 17 follows:

18 724.27 EXCEPTION TO SECTION SECTIONS SEVEN HUNDRED TWENTY-
 19 FOUR POINT EIGHT (724.8), SUBSECTION TWO (2) OF THE CODE
 20 SUPPLEMENT, AND 724.26.

21 The provisions of section sections seven hundred twenty-
 22 four point eight (724.8), subsection two (2) of the Code
 23 Supplement, and 724.26 shall not apply to a person who is
 24 pardoned or has had his or her civil rights restored by the
 25 President of the United States or the chief executive of a
 26 state and who is expressly authorized by the President of
 27 the United States or such chief executive to receive,
 28 transport, or possess firearms or destructive devices.

29 Sec. 13. Section seven hundred twenty-four point fourteen
 30 (724.14), Code 1977 Supplement, is repealed.

31 Sec. 14. This Act is effective January 1, 1979.

32 EXPLANATION

33 The bill amends the weapons chapter of the criminal code
 34 revision to do the following:

35 1. Authorize a peace officer to go armed anywhere in the

1 state at all times when he or she obtains a professional
2 permit to carry weapons.

3 2. Forbid a convicted felon to obtain a permit to carry
4 weapons.

5 3. Eliminate the need for a seller who is a federal firearm
6 licensee to report sales or transfers of ownership of revolvers
7 or pistols to other federal firearm licensees.

8 4. Eliminate the need for a federal firearm licensee to
9 obtain a permit to purchase a pistol or revolver.

10 5. Eliminate the need for anyone to obtain a permit to
11 purchase an antique firearm.

12 6. With certain exceptions, forbid making a pistol or
13 revolver available to a person under 21.

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SENATE FILE 2213

H-6290

- 1 Amend amendment H-6248 to Senate File 2213 as
- 2 amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, line 10, by striking the word "nine-
- 5 teen" and inserting in lieu thereof the word "twenty-
- 6 one".
- 7 2. Page 1, line 13, by striking the word "nine-
- 8 teen" and inserting in lieu thereof the word "twenty-
- 9 one".

H-6290 FILED *withdrawn* BY SPEAR of Lee
APRIL 25, 1978 *5/3 (p. 2197)*

SENATE FILE 2213

H-6299

- 1 Amend amendment H-6233 to Senate File 2213 as
- 2 amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, by striking lines 6 through 9.
- 5 2. Page 1, line 12, by striking the word
- 6 "nineteen" and inserting in lieu thereof the word
- 7 "twenty-one".
- 8 3. Page 1, line 18, by striking the word "nine-
- 9 teen" and inserting in lieu thereof the word "twenty-
- 10 one".

H-6299 FILED *withdrawn* BY SPEAR of Lee
APRIL 25, 1978 *5/3 (p. 2197)*

SENATE FILE 2213

H-6233

- 1 Amend Senate File 2213 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 4, line 26, by striking the words "or
4 four".
5 2. Page 4, line 27, by striking the figure "(4)".
6 3. Page 4, line 33, by striking the word "twenty-
7 one" and inserting in lieu thereof the word "nineteen".
8 4. Page 5, line 4, by striking the words "
9 nineteen, or twenty".
10 5. Page 5, line 9, by striking the word "adult".
11 6. Page 5, line 9, by inserting after the word
12 "instructor" the words "who is nineteen years of age
13 or older".
14 7. Page 5, line 10, by striking the words "minor
15 child" and inserting in lieu thereof the word "person".
16 8. Page 5, line 11, by striking the words "or
17 older" and inserting in lieu thereof the words "but
18 less than nineteen".
19 9. Page 5, line 11, by striking the word "child"
20 and inserting in lieu thereof the word "person".

H-6233 FILED *A. DePinto* BY SPEAR of Lee
APRIL 24, 1978 *S. DePinto 5/3 (p. 2197)*

SENATE FILE 2213

H-6248

- 1 Amend Senate File 2213 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 4, line 35, by inserting after the word
4 "guardian," the words "spouse who is eighteen years
5 of age or older,".
6 2. Page 5, line 1, by inserting after the word
7 "guardian" the words "or spouse who is eighteen years
8 of age or older".
9 3. Page 5, line 10, by inserting after the word
10 "guardian" the words "or spouse who is nineteen years
11 of age or older,".
12 4. Page 5, line 13, by inserting after the word
13 "guardian" the words "or spouse who is nineteen years
14 of age or older".

