

House File 756

H-1219

1 Amend House File 756 as follows:

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

4 <DIVISION I

5 ACQUIRING PISTOLS AND REVOLVERS

6 Section 1. Section 724.11A, Code 2021, is amended to read
7 as follows:

8 **724.11A Recognition.**

9 A valid permit or license issued by another state to any
10 nonresident of this state shall be considered to be a valid
11 permit or license to carry weapons issued pursuant to this
12 chapter, except that such permit or license shall not be
13 ~~considered to be a substitute for a permit to acquire pistols~~
14 ~~or revolvers issued pursuant to [section 724.15](#)~~ deemed to
15 satisfy the requirements of section 724.15.

16 Sec. 2. Section 724.15, Code 2021, is amended by striking
17 the section and inserting in lieu thereof the following:

18 **724.15 Acquiring pistols or revolvers.**

19 1. It is the intent of this section to satisfy federal
20 requirements of 18 U.S.C. §922(t)(3) in order to acquire
21 pistols or revolvers. In order to acquire a pistol or revolver
22 from a federally licensed firearms dealer, an unlicensed person
23 is required to have a valid permit to acquire or a valid permit
24 to carry weapons issued in accordance with this chapter or the
25 person must complete a satisfactory national instant criminal
26 background check pursuant to 18 U.S.C. §922(t).

27 2. A person shall not acquire a pistol or revolver if the
28 person is any of the following:

29 a. Under twenty-one years of age except for those persons
30 included in section 724.22, subsection 4, who acquire a pistol
31 or revolver when the person's duty so requires.

32 b. Prohibited by section 724.26 or federal law from
33 possessing, shipping, transporting, or receiving a firearm.

34 c. Prohibited by court order from possessing, shipping,
35 transporting, or receiving a firearm.

1 d. Ineligible to possess dangerous weapons pursuant to
2 section 724.8B.

3 e. Intoxicated as provided under the conditions set out in
4 section 321J.2, subsection 1.

5 3. An issuing officer who finds that a person issued a
6 permit to acquire pistols or revolvers under this chapter
7 has been arrested for a disqualifying offense or who is
8 the subject of proceedings that could lead to the person's
9 ineligibility for such permit, may immediately suspend such
10 permit. An issuing officer proceeding under this subsection
11 shall immediately notify the permit holder of the suspension
12 by personal service or certified mail on a form prescribed
13 and published by the commissioner of public safety and the
14 suspension shall become effective upon the permit holder's
15 receipt of such notice. If the suspension is based on an
16 arrest or a proceeding that does not result in a disqualifying
17 conviction or finding against the permit holder, the issuing
18 officer shall immediately reinstate the permit upon receipt
19 of proof of the matter's final disposition. If the arrest
20 leads to a disqualifying conviction or the proceedings to a
21 disqualifying finding, the issuing officer shall revoke the
22 permit. The issuing officer may also revoke the permit of a
23 person whom the issuing officer later finds was not qualified
24 for such a permit at the time of issuance or whom the officer
25 finds provided materially false information on the permit
26 application. A person aggrieved by a suspension or revocation
27 under this subsection may seek review of the decision pursuant
28 to section 724.21A.

29 Sec. 3. Section 724.16, Code 2021, is amended by striking
30 the section and inserting in lieu thereof the following:

31 **724.16 Prohibited transfers of firearms.**

32 1. A person shall not transfer a firearm to another person
33 if the person knows or reasonably should know that the other
34 person is ineligible to possess dangerous weapons pursuant to
35 section 724.8B, is intoxicated as provided under the conditions

1 set out in section 321J.2, subsection 1, or is prohibited from
2 receiving or possessing a firearm under section 724.26 or
3 federal law.

4 2. A person shall not loan or rent a firearm to another
5 person for temporary use during lawful activities if the
6 person knows or reasonably should know that the other person
7 is ineligible to possess dangerous weapons pursuant to section
8 724.8B, is intoxicated as provided under the conditions set
9 out in section 321J.2, subsection 1, or is prohibited from
10 receiving or possessing a firearm under section 724.26 or
11 federal law.

12 3. A person who transfers, loans, or rents a firearm in
13 violation of this section commits a class "D" felony.

14 Sec. 4. Section 724.27, Code 2021, is amended to read as
15 follows:

16 **724.27 Offenders' rights restored.**

17 1. The provisions of [section 724.8](#), section 724.15,
18 subsection ~~±~~ 2, and [section 724.26](#) shall not apply to a person
19 who is eligible to have the person's civil rights regarding
20 firearms restored ~~under [section 914.7](#)~~ if any of the following
21 occur:

22 a. The person is pardoned by the President of the United
23 States or the chief executive of a state for a disqualifying
24 conviction.

