

SENATE FILE 2216
FILED FEB 5 1980 BY FUHRMAN and VANDE HOEF

(COMPANION TO LSB 7672H
BY CARPENTER)

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

A BILL FOR

1 An Act relating to the purchase and possession of weapons, and
2 enhanced criminal penalties for certain offenses involving
3 weapons and providing an effective date.

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

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SF 2216

1 Section 1. Section 719.1, Code 1989, is amended to read as
2 follows:

3 719.1 INTERFERENCE WITH OFFICIAL ACTS.

4 A person who knowingly resists or obstructs anyone known by
5 the person to be a peace officer or fire fighter, whether paid
6 or volunteer, in the performance of any act which is within
7 the scope of the lawful duty or authority of that officer or
8 fire fighter, whether paid or volunteer, or who knowingly
9 resists or obstructs the service or execution by any
10 authorized person of any civil or criminal process or order of
11 any court, commits a simple misdemeanor. However, if a person
12 commits an interference with official acts, as defined in this
13 section, and in so doing inflicts bodily injury other than
14 serious injury, that person commits a serious misdemeanor. If
15 a person commits an interference with official acts, as
16 defined in this section, and in so doing inflicts or attempts
17 to inflict serious injury, or displays a dangerous weapon, as
18 defined in section 702.7, or is armed with a firearm, that
19 person commits ~~an aggravated misdemeanor~~ a class "D" felony.
20 The terms "resist" and "obstruct", as used in this section, do
21 not include verbal harassment unless the verbal harassment is
22 accompanied by a present ability and apparent intention to
23 execute a verbal threat physically.

24 Sec. 2. Section 724.4, Code 1989, is amended to read as
25 follows:

26 724.4 CARRYING WEAPONS.

27 1. Except as otherwise provided in this section, a person
28 who goes armed with a dangerous weapon concealed on or about
29 the person, or who, within the limits of any city, goes armed
30 with a pistol or revolver, or any loaded firearm of any kind,
31 whether concealed or not, or who knowingly carries or
32 transports in a vehicle a pistol or revolver, commits an
33 aggravated misdemeanor.

34 2. A person who commits a violation of subsection 1, with
35 intent to commit a crime against a person or property other

1 than a violation of subsection 1, commits a class "D" felony.

2 2 3. A person who goes armed with a knife concealed on or
3 about the person, if the person uses the knife in the
4 commission of a crime, commits an aggravated misdemeanor.

5 3 4. A person who goes armed with a knife concealed on or
6 about the person, if the person does not use the knife in the
7 commission of a crime:

8 a. If the knife has a blade exceeding eight inches in
9 length, commits an aggravated misdemeanor.

10 b. If the knife has a blade exceeding five inches but not
11 exceeding eight inches in length, commits a serious
12 misdemeanor.

13 4 5. Subsections 1 through 3 4 do not apply to any of the
14 following:

15 a. A person who goes armed with a dangerous weapon in the
16 person's own dwelling or place of business, or on land owned
17 or possessed by the person.

18 b. A peace officer, when the officer's duties require the
19 person to carry such weapons.

20 c. A member of the armed forces of the United States or of
21 the national guard or person in the service of the United
22 States, when the weapons are carried in connection with the
23 person's duties as such.

24 d. A correctional officer, when the officer's duties
25 require, serving under the authority of the Iowa department of
26 corrections.

27 e. A person who for any lawful purpose carries an unloaded
28 pistol, revolver, or other dangerous weapon inside a closed
29 and fastened container or securely wrapped package which is
30 too large to be concealed on the person.

31 f. A person who for any lawful purpose carries or
32 transports an unloaded pistol or revolver in a vehicle inside
33 a closed and fastened container or securely wrapped package
34 which is too large to be concealed on the person or inside a
35 cargo or luggage compartment where the pistol or revolver will

1 not be readily accessible to any person riding in the vehicle
2 or common carrier.

3 g. A person while the person is lawfully engaged in target
4 practice on a range designed for that purpose or while
5 actually engaged in lawful hunting.

6 h. A person who carries a knife used in hunting or
7 fishing, while actually engaged in lawful hunting or fishing.

8 i. A person who has in the person's possession and who
9 displays to a peace officer on demand a valid permit to carry
10 weapons which has been issued to the person, and whose conduct
11 is within the limits of that permit. A person shall not be
12 convicted of a violation of this section if the person
13 produces at the person's trial a permit to carry weapons which
14 was valid at the time of the alleged offense and which would
15 have brought the person's conduct within this exception if the
16 permit had been produced at the time of the alleged offense.

