

Senate File 2357

S-5126

1 Amend Senate File 2357 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. Section 236.4, subsection 2, Code 2009,  
5 is amended to read as follows:

6 2. The court may enter any temporary order it deems  
7 necessary to protect the plaintiff from domestic abuse  
8 prior to the hearing, upon good cause shown in an ex  
9 parte proceeding. Present danger of domestic abuse to  
10 the plaintiff constitutes good cause for purposes of  
11 this subsection. A temporary order issued pursuant to  
12 this subsection shall specifically include notice that  
13 the person may be required to relinquish all firearms,  
14 offensive weapons, and ammunition upon the issuance of  
15 a permanent order pursuant to section 236.5.

16 Sec. 2. Section 236.5, subsection 1, paragraph  
17 b, Code Supplement 2009, is amended by adding the  
18 following new subparagraph:

19 NEW SUBPARAGRAPH. (02) That the defendant not  
20 knowingly possess, ship, transport, or receive  
21 firearms, offensive weapons, and ammunition in  
22 violation of section 724.26, subsection 2.

23 Sec. 3. Section 664A.3, Code 2009, is amended by  
24 adding the following new subsection:

25 NEW SUBSECTION. 6. A no-contact order issued  
26 pursuant to this section shall specifically include  
27 notice that the person may be required to relinquish  
28 all firearms, offensive weapons, and ammunition upon  
29 the issuance of a permanent no-contact order pursuant  
30 to section 664A.5.

31 Sec. 4. Section 724.26, Code 2009, is amended to  
32 read as follows:

33 **724.26 Possession, receipt, transportation, or**  
34 **dominion and control of firearms, ~~and~~ offensive weapons,**  
35 **and ammunition by felons and others.**

36 1. A person who is convicted of a felony in  
37 a state or federal court, or who is adjudicated  
38 delinquent on the basis of conduct that would  
39 constitute a felony if committed by an adult, and who  
40 knowingly has under the person's dominion and control  
41 or possession, receives, or transports or causes to be  
42 transported a firearm or offensive weapon is guilty of  
43 a class "D" felony.

44 2. A person who is subject to a protective order  
45 under 18 U.S.C. § 922(g)(8) or who has been convicted  
46 of a misdemeanor crime of domestic violence under 18  
47 U.S.C. § 922(g)(9) and who knowingly possesses, ships,  
48 transports, or receives a firearm, offensive weapon, or  
49 ammunition is guilty of a class "D" felony.

50 3. Upon the issuance of a protective order or entry

1 of a judgment of conviction described in subsection 2,  
2 the court shall inform the person who is the subject  
3 of such order or conviction that the person shall  
4 not possess, ship, transport, or receive a firearm,  
5 offensive weapon, or ammunition while such order is in  
6 effect or until such conviction is vacated or until the  
7 person's rights have been restored in accordance with  
8 section 724.27.

9 4. Except as provided in section 809A.17,  
10 subsection 5, paragraph "b", a court that issues an  
11 order or that enters a judgment of conviction described  
12 in subsection 2 and that finds the subject of the order  
13 or conviction to be in possession of any firearm,  
14 offensive weapon, or ammunition shall order that such  
15 firearm, offensive weapon, or ammunition be sold or  
16 transferred by a date certain to the custody of a  
17 qualified person in this state, as determined by the  
18 court. The qualified person must be able to lawfully  
19 possess such firearm, offensive weapon, or ammunition  
20 in this state. If the court is unable to identify a  
21 qualified person to receive such firearm, offensive  
22 weapon, or ammunition, the court shall order that the  
23 firearm, offensive weapon, or ammunition be transferred  
24 by a date certain to the county sheriff or a local  
25 law enforcement agency designated by the court for  
26 safekeeping until a qualified person is identified to  
27 receive the firearm, offensive weapon, or ammunition,  
28 until such order is no longer in effect, until such  
29 conviction is vacated, or until the person's rights  
30 have been restored in accordance with section 724.27.  
31 If the firearm, offensive weapon, or ammunition is to  
32 be transferred to the sheriff's office or a local law  
33 enforcement agency, the court shall assess the person  
34 the reasonable cost of storing the firearm, offensive  
35 weapon, or ammunition, payable to the county sheriff or  
36 the local law enforcement agency.

37 5. Upon entry of an order described in subsection  
38 2, the court shall enter the name, address, date of  
39 birth, driver's license number, or other identifying  
40 information of the person subject to the order into  
41 the Iowa criminal justice information system, the  
42 reason for the order, and the date by which the person  
43 is required to comply with any relinquishment order  
44 issued under subsection 4. At the time such order is  
45 no longer in effect, such information relating to the  
46 prohibition in subsection 3 shall be deleted from the  
47 Iowa criminal justice information system.>

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