25 b. The person's civil rights have been restored after a
26 disqualifying conviction, commitment, or adjudication.

27 c. The person's conviction for a disqualifying offense has
28 been expunged.

29 2. [Subsection 1](#) shall not apply to a person whose pardon,
30 restoration of civil rights, or expungement of conviction
31 expressly forbids the person to receive, transport, or possess
32 firearms or destructive devices and a person not eligible to
33 have the person's civil rights restored under section 914.7.

34 DIVISION II

35 CARRYING AND POSSESSING WEAPONS — SCHOOL GROUNDS — EMERGENCY

1 MEDICAL CARE PROVIDERS

2 Sec. 5. Section 8A.322, subsection 3, Code 2021, is amended
3 to read as follows:

4 3. The director shall establish, publish, and enforce
5 rules regulating and restricting the use by the public of the
6 capitol buildings and grounds and of the state laboratories
7 facility in Ankeny. The rules when established shall be
8 posted in conspicuous places about the capitol buildings and
9 grounds and the state laboratories facility, as applicable.
10 Any person violating any rule, except a parking regulation,
11 shall be guilty of a simple misdemeanor. The rules shall
12 prohibit a person, other than a peace officer, from openly
13 carrying a pistol or revolver in the capitol building and on
14 the grounds surrounding the capitol building including state
15 parking lots and parking garages. However, **this subsection**
16 shall not be construed to allow the director to prohibit
17 the lawful carrying, transportation, or possession of any
18 pistol or revolver in the capitol building and on the grounds
19 surrounding the capitol building including state parking lots
20 and parking garages by a any person who displays to capitol
21 security personnel a valid permit to carry weapons upon request
22 regardless of whether the person has a valid permit to carry
23 weapons.

24 Sec. 6. Section 232.52, subsection 2, paragraph a,
25 subparagraph (4), subparagraph division (a), subparagraph
26 subdivision (viii), Code 2021, is amended to read as follows:

27 (viii) Section 724.4, if the child used the dangerous weapon
28 in the commission of a crime.

29 Sec. 7. Section 724.2A, Code 2021, is amended to read as
30 follows:

31 **724.2A Peace officer — defined — reserved peace officer**
32 **included.**

33 As used in sections ~~724.4~~, 724.4B, 724.6, and 724.11, "peace
34 officer" includes a reserve peace officer as defined in section
35 80D.1A.

1 Sec. 8. Section 724.4, Code 2021, is amended by striking the
2 section and inserting in lieu thereof the following:

3 **724.4 Use of a dangerous weapon in the commission of a crime.**

4 A person who goes armed with a dangerous weapon on or about
5 the person, and who uses the dangerous weapon in the commission
6 of a crime, commits an aggravated misdemeanor.

7 Sec. 9. Section 724.4B, Code 2021, is amended by striking
8 the section and inserting in lieu thereof the following:

9 **724.4B Carrying firearms on school grounds — penalty —**
10 **exceptions.**

11 1. A person who goes armed with, carries, or transports a
12 firearm of any kind, whether concealed or not, on the grounds
13 of a school commits a class "D" felony. For the purposes of
14 this section, "school" means a public or nonpublic school as
15 defined in section 280.2.

16 2. Subsection 1 does not apply to the following:

17 a. A person who has been specifically authorized by the
18 school to go armed with, carry, or transport a firearm on the
19 school grounds for any lawful purpose.

20 b. A peace officer including a peace officer who has
21 not been certified and a federal officer when the officer's
22 employment requires going armed, whether or not the peace
23 officer or federal officer is acting in the performance of
24 official duties.

25 c. A member of the armed forces of the United States or
26 of the national guard or person in the service of the United
27 States, when the firearm is carried in connection with the
28 person's duties as such.

29 d. A correctional officer, when the officer's duties require
30 the officer to carry a firearm, serving under the authority of
31 the Iowa department of corrections.

32 e. A person who for any lawful purpose carries an unloaded
33 pistol, revolver, or other firearm inside a closed and fastened
34 container or securely wrapped package that is too large to be
35 concealed on the person.

1 *f.* A person who for any lawful purpose carries or
2 transports an unloaded pistol, revolver, or other firearm
3 in a vehicle or common carrier inside a closed and fastened
4 container or securely wrapped package that is too large to be
5 concealed on the person or carries or transports an unloaded
6 pistol, revolver, or other firearm inside a cargo or luggage
7 compartment where the pistol or revolver will not be readily
8 accessible to any person riding in the vehicle or common
9 carrier.