17 j. A law enforcement officer from another state when the
18 officer's duties require the officer to carry the weapon and
19 the officer is in this state for any of the following reasons:

- 20 (1) The extradition or other lawful removal of a prisoner
- 21 from this state.
- 22 (2) Pursuit of a suspect in compliance with chapter 806.
- 23 (3) Activities in the capacity of a law enforcement
- 24 officer with the knowledge and consent of the chief of police
- 25 of the city or the sheriff of the county in which the
- 26 activities occur or of the commissioner of public safety.

27 Sec. 3. Section 724.10, Code 1989, is amended to read as
28 follows:

29 724.10 APPLICATION FOR PERMIT TO CARRY WEAPONS -- CRIMINAL
30 HISTORY CHECK REQUIRED.

31 No A person shall not be issued a permit to carry weapons
32 unless the person has completed and signed an application on a
33 form to be prescribed and published by the commissioner of
34 public safety. The application shall state the full name,
35 social security number (optional), residence, and age of the

1 applicant, shall include a set of fingerprints, and shall
2 state whether the applicant has ever been convicted of a
3 felony, whether the person is addicted to the use of alcohol
4 or any controlled substance, and whether the person has any
5 history of mental illness or repeated acts of violence.
6 Commencing July 1, 1991, the sheriff of the county of the
7 applicant's residence shall conduct a criminal history check
8 concerning each applicant by obtaining criminal history data
9 from the department of public safety. Any A person who
10 knowingly makes a false statement of material fact on such the
11 application commits an-aggravated-misdemeanor a class "D"
12 felony.

13 Sec. 4. Section 724.15, subsection 2, Code 1989, is
14 amended by adding the following new paragraph:

15 NEW PARAGRAPH. d. The person has obtained a valid permit
16 to carry weapons, as provided in section 724.11.

17 Sec. 5. Section 724.16, Code 1989, is amended to read as
18 follows:

19 724.16 ANNUAL PERMIT TO ACQUIRE REQUIRED -- TRANSFER
20 PROHIBITED.

21 1. Any Except as otherwise provided in section 724.15,
22 subsection 2, a person who acquires ownership of a pistol or
23 revolver without a valid annual permit to acquire pistols or
24 revolvers or any a person who transfers ownership of a pistol
25 or revolver to a person who does not have in the person's
26 possession a valid annual permit to acquire pistols or
27 revolvers is guilty of a simple misdemeanor.

28 2. A person who knowingly transfers ownership of a pistol
29 or revolver to a person prohibited by section 724.15 from
30 acquiring ownership of a pistol or revolver commits a class
31 "D" felony.

32 Sec. 6. Section 724.17, Code 1989, is amended to read as
33 follows:

34 724.17 APPLICATION FOR ANNUAL PERMIT TO ACQUIRE --
35 CRIMINAL HISTORY CHECK REQUIRED.

1 The application for an annual permit to acquire pistols or
2 revolvers may be made to the sheriff of the county of the
3 applicant's residence and shall be on a form prescribed and
4 published by the commissioner of public safety. The
5 application shall state the full name of the applicant, the
6 social security number of the applicant, the residence of the
7 applicant, and the age of the applicant. Commencing July 1,
8 1991, the sheriff shall conduct a criminal history check
9 concerning each applicant by obtaining criminal history data
10 from the department of public safety.

11 Sec. 7. Section 724.21, Code 1989, is amended to read as
12 follows:

13 724.21 GIVING FALSE INFORMATION WHEN ACQUIRING WEAPON.
14 A person who gives a false name or presents false
15 identification, or otherwise knowingly gives false material
16 information to one from whom the person seeks to acquire a
17 pistol or revolver, commits an-aggravated-misdemeanor a class
18 "D" felony.

19 Sec. 8. Section 724.26, Code 1989, is amended to read as
20 follows:

21 724.26 RECEIPT, TRANSPORTATION, AND POSSESSION DOMINION
22 AND CONTROL OF FIREARMS AND DESTRUCTIVE-DEVICES OFFENSIVE
23 WEAPONS BY FELONS.
24 Any A person who is convicted of a felony in any a state or
25 federal court and who subsequently-possesses knowingly has
26 under the person's dominion and control, receives, or
27 transports or causes to be transported a firearm or offensive
28 weapon is guilty of an-aggravated-misdemeanor a class "D"
29 felony.