H-6248 FILED *W. DePinto* BY SPEAR of Lee
APRIL 24, 1978 *5/3 (p. 2197)*

SENATE FILE 2213

H-6444

- 1 Amend Senate File 2213, as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 31, by striking the word "subsec-
- 4 tion" and inserting in lieu thereof the word
- 5 "subsections".
- 6 2. Page 1, line 31, by inserting after the figure
- 7 "(2)" the words and figure "and five (5)".
- 8 3. Page 1, by inserting after line 34 the follow-
- 9 ing subsection:
- 10 "5. The issuing officer reasonably determines
- 11 ~~from competent evidence~~ that the applicant does not
- 12 constitute a danger to any person."
- 13 4. Page 3, by striking lines 7 through 35.
- 14 5. Page 4, by striking lines 1 through 21 and
- 15 inserting in lieu thereof the following sections:
- 16 "Sec. 724.15. Section seven hundred twenty-four point
- 17 fifteen (724.15), Code 1977 Supplement, is amended
- 18 by striking the section and inserting in lieu thereof
- 19 the following:
- 20 724.15 ANNUAL PERMIT TO ACQUIRE PISTOLS OR
- 21 REVOLVERS.
- 22 1. Any person who acquires ownership of any pistol
- 23 or revolver shall first obtain an annual permit.
- 24 An annual permit shall not be issued to any person
- 25 unless:
- 26 a. The person is twenty-one years of age or older.
- 27 b. The person has never been convicted of a felony.
- 28 c. The person is not addicted to the use of alcohol
- 29 or a controlled substance.
- 30 d. The person has no history of repeated acts
- 31 of violence.
- 32 e. The person has never been convicted of a crime
- 33 defined in chapter seven hundred eight (708) of the
- 34 Code, except "assault" as defined in section seven
- 35 hundred eight point one (708.1) of the Code and
- 36 "harrassment" as defined in section seven hundred
- 37 eight point seven (708.7) of the Code.
- 38 f. The person has never been adjudged mentally
- 39 defective or has never been committed to a mental
- 40 institution.
- 41 2. Any person who acquires ownership of a pistol
- 42 or revolver shall not be required to obtain an annual
- 43 permit if:
- 44 a. The person transferring the pistol or revolver
- 45 and the person acquiring the pistol or revolver are
- 46 licensed firearms dealers under federal law;
- 47 b. The pistol or revolver acquired is an antique
- 48 firearm, a collector's item, a device which is not
- 49 designed or redesigned for use as a weapon, a device
- 50 which is designed solely for use as a signaling,

1 pyrotechnic, line-throwing, safety, or similar device,
2 or a firearm which is unserviceable by reason of being
3 unable to discharge a shot by means of an explosive
4 and is incapable of being readily restored to a firing
5 condition; or

6 c. The person acquiring the pistol or revolver
7 is authorized to do so on behalf of a law enforcement
8 agency.

9 3. The annual permit to acquire pistols or
10 revolvers shall authorize the permit holder to acquire
11 one or more pistols or revolvers during the period
12 that the permit remains valid. If the issuing officer
13 determines that the applicant has become disqualified
14 under the provisions of subsection one (1) of this
15 section, he or she may immediately invalidate the
16 permit.

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

20 724.16 ANNUAL PERMIT TO PURCHASE ACQUIRE REQUIRED.
21 Any person who purchases acquires ownership of a
22 pistol or revolver without a valid annual permit to
23 purchase acquire pistols or revolvers or any person
24 who sells transfers ownership of a pistol or revolver
25 to a person who does not have in his or her possession
26 a valid annual permit to purchase acquire pistols
27 or revolvers is guilty of a simple misdemeanor.

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

31 724.17 APPLICATION FOR ANNUAL PERMIT TO PURCHASE
32 ACQUIRE. The application for a an annual permit to
33 purchase acquire pistols or revolvers may be made
34 to the sheriff of any the county of the applicant's
35 residence and shall be on a form prescribed and
36 published by the commissioner of public safety. The
37 application shall state the full name of the applicant,
38 the social security number of the applicant, the
39 residence of the applicant, and the age of the
40 applicant.

