

S-3087

1 Amend Senate File 535 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

SF535.1504 (3) 89

(amending this SF 535 to CONFORM to HF 756)

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 Sec. 5. NEW SECTION. **724.31A Identifying information —**
35 **background checks.**

1 1. When a court issues an order or judgment by which a
2 person is prohibited from acquiring a pistol or revolver under
3 section 724.15, subsection 2, paragraph "d", the clerk of
4 the district court shall forward only such information as is
5 necessary to identify the person to the department of public
6 safety, which in turn shall forward the information to the
7 federal bureau of investigation or its successor agency for
8 the sole purpose of inclusion in the national instant criminal
9 background check system database. The clerk of the district
10 court shall also notify the person of the prohibitions imposed
11 under this section.

12 2. The department of public safety shall, as soon as
13 is practicable after receiving a written request from the
14 person prohibited from acquiring a pistol or revolver under
15 section 724.15, subsection 2, paragraph "d", update, correct,
16 modify, or remove the person's record in any database that the
17 department of public safety makes available to the national
18 instant criminal background check system and shall notify the
19 United States department of justice that the basis for such
20 record being made available no longer applies.

21 DIVISION II

22 CARRYING AND POSSESSING WEAPONS — SCHOOL GROUNDS — EMERGENCY
23 MEDICAL CARE PROVIDERS

24 Sec. 6. Section 8A.322, subsection 3, Code 2021, is amended
25 to read as follows:

26 3. The director shall establish, publish, and enforce
27 rules regulating and restricting the use by the public of the
28 capitol buildings and grounds and of the state laboratories
29 facility in Ankeny. The rules when established shall be
30 posted in conspicuous places about the capitol buildings and
31 grounds and the state laboratories facility, as applicable.
32 Any person violating any rule, except a parking regulation,
33 shall be guilty of a simple misdemeanor. The rules shall
34 prohibit a person, other than a peace officer, from openly
35 carrying a pistol or revolver in the capitol building and on

SF535.1504 (3) 89

(amending this SF 535 to CONFORM to HF 756)

1 the grounds surrounding the capitol building including state
2 parking lots and parking garages. However, **this subsection**
3 shall not be construed to allow the director to prohibit
4 the lawful carrying, transportation, or possession of any
5 pistol or revolver in the capitol building and on the grounds
6 surrounding the capitol building including state parking lots
7 and parking garages by a any person who displays to capitol
8 security personnel a valid permit to carry weapons upon request
9 regardless of whether the person has a valid permit to carry
10 weapons.

11 Sec. 7. Section 232.52, subsection 2, paragraph a,
12 subparagraph (4), subparagraph division (a), subparagraph
13 subdivision (viii), Code 2021, is amended to read as follows:

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

16 Sec. 8. Section 724.2A, Code 2021, is amended to read as
17 follows:

18 **724.2A Peace officer — defined — reserved peace officer**
19 **included.**

20 As used in sections ~~724.4~~, 724.4B, 724.6, and 724.11, "peace
21 officer" includes a reserve peace officer as defined in section
22 80D.1A.

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

25 **724.4 Use of a dangerous weapon in the commission of a crime.**

26 A person who goes armed with a dangerous weapon on or about
27 the person, and who uses the dangerous weapon in the commission
28 of a crime, commits an aggravated misdemeanor, except as
29 provided in section 708.8.

30 Sec. 10. Section 724.4B, Code 2021, is amended by striking
31 the section and inserting in lieu thereof the following:

32 **724.4B Carrying firearms on school grounds — penalty —**
33 **exceptions.**

34 1. A person who goes armed with, carries, or transports a
35 firearm of any kind, whether concealed or not, on the grounds

1 of a school commits a class "D" felony. For the purposes of
2 this section, "school" means a public or nonpublic school as
3 defined in section 280.2.

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

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

8 b. A peace officer including a peace officer who has
9 not been certified and a federal officer when the officer's
10 employment requires going armed, whether or not the peace
11 officer or federal officer is acting in the performance of
12 official duties.

13 c. A member of the armed forces of the United States or
14 of the national guard or person in the service of the United
15 States, when the firearm is carried in connection with the
16 person's duties as such.

17 d. A correctional officer, when the officer's duties require
18 the officer to carry a firearm, serving under the authority of
19 the Iowa department of corrections.