30 Sec. 9.

31 Section 4 of this Act takes effect on July 1, 1991.

32 EXPLANATION

33 The bill makes several changes concerning weapons offenses.
34 First, the bill increases the criminal penalty for
35 interference with official acts, when the offender inflicts or

1 attempts to inflict serious injury, displays a dangerous
2 weapon, or is armed with a firearm, to a class "D" felony.
3 Under current law, the offense is an aggravated misdemeanor.

4 The bill further increases the penalty for concealed
5 dangerous weapons and carrying pistols, revolvers, and loaded
6 firearms, from an aggravated misdemeanor to a class "D"
7 felony, where the offender has the intent to commit another
8 crime against a person or property.

9 The bill also makes several changes concerning applications
10 for permits to carry weapons. The bill requires such
11 applicants to provide a set of fingerprints with the
12 application. The bill further states that if a person
13 knowingly makes a false statement of material fact on the
14 application, that person commits a class "D" felony. Under
15 current law, a person who knowingly makes any false statement
16 on the application commits an aggravated misdemeanor. The
17 bill further requires the sheriff to conduct a criminal
18 history check concerning such applicants commencing July 1,
19 1991.

20 The bill further provides that commencing July 1, 1991, a
21 person who acquires ownership of a pistol or revolver need not
22 obtain an annual permit to acquire, so long as that person has
23 obtained a valid permit to carry weapons.

24 The bill provides an enhanced penalty for persons who
25 knowingly transfer ownership of pistols or revolvers to
26 persons who have not obtained annual permits to acquire and
27 are not exempted by section 724.15. Such an offense is a
28 class "D" felony, whereas transfer without knowledge is a
29 simple misdemeanor.

30 Effective July 1, 1991, the bill provides that the sheriff
31 shall conduct a criminal history check concerning applicants
32 for an annual permit to acquire pistols or revolvers.

33 Further, the bill requires that a person knowingly provides
34 false material information when seeking to acquire a pistol or
35 revolver before a criminal penalty is imposed. Under current

1 law, giving false information, whether knowingly or not, is an
2 aggravated misdemeanor.

3 Finally, the bill provides that a convicted felon who
4 knowingly has a firearm or offensive weapon in the felon's
5 dominion and control commits a class "D" felony. Under
6 current law, possession by a convicted felon is an aggravated
7 misdemeanor.

8 This bill may include a state mandate as defined in section
9 25B.3.

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GRONSTAL, CH.
MANN
DRAKE

SSB 2130
JUDICIARY

SENATE FILE 2216
BY (PROPOSED GOVERNOR'S BILL)

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Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
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3 719.1 INTERFERENCE WITH OFFICIAL ACTS.

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5 the person to be a peace officer or fire fighter, whether paid
6 or volunteer, in the performance of any act which is within
7 the scope of the lawful duty or authority of that officer or
8 fire fighter, whether paid or volunteer, or who knowingly
9 resists or obstructs the service or execution by any
10 authorized person of any civil or criminal process or order of
11 any court, commits a simple misdemeanor. However, if a person
12 commits an interference with official acts, as defined in this
13 section, and in so doing inflicts bodily injury other than
14 serious injury, that person commits a serious misdemeanor. If
15 a person commits an interference with official acts, as
16 defined in this section, and in so doing inflicts or attempts
17 to inflict serious injury, or displays a dangerous weapon, as
18 defined in section 702.7, or is armed with a firearm, that
19 person commits ~~an aggravated misdemeanor~~ a class "D" felony.
20 The terms "resist" and "obstruct", as used in this section, do
21 not include verbal harassment unless the verbal harassment is
22 accompanied by a present ability and apparent intention to
23 execute a verbal threat physically.

24 Sec. 2. Section 724.4, Code 1989, is amended to read as
25 follows:

26 724.4 CARRYING WEAPONS.

27 1. Except as otherwise provided in this section, a person
28 who goes armed with a dangerous weapon concealed on or about
29 the person, or who, within the limits of any city, goes armed
30 with a pistol or revolver, or any loaded firearm of any kind,
31 whether concealed or not, or who knowingly carries or
32 transports in a vehicle a pistol or revolver, commits an
33 aggravated misdemeanor.

34 2. A person who commits a violation of subsection 1, with
35 intent to commit a crime against a person or property other

1 than a violation of subsection 1, commits a class "D" felony.