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

44 724.18 MAILING-OF PROCEDURE FOR MAKING APPLICATION
45 FOR ANNUAL PERMIT TO PURCHASE ACQUIRE. A person may
46 by-mail-or personally request the sheriff to mail
47 an application for a an annual permit to purchase
48 acquire pistols or revolvers, and the sheriff shall
49 immediately forward to such person an application
50 for a an annual permit to purchase acquire pistols

1 or revolvers. A person may shall upon completion
2 of the application ~~mail~~ personally deliver such
3 application to the sheriff who shall note the period
4 of validity on the application and shall immediately
5 forward issue the annual permit to purchase acquire
6 pistols or revolvers to the applicant. For the
7 purposes of this section the date of application shall
8 be the date on which the sheriff received the completed
9 application.

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

13 724.19 ISSUANCE OF ANNUAL PERMIT TO PURCHASE
14 ACQUIRE. The annual permit to purchase acquire pistols
15 or revolvers shall be issued to the applicant
16 immediately upon completion of the application unless
17 the applicant is disqualified under the provisions
18 of section seven hundred twenty-four point fifteen
19 (724.15) of the Code and shall be on a form prescribed
20 and published by the commissioner of public safety.
21 The permit shall contain the name of the permittee,
22 the social security number of the permittee, the
23 residence of the permittee, and the effective date
24 of the permit.

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

28 724.20 VALIDITY OF ANNUAL PERMIT TO PURCHASE
29 ACQUIRE PISTOLS OR REVOLVERS.

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

33 724.21 GIVING FALSE INFORMATION WHEN PURCHASING
34 ACQUIRING WEAPON. A person who gives a false name
35 or presents false identification, or otherwise gives
36 false information to one from whom the person seeks
37 to purchase acquire a pistol or revolver, commits
38 an aggravated misdemeanor."

39 6. By renumbering as necessary.

H-6444 FILED *Adaptation* BY BRANSTAD of Winnebago
MAY 2, 1978 *amended by* WYCKOFF of Benton
645606491 DAGGETT of Adams
5/3 (7 2194) HARBOR of Mills

H-6400

1 Amend Senate File 2213 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 1, by inserting before line 1 the follow-
4 ing sections:

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

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

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

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

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

34 b. A collector's item. A collector's item is
35 any firearm other than a machine gun that by reason
36 of its date of manufacture, value, design, and other
37 characteristics is not likely to be used as a weapon.
38 The commissioner of public safety shall designate
39 by rule firearms which he or she determines to be
40 collector's items and shall revise or update the list
41 of firearms at least annually.

42 c. Any device which is not designed or redesigned
43 for use as a weapon; any device which is designed
44 solely for use as a signaling, pyrotechnic, line-
45 throwing, safety, or similar device; or any firearm
46 which is unserviceable by reason of being unable to
47 discharge a shot by means of an explosive and is
48 incapable of being readily restored to a firing
49 condition."

50 2. By renumbering as necessary.

H-6400 FILED *Adopted 5/2* BY WYCKOFF of Benton
APRIL 28, 1978 *(p. 211)* DAGGETT of Adams
HINKHOUSE of Cedar
MIDDLESWART of Warren

SENATE FILE 2213

H-6453

- 1 Amend Senate File 2213 as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 4, by inserting after line 21 the follow-
4 ing section:
5 "Sec. _____. Section seven hundred twenty-four point
6 twenty (724.20). Code 1977 Supplement, is amended
7 to read as follows:
8 724.20 VALIDITY OF PERMIT TO PURCHASE. The permit
9 shall be valid throughout the state and shall be valid
10 three days after the date of application and shall
11 be invalid one year after the date of application.
12 The permit shall authorize the permit holder to
13 purchase one or more pistols or revolvers during the
14 period that the permit is valid."
15 2. Page 5, line 13, by inserting after the word
16 "guardian" the words "or while the child receives
17 instruction in the proper use thereof from an adult
18 instructor with the consent of a parent or guardian".
19 3. Page 5, by inserting after line 13 the follow-
20 ing subsection:
21 " _____. For the purposes of this section, caliber
22 twenty-two (.22) rimfire ammunition shall be deemed
23 to be rifle ammunition."
24 4. By renumbering sections as necessary.