10 *g.* A law enforcement officer from another state when the
11 officer's duties require the officer to carry a firearm and the
12 officer is in this state for any of the following reasons:

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

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

16 (3) Activities in the capacity of a law enforcement officer
17 with the knowledge and consent of the chief of police of the
18 city or the sheriff of the county in which the activities occur
19 or of the commissioner of public safety.

20 *h.* A licensee under chapter 80A or an employee of such
21 a licensee, while the licensee or employee is engaged in
22 the performance of duties, and if the licensee or employee
23 possesses a valid professional or nonprofessional permit to
24 carry weapons issued pursuant to this chapter.

25 Sec. 10. NEW SECTION. 724.4D **Carrying of dangerous weapons**
26 **— duty to cooperate — reasonable suspicion.**

27 A person carrying a dangerous weapon whose behavior creates
28 a reasonable suspicion that the person presents a danger to the
29 person's self or others shall cooperate with an investigating
30 officer.

31 Sec. 11. NEW SECTION. 724.4E **Possession of dangerous**
32 **weapons and loaded firearms by minors.**

33 1. A minor who goes armed with a dangerous weapon concealed
34 on or about the person commits a serious misdemeanor.

35 2. A minor who carries, transports, or possesses a loaded

1 firearm of any kind within the limits of a city or knowingly
2 carries or transports a pistol or revolver in a vehicle commits
3 a serious misdemeanor.

4 3. A minor who goes armed with a dangerous weapon that
5 directs an electric current impulse, wave, or beam that
6 produces a high-voltage pulse designed to immobilize a person,
7 whether concealed or not, commits a simple misdemeanor.

8 Sec. 12. Section 724.5, Code 2021, is amended by striking
9 the section and inserting in lieu thereof the following:

10 **724.5 Availability of permit not to be construed as**
11 **prohibition on unlicensed carrying of weapons.**

12 The availability of a professional or nonprofessional permit
13 to carry weapons under this chapter shall not be construed to
14 impose a general prohibition on the otherwise lawful unlicensed
15 carrying or transport, whether openly or concealed, of a
16 dangerous weapon, including a loaded firearm.

17 Sec. 13. Section 724.6, subsection 1, paragraph a, Code
18 2021, is amended to read as follows:

19 a. (1) A person may be issued a permit to carry weapons
20 when the person's employment in a private investigation
21 business or private security business licensed under chapter
22 80A, or a person's employment as a peace officer, correctional
23 officer, security guard, bank messenger or other person
24 transporting property of a value requiring security, or in
25 police work, reasonably justifies that person going armed.

26 (2) A person may be issued a permit to carry weapons
27 if the person is an emergency medical care provider who is
28 designated and attached to a law enforcement tactical team by
29 the authorities having jurisdiction. A person issued a permit
30 to carry weapons under this paragraph shall train with the law
31 enforcement tactical team the person is designated and attached
32 to, complete a prescribed firearm safety training course
33 offered pursuant to section 724.9, subsection 1, paragraph
34 "e", complete any additional training as prescribed by the
35 authorities having jurisdiction, and not be disqualified under

1 section 724.8.

2 Sec. 14. Section 724.6, subsection 2, Code 2021, is amended
3 to read as follows:

4 2. Notwithstanding subsection 1, fire fighters, as defined
5 in section 411.1, subsection 10, airport fire fighters included
6 under section 97B.49B, and emergency medical care providers,
7 ~~as defined in section 147A.1~~ other than emergency medical
8 care providers specified in subsection 1, paragraph "a",
9 subparagraph (2), shall not, as a condition of employment,
10 be required to obtain a permit under this section. However,
11 the provisions of this subsection shall not apply to a person
12 designated as an arson investigator by the chief fire officer
13 of a political subdivision.

14 Sec. 15. Section 724.6, Code 2021, is amended by adding the
15 following new subsection:

16 NEW SUBSECTION. 3. For purposes of this section, "*emergency*
17 *medical care provider*" means the same as defined in section
18 147A.1.

19 Sec. 16. NEW SECTION. **724.8B Persons ineligible to possess**
20 **dangerous weapons.**

21 A person determined to be ineligible to receive a permit to
22 carry weapons under section 724.8, subsections 2 through 6, a
23 person who illegally possesses a controlled substance scheduled
24 in chapter 124, subchapter II, or a person committing a crime
25 for which a scheduled fine is not provided is prohibited from
26 possessing dangerous weapons. Unless otherwise provided by
27 law, a person who violates this section commits an aggravated
28 misdemeanor.