2 2 3. A person who goes armed with a knife concealed on or
3 about the person, if the person uses the knife in the
4 commission of a crime, commits an aggravated misdemeanor.

5 3 4. A person who goes armed with a knife concealed on or
6 about the person, if the person does not use the knife in the
7 commission of a crime:

8 a. If the knife has a blade exceeding eight inches in
9 length, commits an aggravated misdemeanor.

10 b. If the knife has a blade exceeding five inches but not
11 exceeding eight inches in length, commits a serious
12 misdemeanor.

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14 following:

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16 person's own dwelling or place of business, or on land owned
17 or possessed by the person.

18 b. A peace officer, when the officer's duties require the
19 person to carry such weapons.

20 c. A member of the armed forces of the United States or of
21 the national guard or person in the service of the United
22 States, when the weapons are carried in connection with the
23 person's duties as such.

24 d. A correctional officer, when the officer's duties
25 require, serving under the authority of the Iowa department of
26 corrections.

27 e. A person who for any lawful purpose carries an unloaded
28 pistol, revolver, or other dangerous weapon inside a closed
29 and fastened container or securely wrapped package which is
30 too large to be concealed on the person.

31 f. A person who for any lawful purpose carries or
32 transports an unloaded pistol or revolver in a vehicle inside
33 a closed and fastened container or securely wrapped package
34 which is too large to be concealed on the person or inside a
35 cargo or luggage compartment where the pistol or revolver will

1 not be readily accessible to any person riding in the vehicle
2 or common carrier.

3 g. A person while the person is lawfully engaged in target
4 practice on a range designed for that purpose or while
5 actually engaged in lawful hunting.

6 h. A person who carries a knife used in hunting or
7 fishing, while actually engaged in lawful hunting or fishing.

8 i. A person who has in the person's possession and who
9 displays to a peace officer on demand a valid permit to carry
10 weapons which has been issued to the person, and whose conduct
11 is within the limits of that permit. A person shall not be
12 convicted of a violation of this section if the person
13 produces at the person's trial a permit to carry weapons which
14 was valid at the time of the alleged offense and which would
15 have brought the person's conduct within this exception if the
16 permit had been produced at the time of the alleged offense.

17 j. A law enforcement officer from another state when the
18 officer's duties require the officer to carry the weapon and
19 the officer is in this state for any of the following reasons:

20 (1) The extradition or other lawful removal of a prisoner
21 from this state.

22 (2) Pursuit of a suspect in compliance with chapter 806.

23 (3) Activities in the capacity of a law enforcement
24 officer with the knowledge and consent of the chief of police
25 of the city or the sheriff of the county in which the
26 activities occur or of the commissioner of public safety.

27 Sec. 3. Section 724.10, Code 1989, is amended to read as
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29 724.10 APPLICATION FOR PERMIT TO CARRY WEAPONS -- CRIMINAL
30 HISTORY CHECK REQUIRED.

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32 unless the person has completed and signed an application on a
33 form to be prescribed and published by the commissioner of
34 public safety. The application shall state the full name,
35 social security number (optional), residence, and age of the

1 applicant, shall include a set of fingerprints, and shall
2 state whether the applicant has ever been convicted of a
3 felony, whether the person is addicted to the use of alcohol
4 or any controlled substance, and whether the person has any
5 history of mental illness or repeated acts of violence.
6 Commencing July 1, 1991, the sheriff shall conduct a criminal
7 history check concerning each applicant by obtaining criminal
8 history data from the department of public safety. Any A
9 person who knowingly makes a false statement of material fact
10 on such the application commits an-aggravated-misdemeanor a
11 class "D" felony.

12 Sec. 4. Section 724.15, subsection 2, Code 1989, is
13 amended by adding the following new paragraph:

14 NEW PARAGRAPH. d. The person has obtained a valid permit
15 to carry weapons, as provided in section 724.11.

16 Sec. 5. Section 724.16, Code 1989, is amended to read as
17 follows:

18 724.16 ANNUAL PERMIT TO ACQUIRE REQUIRED -- TRANSFER
19 PROHIBITED.

20 1. Any Except as otherwise provided in section 724.15,
21 subsection 2, a person who acquires ownership of a pistol or
22 revolver without a valid annual permit to acquire pistols or
23 revolvers or any a person who transfers ownership of a pistol
24 or revolver to a person who does not have in the person's
25 possession a valid annual permit to acquire pistols or
26 revolvers is guilty of a simple misdemeanor.