H-6453 FILED *A unadvised* BY JESSE of Polk
MAY 2, 1978 *B. Adopted 5/3 (p. 2196)*
amended by 5/3 (p. 2196)

SENATE FILE 2213

H-6456

- 1 Amend amendment H-6444, to Senate File 2213, as
2 passed by the Senate and reprinted, as follows:
3 1. Page 1, by striking lines 39 and 40 and
4 inserting in lieu thereof the word "defective."

H-6456 FILED *Adopted 5/3* BY SPEAR of Lee
MAY 2, 1978 *(p. 2194)*

SENATE FILE 2213

H-6471

- 1 Amend the amendment, H-6444, to Senate File 2213
2 as amended, passed and reprinted by the Senate as
3 follows:
4 1. Page 3, by inserting after line 38 the follow-
5 ing:
6 " _____. Page 6, line 19, by inserting after the
7 word and figure "TWO (2)" the words and figures "AND
8 SEVEN HUNDRED TWENTY-FOUR POINT FIFTEEN (724.15),
9 SUBSECTION ONE (1)";
10 _____. Page 6, line 22, by inserting after the word
11 and figure "two (2)" the words and figures "and seven
12 hundred twenty-four point fifteen (724.15), subsection
13 one (1), paragraphs b and e";
14 2. By renumbering sections of the amendment as
15 necessary.

H-6471 FILED *Adopted 5/3* BY SPEAR of Lee
MAY 3, 1978 *(p. 2195)*

SENATE FILE 2213

H-6478

- 1 Amend amendment H-6453 to Senate File 2213 as
- 2 amended, passed and reprinted by the Senate by
- 3 striking lines 15 through 18 and inserting in lieu
- 4 thereof the following:
- 5 "2. Page 4, line 35, by inserting after the
- 6 word "guardian," the words "spouse who is eight-
- 7 teen years of age or older,".
- 8 3. Page 5, line 1, by inserting after the word
- 9 "guardian" the words "or spouse who is eighteen
- 10 years of age or older".
- 11 4. Page 5, line 9, by striking the word "adult".
- 12 5. Page 5, line 9, by inserting after the word
- 13 "instructor" the words "who is twenty-one years
- 14 of age or older".
- 15 6. Page 5, line 10, by inserting after the word
- 16 "guardian" the words "or spouse who is twenty-one
- 17 years of age or older,".
- 18 7. Page 5, line 10, by striking the words
- 19 "minor child" and inserting in lieu thereof the
- 20 word "person".
- 21 8. Page 5, line 11, by striking the words "or
- 22 older". and inserting in lieu thereof the words
- 23 "but less than twenty-one".
- 24 9. Page 5, line 11, by striking the word
- 25 "child" and inserting in lieu thereof the word
- 26 "person".
- 27 10. Page 5, line 13, by inserting after the
- 28 word "guardian" the words "or spouse who is
- 29 twenty-one years of age or older, or while the
- 30 person receives instruction in the proper use
- 31 thereof from an instructor twenty-one years of
- 32 age or older, with the consent of such parent,
- 33 guardian or spouse".

H-6478 FILED *Adopted 5/3* BY SPEAR of Lee
MAY 3, 1978 (*p. 2146*)

HOUSE AMENDMENT TO SENATE FILE 2213

S-5830

1 Amend Senate File 2213 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 1, by inserting before line 1 the follow-
4 ing sections:

5 "Section ____ . Section seven hundred twenty-four
6 point one (724.1), Code 1977 Supplement, is amended
7 by striking subsection two (2).

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

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

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

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

34 b. A collector's item. A collector's item is
35 any firearm other than a machine gun that by reason
36 of its date of manufacture, value, design, and other
37 characteristics is not likely to be used as a weapon.
38 The commissioner of public safety shall designate
39 by rule firearms which he or she determines to be
40 collector's items and shall revise or update the list
41 of firearms at least annually.

42 c. Any device which is not designed or redesigned
43 for use as a weapon; any device which is designed
44 solely for use as a signaling, pyrotechnic, line-
45 throwing, safety, or similar device; or any firearm
46 which is unserviceable by reason of being unable to
47 discharge a shot by means of an explosive and is
48 incapable of being readily restored to a firing
49 condition."

50 2. Page 1, line 31, by striking the word "subsec-

S-5830

Page 2

1 tion" and inserting in lieu thereof the word
2 "subsections".

3 3. Page 1, line 31, by inserting after the figure
4 "(2)" the words and figure "and five (5)".

