

FINAL REPORT

**REVIEW OF IOWA'S HANDGUN AND
OFFENSIVE WEAPONS LAW
STUDY COMMITTEE**

**Presented to the Legislative Council
and the Iowa General Assembly
January 1993**

Prepared by the Legislative Service Bureau

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AUTHORIZATION AND APPOINTMENT

The Review of Iowa's Handgun and Offensive Weapons Law Study Committee was established by the Legislative Council to "examine Iowa's existing laws on handguns and offensive weapons and the laws of other states, take public testimony, and recommend to the general assembly those measures which will address the need to reduce violence against the people of Iowa." The Committee was initially authorized two meetings, but was later authorized three public hearings in place of the second meeting and a third meeting by the Legislative Council for recommendations.

Members of the Committee were:

Representative Mary Neuhauser, Co-chairperson
Senator Emil Husak, Co-chairperson
Representative Bill Bernau
Representative Minnette Doderer
Representative Scott Krebsbach
Representative Janet Metcalf
Representative David Schrader
Representative Dick Weidman
Senator Allen Borlaug
Senator Mike Connolly
Senator Donald Doyle
Senator Jack Hester
Senator Paul Pate
Senator Richard Varn
Mr. Robert Andersen, Iowa Sportsmen's Federation
Sgt. Judy Bradshaw, Des Moines Police Department
Mr. Rick Crawl, Pottawattamie County Attorney
Ms. Vicki Crompton, Crime Victim Assistance Board
Mr. Brad Espe, Dennis P. Roberts Gun Shop
Mr. Larry Pope, Drake University Law School
Ms. Anne Spencer, November First Coalition

COMMITTEE PROCEEDINGS

Meeting of October 2, 1992

The Committee held its first meeting on October 2, 1992, and heard testimony from several individuals regarding weapons-related offenses in Iowa and the process through which a person obtains a permit to acquire and a permit to carry a handgun.

Mr. Richard G. Moore, Administrator for the Division of Criminal and Juvenile Justice Planning of the Department of Human Rights, presented the Committee with statistics concerning weapons-related charges and the trends in this area over the last few years. Mr. Moore also discussed what the statistics indicate about the manner in which the criminal justice system addresses weapons-related offenses.

Mr. James L. Kurth, Greene County Sheriff, testified and answered questions regarding the process followed in Greene County when a person seeks to obtain either a permit to acquire or a permit to carry a handgun. Sheriff Kurth also discussed the amount of discretion he has regarding whether to issue a permit to carry a handgun and the amount of variation on this matter between different counties.

Mr. Ted Kamatchus, Marshall County Sheriff, also discussed the procedures followed in Marshall County to issue permits to acquire and permits to carry handguns. Sheriff Kamatchus answered questions regarding the types of weapons that have been seized and the number of permits he has revoked.

Colonel Blaine Goff, Chief of the Iowa State Patrol, discussed the weapons-related incidents involving the Patrol in the 13 days prior to the meeting. Colonel Goff testified that the numbers of firearms discovered during drug interdiction stops are increasing, which increases potential for violence during a stop.

Mr. David Huberty, an officer in the Special Complement Against Thugs (SCAT) Team of the Des Moines Police Department, testified about the weapons-related offenses encountered by the SCAT Team. Officer Huberty also provided the Committee with statistics on the numbers of weapons seized by the SCAT Team to date in 1992. Officer Huberty answered questions from the Committee regarding the policy for disposal of seized weapons followed by the Des Moines Police Department and the type of weapons most commonly encountered by the SCAT Team.

Following testimony, the Committee members discussed their ideas for further investigation by the Committee which covered the range of the ideas presented at the public hearings. The Committee also voted to request approval from the Legislative Council to hold three public hearings, to be held by subcommittees of the Full Committee, in place of the second meeting and to hold an additional meeting of the Committee to take additional testimony, if needed, and to make recommendations.