29 Sec. 17. Section 724.31, subsection 1, Code 2021, is amended
30 to read as follows:

31 1. When a court issues an order or judgment under the
32 laws of this state by which a person becomes subject to the
33 provisions of 18 U.S.C. §922(d)(4) and (g)(4), the clerk of
34 the district court shall forward only such information as is
35 necessary to identify the person to the department of public

1 safety, which in turn shall enter the information on the Iowa
2 on-line warrants and articles criminal justice information
3 network and forward the information to the federal bureau of
4 investigation or its successor agency for the sole purpose of
5 inclusion in the national instant criminal background check
6 system database. The clerk of the district court shall also
7 notify the person of the prohibitions imposed under 18 U.S.C.
8 §922(d)(4) and (g)(4).

9 DIVISION III

10 HANDGUN SAFETY TRAINING

11 Sec. 18. Section 724.9, subsection 1, paragraphs a and b,
12 Code 2021, are amended to read as follows:

13 a. Completion of any national rifle association handgun
14 safety training course or a handgun safety training course
15 offered by an instructor certified by an organization approved
16 by the department of public safety pursuant to section 724.9A.

17 b. Completion of any handgun safety training course
18 available to the general public offered by a law enforcement
19 agency, community college, college, private or public
20 institution or organization, or firearms training school,
21 utilizing instructors certified by the national rifle
22 association or an organization approved by the department of
23 public safety pursuant to section 724.9A or another state's
24 department of public safety, state police department, or
25 similar certifying body.

26 Sec. 19. NEW SECTION. 724.9A Approval of organizations that
27 may certify handgun safety training instructors.

28 The department of public safety shall adopt rules to approve
29 organizations that may certify individuals as handgun safety
30 training instructors eligible to offer a handgun safety
31 training course under section 724.9, subsection 1, paragraphs
32 "a" and "b".

33 DIVISION IV

34 FIREARM REGULATION BY POLITICAL SUBDIVISIONS

35 Sec. 20. Section 724.28, subsections 2 and 3, Code 2021, are

1 amended to read as follows:

2 2. A political subdivision of the state shall not enact an
3 ordinance, motion, resolution, policy, or amendment regulating
4 the ownership, possession, carrying, legal transfer, lawful
5 transportation, modification, registration, or licensing of
6 firearms, firearms attachments, or other weapons when the
7 ownership, possession, carrying, transfer, transportation, or
8 modification is otherwise lawful under the laws of this state.
9 An ordinance regulating firearms, firearms attachments, or
10 other weapons in violation of **this section** existing on or after
11 April 5, 1990, is void.

12 3. If a political subdivision of the state, prior to, on,
13 or after July 1, 2020, adopts, makes, enacts, or amends any
14 ordinance, measure, enactment, rule, resolution, motion, or
15 policy regulating the ownership, possession, carrying, legal
16 transfer, lawful transportation, modification, registration,
17 or licensing of firearms, firearms attachments, or other
18 weapons when the ownership, possession, carrying, transfer,
19 transportation, modification, registration, or licensing
20 of firearms, firearms attachments, or other weapons is
21 otherwise lawful under the laws of this state, a person
22 adversely affected by the ordinance, measure, enactment, rule,
23 resolution, motion, or policy may file suit in the appropriate
24 court for declaratory and injunctive relief and all damages
25 attributable to the violation. A court shall also award the
26 prevailing party in any such lawsuit reasonable attorney fees
27 and court costs.

28 DIVISION V

29 POSSESSION AND STORAGE OF A FIREARM BY A TENANT

30 Sec. 21. Section 562A.11, Code 2021, is amended to read as
31 follows:

32 **562A.11 Prohibited provisions in rental agreements.**

33 1. A rental agreement shall not provide that the tenant or
34 landlord does any of the following:

35 a. Agrees to waive or to forego rights or remedies under

1 this chapter provided that this restriction shall not apply to
2 rental agreements covering single family residences on land
3 assessed as agricultural land and located in an unincorporated
4 area~~†~~.

5 *b.* Authorizes a person to confess judgment on a claim
6 arising out of the rental agreement~~†~~.

7 *c.* Agrees to pay the other party's attorney fees~~†~~~~or~~.

8 *d.* Agrees to the exculpation or limitation of any liability
9 of the other party arising under law or to indemnify the other
10 party for that liability or the associated costs connected
11 therewith.