5 4. Page 1, by inserting after line 34 the follow-
6 ing subsection:

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

5819-10 5. Page 3, by striking lines 7 through 35.

11 6. Page 4, by striking lines 1 through 21 and
12 inserting in lieu thereof the following sections:

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

17 724.15 ANNUAL PERMIT TO ACQUIRE PISTOLS OR
18 REVOLVERS.

19 1. Any person who acquires ownership of any pistol
20 or revolver shall first obtain an annual permit.
21 An annual permit shall not be issued to any person
22 unless:

- 23 a. The person is twenty-one years of age or older.
24 b. The person has never been convicted of a felony.
25 c. The person is not addicted to the use of alcohol
26 or a controlled substance.
27 d. The person has no history of repeated acts
28 of violence.
29 e. The person has never been convicted of a crime
30 defined in chapter seven hundred eight (708) of the
31 Code, except "assault" as defined in section seven
32 hundred eight point one (708.1) of the Code and
33 "harrassment" as defined in section seven hundred
34 eight point seven (708.7) of the Code.
35 f. The person has never been adjudged mentally
36 defective.

37 2. Any person who acquires ownership of a pistol
38 or revolver shall not be required to obtain an annual
39 permit if:

- 40 a. The person transferring the pistol or revolver
41 and the person acquiring the pistol or revolver are
42 licensed firearms dealers under federal law;
43 b. The pistol or revolver acquired is an antique
44 firearm, a collector's item, a device which is not
45 designed or redesigned for use as a weapon, a device
46 which is designed solely for use as a signaling,
47 pyrotechnic, line-throwing, safety, or similar device,
48 or a firearm which is unserviceable by reason of being
49 unable to discharge a shot by means of an explosive
50 and is incapable of being readily restored to a firing

1 condition; or

2 c. The person acquiring the pistol or revolver
3 is authorized to do so on behalf of a law enforcement
4 agency.

5 3. The annual permit to acquire pistols or
6 revolvers shall authorize the permit holder to acquire
7 one or more pistols or revolvers during the period
8 that the permit remains valid. If the issuing officer
9 determines that the applicant has become disqualified
10 under the provisions of subsection one (1) of this
11 section, he or she may immediately invalidate the
12 permit.

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

16 724.16 ANNUAL PERMIT TO PURCHASE ACQUIRE REQUIRED.

17 Any person who ~~purchase~~ acquires ownership of a
18 pistol or revolver without a valid annual permit to
19 purchase acquire pistols or revolvers or any person
20 who ~~sell~~ transfers ownership of a pistol or revolver
21 to a person who does not have in his or her possession
22 a valid annual permit to purchase acquire pistols
23 or revolvers is guilty of a simple misdemeanor.

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

27 724.17 APPLICATION FOR ANNUAL PERMIT TO PURCHASE

28 ACQUIRE. The application for a an annual permit to
29 purchase acquire pistols or revolvers may be made
30 to the sheriff of any the county of the applicant's
31 residence and shall be on a form prescribed and
32 published by the commissioner of public safety. The
33 application shall state the full name of the applicant,
34 the social security number of the applicant, the
35 residence of the applicant, and the age of the
36 applicant.

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

40 724.18 MISSING-OF PROCEDURE FOR MAKING APPLICATION

41 FOR ANNUAL PERMIT TO PURCHASE ACQUIRE. A person may
42 ~~by mail or~~ personally request the sheriff to mail
43 an application for a an annual permit to purchase
44 acquire pistols or revolvers, and the sheriff shall
45 immediately forward to such person an application
46 for a an annual permit to purchase acquire pistols
47 or revolvers. A person may shall upon completion
48 of the application ~~mail~~ personally deliver such
49 application to the sheriff who shall note the period
50 of validity on the application and shall immediately

S-5830
Page 4

1 ~~forward~~ issue the annual permit to purchase acquire
2 pistols or revolvers to the applicant. For the
3 purposes of this section the date of application shall
4 be the date on which the sheriff received the completed
5 application.

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

9 724.19 ISSUANCE OF ANNUAL PERMIT TO PURCHASE
10 ACQUIRE. The annual permit to purchase acquire pistols
11 or revolvers shall be issued to the applicant
12 immediately upon completion of the application unless
13 the applicant is disqualified under the provisions
14 of section seven hundred twenty-four point fifteen
15 (724.15) of the Code and shall be on a form prescribed
16 and published by the commissioner of public safety.
17 The permit shall contain the name of the permittee,
18 the social security number of the permittee, the
19 residence of the permittee, and the effective date
20 of the permit.

