

JUDICIARY: Doyle, Chair; Mann, Coleman, Drake and Hester

SENATE FILE 51
BY MANN

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the possession and sale of, and responsibility
2 and liability for, pistols, revolvers, and stun guns and
3 providing penalties.

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

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SF 51

1 Section 1. NEW SECTION. 702.24 STUN GUN.

2 "Stun gun" means an electronic weapon or device which by
3 electronic pulse or current is capable of immobilizing a human
4 being temporarily, whether or not the weapon or device is
5 capable of inflicting death or serious injury. The term does
6 not include a shocking device designed exclusively to move or
7 control livestock.

8 Sec. 2. Section 724.15, subsection 1, paragraph a, Code
9 1987, is amended to read as follows:

10 a. The person is ~~twenty-one~~ eighteen years of age or
11 older.

12 Sec. 3. Section 724.22, Code 1987, is amended to read as
13 follows:

14 724.22 SALE TO MINORS.

15 1. Except as provided in subsection 3, a person who sells,
16 loans, gives, or makes available a rifle or shotgun or
17 ammunition for a rifle or shotgun to a minor commits a simple
18 misdemeanor.

19 2. Except as provided in subsections 4 and 5, a person who
20 sells, loans, gives, or makes available a stun gun or a pistol
21 or revolver or ammunition for a pistol or revolver to a ~~person~~
22 ~~below-the-age-of-twenty-one~~ minor commits a ~~simple~~ serious
23 misdemeanor.

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

30 4. A person ~~eighteen,-nineteen,-or-twenty~~ years of age or
31 older may possess a stun gun or a firearm and the ammunition
32 ~~therefor~~ of a firearm while on military duty or while a peace
33 officer, security guard or correctional officer, when ~~such~~ the
34 duty requires the possession of ~~such-a~~ the weapon or while the
35 person receives instruction in the proper use ~~thereof~~ of the

1 weapon from an instructor who is twenty-one eighteen years of
2 age or older.

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

13 6. For the purposes of this section, caliber .22 rimfire
14 ammunition shall be deemed to be rifle ammunition.

15 Sec. 4. NEW SECTION. 724.31 REPORT OF LOSS OR THEFT OF
16 PISTOL, REVOLVER, OR STUN GUN.

17 A person who possesses or owns a pistol, revolver, or stun
18 gun which is lost or stolen shall, within forty-eight hours of
19 the discovery of loss or theft, report the loss or theft to a
20 law enforcement agency within the jurisdiction where the loss
21 or theft occurred. A person violating this section commits a
22 simple misdemeanor.

23 Sec. 5. NEW SECTION. 724.32 STORAGE OF PISTOL, REVOLVER,
24 OR STUN GUN.

25 A person who possesses or owns a pistol, revolver, or stun
26 gun shall secure the pistol, revolver, or stun gun in a locked
27 opaque container accessible only by use of a key or
28 combination lock when the pistol, revolver, or stun gun is not
29 in the person's immediate possession or control. A person who
30 violates this section may be held liable for damages to any
31 person injured as a result of the loss or theft of the
32 unsecured pistol, revolver, or stun gun.

33 Sec. 6. NEW SECTION. 724.33 FINANCIAL RESPONSIBILITY FOR
34 OWNERSHIP OF PISTOL OR REVOLVER.

35 1. A person who applies for a permit to acquire or carry a

1 pistol or revolver under this chapter shall demonstrate, in
2 such form as shall be required by the department of public
3 safety, proof of and maintain financial responsibility in an
4 amount of at least one hundred thousand dollars to insure
5 against injury caused by the negligent or criminal use of the
6 person's pistol or revolver. A person who violates this
7 subsection commits a serious misdemeanor.

8 2. A sheriff shall ascertain compliance with the financial
9 responsibility requirements of this section before issuing or
10 reissuing a permit to carry or acquire a pistol or revolver.

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EXPLANATION

12 This bill provides a definition of the term "stun gun" for
13 use in the Iowa Criminal Code, and modifies the present
14 chapter relating to weapons as follows:

15 (1) Provides that the age at which a pistol, revolver, or
16 stun gun may be possessed is eighteen years of age or older.

17 (2) Provides that a person who gives, sells, loans or
18 makes available a pistol, revolver, or stun gun to a minor
19 commits a serious misdemeanor.

20 (3) Provides that the owner of a pistol, revolver, or stun
21 gun must, within forty-eight hours of discovery, report the
22 loss or theft of the pistol, revolver, or stun gun.

23 (4) Provides that the owner of a pistol, revolver, or stun
24 gun must keep it secured in a locked opaque container when it
25 is not in their immediate possession or control.

26 (5) Provides that failure to keep a pistol, revolver, or
27 stun gun secured may subject the owner to liability for its
28 negligent or criminal use if lost or stolen.

29 (6) Provides that a person who applies for a permit to
30 carry or acquire a pistol or revolver must demonstrate and
31 maintain financial responsibility in an amount of one hundred
32 thousand dollars to insure against its negligent or criminal
33 misuse.

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