27 2. A person who knowingly transfers ownership of a pistol
28 or revolver to a person prohibited by section 724.15 from
29 acquiring ownership of a pistol or revolver commits a class
30 "D" felony.

31 Sec. 6. Section 724.17, Code 1989, is amended to read as
32 follows:

33 724.17 APPLICATION FOR ANNUAL PERMIT TO ACQUIRE --
34 CRIMINAL HISTORY CHECK REQUIRED.

35 The application for an annual permit to acquire pistols or

1 revolvers may be made to the sheriff of the county of the
2 applicant's residence and shall be on a form prescribed and
3 published by the commissioner of public safety. The
4 application shall state the full name of the applicant, the
5 social security number of the applicant, the residence of the
6 applicant, and the age of the applicant. Commencing July 1,
7 1991, the sheriff shall conduct a criminal history check
8 concerning each applicant by obtaining criminal history data
9 from the department of public safety.

10 Sec. 7. Section 724.21, Code 1989, is amended to read as
11 follows:

12 724.21 GIVING FALSE INFORMATION WHEN ACQUIRING WEAPON.

13 A person who gives a false name or presents false
14 identification, or otherwise knowingly gives false material
15 information to one from whom the person seeks to acquire a
16 pistol or revolver, commits an-aggravated-misdemeanor a class
17 "D" felony.

18 Sec. 8. Section 724.26, Code 1989, is amended to read as
19 follows:

20 724.26 RECEIPT, TRANSPORTATION, AND POSSESSION DOMINION
21 AND CONTROL OF FIREARMS AND DESTRUCTIVE-DEVICES OFFENSIVE
22 WEAPONS BY FELONS.

23 Any A person who is convicted of a felony in any a state or
24 federal court and who subsequently-possesses knowingly has
25 under the person's dominion and control, receives, or
26 transports or causes to be transported a firearm or offensive
27 weapon is guilty of an-aggravated-misdemeanor a class "D"
28 felony.

29 Sec. 9. Section 4 of this Act takes effect on July 1,
30 1991.

31 EXPLANATION

32 The bill makes several changes concerning weapons offenses.
33 First, the bill increases the criminal penalty for
34 interference with official acts, when the offender inflicts or
35 attempts to inflict serious injury, displays a dangerous

1 weapon, or is armed with a firearm, to a class "D" felony.
2 Under current law, the offense is an aggravated misdemeanor.

3 The bill further increases the penalty for concealed
4 dangerous weapons and carrying pistols, revolvers, and loaded
5 firearms, from an aggravated misdemeanor to a class "D"
6 felony, where the offender has the intent to commit another
7 crime against a person or property.

8 The bill also makes several changes concerning applications
9 for permits to carry weapons. The bill requires such
10 applicants to provide a set of fingerprints with the
11 application. The bill further states that if a person
12 knowingly makes a false statement of material fact on the
13 application, that person commits a class "D" felony. Under
14 current law, a person who knowingly makes any false statement
15 on the application commits an aggravated misdemeanor. The
16 bill further requires the sheriff to conduct a criminal
17 history check concerning such applicants commencing July 1,
18 1991.

19 The bill further provides that commencing July 1, 1991, a
20 person who acquires ownership of a pistol or revolver need not
21 obtain an annual permit to acquire, so long as that person has
22 obtained a valid permit to carry weapons.

23 The bill provides an enhanced penalty for persons who
24 knowingly transfer ownership of pistols or revolvers to
25 persons who have not obtained annual permits to acquire and
26 are not exempted by section 724.15. Such an offense is a
27 class "D" felony, whereas transfer without knowledge is a
28 simple misdemeanor.

29 Effective July 1, 1991, the bill provides that the sheriff
30 shall conduct a criminal history check concerning applicants
31 for an annual permit to acquire pistols or revolvers.

32 Further, the bill requires that a person knowingly provides
33 false material information when seeking to acquire a pistol or
34 revolver before a criminal penalty is imposed. Under current
35 law, giving false information, whether knowingly or not, is an

1 aggravated misdemeanor.

2 Finally, the bill provides that a convicted felon who
3 knowingly has a firearm or offensive weapon in the felon's
4 dominion and control commits a class "D" felony. Under
5 current law, possession by a convicted felon is an aggravated
6 misdemeanor.

7 This bill may include a state mandate as defined in section
8 25B.3.

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