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

24 f. A person who for any lawful purpose carries or
25 transports an unloaded pistol, revolver, or other firearm
26 in a vehicle or common carrier inside a closed and fastened
27 container or securely wrapped package that is too large to be
28 concealed on the person or carries or transports an unloaded
29 pistol, revolver, or other firearm inside a cargo or luggage
30 compartment where the pistol or revolver will not be readily
31 accessible to any person riding in the vehicle or common
32 carrier.

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

SF535.1504 (3) 89

(amending this SF 535 to CONFORM to HF 756)

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

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

4 (3) Activities in the capacity of a law enforcement officer
5 with the knowledge and consent of the chief of police of the
6 city or the sheriff of the county in which the activities occur
7 or of the commissioner of public safety.

8 *h.* A licensee under chapter 80A or an employee of such
9 a licensee, while the licensee or employee is engaged in
10 the performance of duties, and if the licensee or employee
11 possesses a valid professional or nonprofessional permit to
12 carry weapons issued pursuant to this chapter.

13 **Sec. 11. NEW SECTION. 724.4D Carrying of dangerous weapons**
14 **— duty to cooperate — reasonable suspicion.**

15 A person carrying a dangerous weapon whose behavior creates
16 a reasonable suspicion that the person presents a danger to the
17 person's self or others shall cooperate with an investigating
18 officer.

19 **Sec. 12. NEW SECTION. 724.4E Possession of dangerous**
20 **weapons and loaded firearms by minors.**

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

23 2. A minor who carries, transports, or possesses a loaded
24 firearm of any kind within the limits of a city or knowingly
25 carries or transports a pistol or revolver in a vehicle commits
26 a serious misdemeanor.

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

31 **Sec. 13. Section 724.5, Code 2021, is amended by striking**
32 **the section and inserting in lieu thereof the following:**

33 **724.5 Availability of permit not to be construed as**
34 **prohibition on unlicensed carrying of weapons.**

35 The availability of a professional or nonprofessional permit

1 to carry weapons under this chapter shall not be construed to
2 impose a general prohibition on the otherwise lawful unlicensed
3 carrying or transport, whether openly or concealed, of a
4 dangerous weapon, including a loaded firearm.

5 Sec. 14. Section 724.6, subsection 1, paragraph a, Code
6 2021, is amended to read as follows:

7 a. (1) A person may be issued a permit to carry weapons
8 when the person's employment in a private investigation
9 business or private security business licensed under chapter
10 80A, or a person's employment as a peace officer, correctional
11 officer, security guard, bank messenger or other person
12 transporting property of a value requiring security, or in
13 police work, reasonably justifies that person going armed.

14 (2) A person may be issued a permit to carry weapons
15 if the person is an emergency medical care provider who is
16 designated and attached to a law enforcement tactical team by
17 the authorities having jurisdiction. A person issued a permit
18 to carry weapons under this paragraph shall train with the law
19 enforcement tactical team the person is designated and attached
20 to, complete a prescribed firearm safety training course
21 offered pursuant to section 724.9, subsection 1, paragraph
22 "e", complete any additional training as prescribed by the
23 authorities having jurisdiction, and not be disqualified under
24 section 724.8.

25 Sec. 15. Section 724.6, subsection 2, Code 2021, is amended
26 to read as follows:

27 2. Notwithstanding subsection 1, fire fighters, as defined
28 in section 411.1, subsection 10, airport fire fighters included
29 under section 97B.49B, and emergency medical care providers,
30 ~~as defined in section 147A.1~~ other than emergency medical
31 care providers specified in subsection 1, paragraph "a",
32 subparagraph (2), shall not, as a condition of employment,
33 be required to obtain a permit under this section. However,
34 the provisions of this subsection shall not apply to a person
35 designated as an arson investigator by the chief fire officer

SF535.1504 (3) 89

(amending this SF 535 to CONFORM to HF 756)

1 of a political subdivision.

2 Sec. 16. Section 724.6, Code 2021, is amended by adding the
3 following new subsection:

4 NEW SUBSECTION. 3. For purposes of this section, "*emergency*
5 *medical care provider*" means the same as defined in section
6 147A.1.

7 Sec. 17. NEW SECTION. **724.8B Persons ineligible to carry**
8 **dangerous weapons.**

9 A person determined to be ineligible to receive a permit
10 to carry weapons under section 724.8, subsection 2, 3, 4, 5,
11 or 6, a person who illegally possesses a controlled substance
12 included in chapter 124, subchapter II, or a person who is
13 committing an indictable offense is prohibited from carrying
14 dangerous weapons. Unless otherwise provided by law, a person
15 who violates this section commits a serious misdemeanor.