12 1A. If the landlord receives rental assistance payments
13 under a rental assistance agreement administered by the
14 United States department of agriculture under the multifamily
15 housing rental assistance program under Tit. V of the federal
16 Housing Act of 1949, Pub. L. No. 81-171, or receives housing
17 assistance payments under a housing assistance payment contract
18 administered by the United States department of housing and
19 urban development under the housing choice voucher program,
20 the new construction program, the substantial rehabilitation
21 program, or the moderate rehabilitation program under section 8
22 of the United States Housing Act of 1937, Pub. L. No. 75-412, a
23 rental agreement shall not contain a provision or impose a rule
24 that requires a person to agree, as a condition of tenancy, to
25 a prohibition or restriction on the lawful ownership, use, or
26 possession of a firearm, a firearm component, or ammunition
27 within the tenant's specific rental unit. A landlord may
28 impose reasonable restrictions related to the possession,
29 use, or transportation of a firearm, a firearm component, or
30 ammunition within common areas as long as those restrictions do
31 not circumvent the purpose of this subsection. A tenant shall
32 exercise reasonable care in the storage of a firearm, a firearm
33 component, or ammunition. This subsection does not apply to
34 any prohibition or restriction that is required by federal or
35 state law, rule, or regulation.

1 2. A provision prohibited by ~~subsection 1~~ this section
2 included in a rental agreement is unenforceable. If a landlord
3 willfully uses a rental agreement containing provisions known
4 by the landlord to be prohibited, a tenant may recover actual
5 damages sustained by the tenant and not more than three months'
6 periodic rent and reasonable attorney fees.

7 Sec. 22. Section 562A.16, Code 2021, is amended by adding
8 the following new subsection:

9 NEW SUBSECTION. 3. Except in cases of willful, reckless, or
10 gross negligence, a landlord is not liable in a civil action
11 for personal injury, death, property damage, or other damages
12 resulting from or arising out of an occurrence involving a
13 firearm, a firearm component, or ammunition that the landlord
14 is required to allow on the property under section 562A.11.

15 Sec. 23. Section 562A.27A, subsection 2, paragraph b, Code
16 2021, is amended to read as follows:

17 b. Illegal use of a firearm or other weapon, the threat to
18 use a firearm or other weapon illegally, or possession of an
19 illegal firearm. The mere possession or storage of a firearm
20 by a tenant in the dwelling unit that the tenant rents does not
21 constitute a clear and present danger.

22 Sec. 24. Section 562B.11, Code 2021, is amended by adding
23 the following new subsection:

24 NEW SUBSECTION. 1A. If the landlord receives rental
25 assistance payments under a rental assistance agreement
26 administered by the United States department of agriculture
27 under the multifamily housing rental assistance program
28 under Tit. V of the federal Housing Act of 1949, Pub. L.
29 No. 81-171, or receives housing assistance payments under a
30 housing assistance payment contract administered by the United
31 States department of housing and urban development under the
32 housing choice voucher program, the new construction program,
33 the substantial rehabilitation program, or the moderate
34 rehabilitation program under section 8 of the United States
35 Housing Act of 1937, Pub. L. No. 75-412, a rental agreement

1 shall not contain a provision or impose a rule that requires a
2 person to agree, as a condition of tenancy, to a prohibition or
3 restriction on the lawful ownership, use, or possession of a
4 firearm, a firearm component, or ammunition within the tenant's
5 specific rental unit. A landlord may impose reasonable
6 restrictions related to the possession, use, or transportation
7 of a firearm, a firearm component, or ammunition within common
8 areas as long as those restrictions do not circumvent the
9 purpose of this subsection. A tenant shall exercise reasonable
10 care in the storage of a firearm, a firearm component, or
11 ammunition. This subsection does not apply to any prohibition
12 or restriction that is required by federal or state law, rule,
13 or regulation.

14 Sec. 25. Section 562B.11, subsection 2, Code 2021, is
15 amended to read as follows:

16 2. A provision prohibited by ~~subsection 1~~ this section
17 included in a rental agreement is unenforceable. If a landlord
18 or tenant knowingly uses a rental agreement containing
19 provisions known to be prohibited by this chapter, the other
20 party may recover actual damages sustained.

21 Sec. 26. Section 562B.17, Code 2021, is amended by adding
22 the following new subsection:

23 NEW SUBSECTION. 3. Except in cases of willful, reckless, or
24 gross negligence, a landlord is not liable in a civil action
25 for personal injury, death, property damage, or other damages
26 resulting from or arising out of an occurrence involving a
27 firearm, a firearm component, or ammunition that the landlord
28 is required to allow on the property under section 562B.11.

29 Sec. 27. Section 562B.25A, subsection 2, paragraph b, Code
30 2021, is amended to read as follows:

31 *b.* Illegal use of a firearm or other weapon, the threat to
32 use a firearm or other weapon illegally, or possession of an
33 illegal firearm. The mere possession or storage of a firearm
34 by a tenant in the tenant's dwelling unit does not constitute a
35 clear and present danger.>

HOLT of Crawford