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

24 724.20 VALIDITY OF ANNUAL PERMIT TO PURCHASE
25 ACQUIRE PISTOLS OR REVOLVERS.

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

29 724.21 GIVING FALSE INFORMATION WHEN PURCHASING
30 ACQUIRING WEAPON. A person who gives a false name
31 or presents false identification, or otherwise gives
32 false information to one from whom the person seeks
33 to purchase acquire a pistol or revolver, commits
34 an aggravated misdemeanor."

35 7. Page 4, line 26, by striking the words "or
36 four".

37 8. Page 4, line 27, by striking the figure "(4)".

38 9. Page 4, line 35, by inserting after the word
39 "guardian," the words "spouse who is eighteen years
40 of age or older,".

41 10. Page 5, line 1, by inserting after the word
42 "guardian" the words "or spouse who is eighteen years
43 of age or older".

44 11. Page 5, line 9, by striking the word "adult".

45 12. Page 5, line 9, by inserting after the word
46 "instructor" the words "who is twenty-one years of
47 age or older".

48 13. Page 5, line 10, by inserting after the word
49 "guardian" the words "or spouse who is twenty-one
50 years of age or older,".

S-5830
Page 5

- 1 14. Page 5, line 10, by striking the words "minor
- 2 child" and inserting in lieu thereof the word "person".
- 3 15. Page 5, line 11, by striking the words "or
- 4 older" and inserting in lieu thereof the words "but
- 5 less than twenty-one".
- 6 16. Page 5, line 11, by striking the word "child"
- 7 and inserting in lieu thereof the word "person".
- 8 17. Page 5, line 13, by inserting after the word
- 9 "guardian" the words "or spouse who is twenty-one
- 10 years of age or older, or while the person receives
- 11 instruction in the proper use thereof from an
- 12 instructor twenty-one years of age or older, with
- 13 the consent of such parent, guardian or spouse".
- 14 18. Page 5, by inserting after line 13 the follow-
- 15 ing subsection:
- 16 "_____. For the purposes of this section, caliber
- 17 twenty-two (.22) rimfire ammunition shall be deemed
- 18 to be rifle ammunition."
- 19 19. Page 6, line 19, by inserting after the word
- 20 and figure "TWO (2)" the words and figures "AND SEVEN
- 21 HUNDRED TWENTY-FOUR POINT FIFTEEN (724.15), SUBSECTION
- 22 ONE (1)".
- 23 20. Page 6, line 22, by inserting after the word
- 24 and figure "two (2)" the words and figures "and seven
- 25 hundred twenty-four point fifteen (724.15), subsection
- 26 one (1), paragraphs b and e".
- 27 21. Renumbering sections as necessary.

S-5830 FILED
MAY 5, 1978

RECEIVED FROM THE HOUSE

Senate received 5/9 (p. 1248)

SENATE FILE 2213

S-5839

- 1 Amend the House Amendment, S-5830, to Senate File
- 2 2213 as follows:
- 3 1. Page 2, line 10, by striking the number "7"
- 4 and inserting in lieu thereof the number "33".
- 5 2. Page 2, by striking lines 13 through 18 and
- 6 inserting in lieu thereof the following:
- 7 "Sec. _____. Chapter seven hundred twenty-four
- 8 (724), Code 1977 Supplement, is amended by adding
- 9 the following new section before section seven hundred
- 10 twenty-four point sixteen (724.16):
- 11 NEW SECTION. ANNUAL PERMIT TO ACQUIRE PISTOLS
- 12 OR REVOLVERS."
- 13 3. Page 3, line 34, by inserting after the word
- 14 "applicant" the word "(optional)".

S-5839 FILED
MAY 8, 1978

House 5/9 (p. 1246) BY GENE W. GLENN

SENATE FILE 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 ~~forefble~~ 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 "harrasment" 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 sell 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 must 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 SALS 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.

ARTHUR A. NEU
President of the Senate

DALE M. COCHRAN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2213, Sixty-seventh General Assembly.

KEVIN F. LIGHT
Acting Secretary of the Senate

Approved 6/22, 1978

ROBERT D. RAY
Governor