Public Hearing of November 24, 1992

The first public hearing was held in the Chamber of the House of Representatives on November 24, 1992. The hearing was called to order by Co-chairperson Representative Neuhauser and was also attended by Committee members Representatives Bernau, Metcalf, and Schrader, Mr. Andersen, Sgt. Bradshaw, and Professor Pope. The meeting was attended by approximately 200 people, of whom 39 presented testimony. Ten individuals also submitted written statements in lieu of testifying.

The majority viewpoint presented was that stricter gun control laws will not prevent violence in Iowa. It was suggested by various speakers that providing more prisons, enhancing sentences for illegal use of firearms, and requiring the full sentence to be served would be much more effective in reducing violence than stricter gun control laws. In addition, it was suggested by one speaker that mandatory alcohol and drug testing be required for anyone involved in an incident involving a firearm. Another speaker challenged the audience to provide constructive solutions to the problems of violence in Iowa. Copies of the materials presented at the hearing are on file in the office of the Legislative Service Bureau.

Public Hearing of December 7, 1992

The second public hearing was held on December 7, 1992, in Ballyntine Auditorium at the Kirkwood Community College Campus, Cedar Rapids, Iowa. The hearing was called to order by Co-chairperson Senator Husak and was also attended by Committee members Co-chairperson Neuhauser, Representative Doderer, and Senators Borlaug, Pate, and Varn, and Mr. Andersen, Mr. Espe, and Ms. Spencer. The hearing was attended by approximately 600 people and lasted from 7:00 p.m. to 12:10 a.m. Sixty-three individuals testified at the hearing and 15 individuals presented written statements in lieu of testifying.

The majority viewpoint presented was that stricter gun control laws will not prevent violence in Iowa. It was suggested by various speakers that

providing more prisons, enhancing sentences for illegal use of firearms, and requiring the full sentence to be served would be much more effective in reducing violence than stricter gun control laws. It was suggested that creation of the public offense of operating a firearm while intoxicated, similar to the offense of operating a motor vehicle while intoxicated, be considered. In addition, firearms education training was stressed as a means to reduce accidents. Copies of the materials presented at the hearing are on file in the office of the Legislative Service Bureau.

Public Hearing of December 9, 1992

The final public hearing was held on December 9, 1992, in the auditorium of the Junior/Senior High School in Onawa, Iowa. Senator Doyle called the hearing to order and it was attended by Committee members Senator Hester, Mr. Andersen, and Mr. Cowl. The hearing was attended by approximately 450 people, with 44 people testifying and another five submitting written statements in lieu of testifying.

All but one speaker expressed the viewpoint that stricter gun control laws will not prevent violence in Iowa. It was suggested by various speakers that providing more prisons, enhancing sentences for illegal use of a firearm, and requiring the full sentence to be served would be more effective in reducing violence than stricter gun control laws. In addition, firearms education training was stressed as a means to reduce accidents. Copies of the materials presented at the hearing are on file in the office of the Legislative Service Bureau.

Meeting of January 7, 1993

The Committee held its second meeting on January 7, 1993, and devoted the entire meeting to discussion and the development of recommendations.

The Committee began with each member present providing the Committee with the member's thoughts on the public hearings and the various ideas presented at the hearings. Committee members discussed some of the ideas presented and made suggestions for Committee recommendations. The Committee also discussed whether to adopt specific recommendations or whether to make general recommendations to the General Assembly.

RECOMMENDATIONS

Following discussion, the Committee recommended to the General Assembly that a way be found to build consensus on a process to address the following issues:

1. How to prevent persons from acquiring guns who should not have them.
2. How to catch and punish persons who use weapons illegally.
3. How to prevent firearm accidents.
4. How to clarify provisions of chapter 724 of the Iowa Code. (Chapter 724 relates to weapons and weapons permits.)

The Committee also recommended that the General Assembly review the Criminal Code to determine if the penalties which exist in it at the present time are appropriate.

INFORMATION RECEIVED

Written materials received by the Legislative Service Bureau are voluminous. All materials received are on file in the office of the Legislative Service Bureau and are available for public inspection and copying.