16 Sec. 18. Section 724.31, subsection 1, Code 2021, is amended
17 to read as follows:

18 1. When a court issues an order or judgment under the
19 laws of this state by which a person becomes subject to the
20 provisions of 18 U.S.C. §922(d)(4) and (g)(4), the clerk of
21 the district court shall forward only such information as is
22 necessary to identify the person to the department of public
23 safety, which in turn shall enter the information on the Iowa
24 on-line warrants and articles criminal justice information
25 network and forward the information to the federal bureau of
26 investigation or its successor agency for the sole purpose of
27 inclusion in the national instant criminal background check
28 system database. The clerk of the district court shall also
29 notify the person of the prohibitions imposed under 18 U.S.C.
30 §922(d)(4) and (g)(4).

31 DIVISION III

32 HANDGUN SAFETY TRAINING

33 Sec. 19. Section 724.9, subsection 1, paragraphs a and b,
34 Code 2021, are amended to read as follows:

35 a. Completion of any national rifle association handgun

SF535.1504 (3) 89

(amending this SF 535 to CONFORM to HF 756)

1 ordinance, measure, enactment, rule, resolution, motion, or
2 policy regulating the ownership, possession, carrying, legal
3 transfer, lawful transportation, modification, registration,
4 or licensing of firearms, firearms attachments, or other
5 weapons when the ownership, possession, carrying, transfer,
6 transportation, modification, registration, or licensing
7 of firearms, firearms attachments, or other weapons is
8 otherwise lawful under the laws of this state, a person
9 adversely affected by the ordinance, measure, enactment, rule,
10 resolution, motion, or policy may file suit in the appropriate
11 court for declaratory and injunctive relief and all damages
12 attributable to the violation. A court shall also award the
13 prevailing party in any such lawsuit reasonable attorney fees
14 and court costs.

15 DIVISION V

16 POSSESSION AND STORAGE OF A FIREARM BY A TENANT

17 Sec. 22. Section 562A.11, Code 2021, is amended to read as
18 follows:

19 **562A.11 Prohibited provisions in rental agreements.**

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

22 a. Agrees to waive or to forego rights or remedies under
23 this chapter provided that this restriction shall not apply to
24 rental agreements covering single family residences on land
25 assessed as agricultural land and located in an unincorporated
26 area~~;~~.

27 b. Authorizes a person to confess judgment on a claim
28 arising out of the rental agreement~~;~~.

29 c. Agrees to pay the other party's attorney fees~~;~~ ~~or~~.

30 d. Agrees to the exculpation or limitation of any liability
31 of the other party arising under law or to indemnify the other
32 party for that liability or the associated costs ~~connected~~
33 ~~therewith~~.

34 1A. If the landlord receives rental assistance payments
35 under a rental assistance agreement administered by the

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

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

29 Sec. 23. Section 562A.16, Code 2021, is amended by adding
30 the following new subsection:

31 NEW SUBSECTION. 3. Except in cases of willful, reckless, or
32 gross negligence, a landlord is not liable in a civil action
33 for personal injury, death, property damage, or other damages
34 resulting from or arising out of an occurrence involving a
35 firearm, a firearm component, or ammunition that the landlord

1 is required to allow on the property under section 562A.11.

2 Sec. 24. Section 562A.27A, subsection 2, paragraph b, Code
3 2021, is amended to read as follows:

4 b. Illegal use of a firearm or other weapon, the threat to
5 use a firearm or other weapon illegally, or possession of an
6 illegal firearm. The mere possession or storage of a firearm
7 by a tenant in the dwelling unit that the tenant rents does not
8 constitute a clear and present danger.

9 Sec. 25. Section 562B.11, Code 2021, is amended by adding
10 the following new subsection:

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

1 Sec. 26. Section 562B.11, subsection 2, Code 2021, is
2 amended to read as follows:

3 2. A provision prohibited by ~~subsection 1~~ this section
4 included in a rental agreement is unenforceable. If a landlord
5 or tenant knowingly uses a rental agreement containing
6 provisions known to be prohibited by this chapter, the other
7 party may recover actual damages sustained.

8 Sec. 27. Section 562B.17, Code 2021, is amended by adding
9 the following new subsection:

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

16 Sec. 28. Section 562B.25A, subsection 2, paragraph b, Code
17 2021, is amended to read as follows:

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

JASON SCHULTZ