

S-5129

1 Amend House File 2464, as amended, passed, and reprinted by
2 the House, as follows:

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

5 <Section 1. NEW SECTION. 554H.1 Definitions.

6 1. "*Ammunition*" means the same as defined in 18 U.S.C. §921.

7 2. "*Covered entity*" means an entity, or agent of an entity,
8 that establishes a relationship with a retailer for the purpose
9 of processing credit, debit, or prepaid transactions.

10 3. "*Firearm*" means the same as defined in 18 U.S.C. §921,
11 and includes a shotgun, rifle, and antique firearm, as those
12 terms are defined in 18 U.S.C. §921.

13 4. "*Firearms retailer*" means an individual or entity that
14 is all of the following:

15 a. Physically located in the state.

16 b. Engaged in the lawful business of selling or trading
17 firearms or ammunition.

18 5. "*Merchant category code*" means the code, approved by the
19 international organization for standardization specifically for
20 firearms retailers, that is assigned to a retailer based on the
21 types of goods and services offered to a retailer's customers.

22 6. a. "*Payment card network*" means an entity that, directly
23 or through a member, processor, or agent, provides proprietary
24 services, infrastructure, software, or hardware that is used
25 to authorize, clear, and settle credit, debit, or prepaid
26 transactions.

27 b. "*Payment card network*" does not include an issuing
28 financial institution that settles a credit, debit, or prepaid
29 transaction with a retailer on behalf of a consumer.

30 Sec. 2. NEW SECTION. 554H.2 Merchant category codes.

31 1. A payment card network shall not require, incentivize,
32 or permit the use of a merchant category code in a manner that
33 distinguishes a firearms retailer from other retailers.

34 2. A covered entity, or a covered entity's agent, shall
35 not assign a firearms retailer a merchant category code that

1 distinguishes the firearms retailer from other retailers.

2 Sec. 3. NEW SECTION. 554H.3 Firearm registry or record.

3 1. Except for records kept during the regular course of a
4 criminal investigation or criminal prosecution, or as otherwise
5 required by law, a person, unit of government, or governmental
6 organization shall not knowingly and willfully keep or cause to
7 be kept a record or registry of privately owned firearms or of
8 the owners of privately owned firearms.

9 2. This section shall not be construed to prohibit an
10 owner or an owner's representative from maintaining a list of
11 the owner's privately owned firearms, or to prohibit a law
12 enforcement agency from maintaining a list, registry, or record
13 of firearms that have been stolen or reported stolen.

14 Sec. 4. NEW SECTION. 554H.4 Enforcement — penalties.

15 1. The attorney general shall investigate reasonable
16 alleged violations of this chapter. As part of the
17 investigation, and in accordance with the Iowa rules of civil
18 procedure, the attorney general may issue a subpoena for the
19 production of records. If a person, unit of government, or
20 governmental organization refuses to comply, the attorney
21 general may seek enforcement by the district court.

22 2. Any of the following may petition the attorney general to
23 investigate an alleged violation of this chapter:

24 a. A firearms retailer, or a customer who made a transaction
25 at a firearms retailer whose business is the subject of any
26 alleged violation of section 554H.2.

27 b. An individual whose firearms ownership is the subject of
28 any alleged violation of section 554H.3.

29 3. Upon finding that a person is in violation of this
30 chapter, the attorney general shall provide written notice
31 to the person, or to the registered agent of the person,
32 determined to have committed the violation.

33 4. Upon receipt of notice under subsection 2, the person
34 shall have sixty calendar days to cease the violation.

35 5. If the violation persists after the expiration of the

1 sixty-day period under subsection 3, the attorney general
2 shall bring civil action in district court to enjoin further
3 violations by a person found to be in violation of this
4 chapter.

5 6. If a person knowingly or willfully fails to comply with
6 an injunction issued under subsection 4, after sixty calendar
7 days of the date the person is served with the injunction, the
8 attorney general shall petition the district court to impose
9 civil penalties in an amount not to exceed one thousand dollars
10 per violation of the injunction, taking into consideration the
11 financial resources of the violator and the harm or risk of
12 harm to the violator's rights under the second amendment to the
13 Constitution of the United States and Article I, section 1A, of
14 the Constitution of the State of Iowa.

15 7. It shall be a defense to a proceeding initiated pursuant
16 to this section that the person made a good-faith determination
17 that the person's action was required by law.>

18 2. Title page, by striking lines 1 through 3 and inserting
19 <An Act relating to merchant category codes for transactions
20 involving firearms and ammunition, firearm registries and
21 records, and providing civil penalties.>

JASON SCHULTZ