



[HF 756](#) – Firearms Omnibus (LSB1852HV.1)

Staff Contact: Adam Broich (515.281.8223) adam.broich@legis.iowa.gov

Fiscal Note Version – Final Action

Description

[House File 756](#) relates to the acquisition and possession of weapons, and makes numerous changes to Iowa's existing weapons laws.

Division I

Division I requires an unlicensed individual to possess a valid permit or satisfactorily complete a national instant background check in order to acquire a pistol or revolver from a federally licensed firearms dealer.

The individuals listed below are prohibited from acquiring a pistol or revolver. An individual who violates these provisions is guilty of a serious misdemeanor. An individual who is denied a license to acquire a pistol by the issuing party may appeal the denial with an administrative law judge under Iowa Code section [724.21A](#).

- Individuals under the age of 21, except for those who acquire a pistol or revolver when the person's duty requires.
- Persons convicted of a felony in a State or federal court.
- Individuals prohibited by court order from possessing, shipping, transporting, or receiving a firearm.
- Individuals ineligible from possessing a dangerous weapon under new Iowa Code section 724.8B include:
 - A person addicted to the use of alcohol.
 - A person for whom there exists probable cause to believe, based on documented action by the person, that the person is likely to use the weapon unlawfully or in a way to endanger oneself or others. Such action must have occurred within two years immediately preceding the date of the permit application.
 - Persons subject to provisions of Iowa Code section [724.26](#) pertaining to possession, receipt, transportation, or dominion and control of firearms, offensive weapons, and ammunition by felons and others.
 - A person who, within the last three years, has been convicted of any serious or aggravated misdemeanor defined in Iowa Code chapter [708](#) not involving the use of firearms.
 - A person who illegally possesses a controlled substance under Iowa Code chapter [124](#).
 - A person who is committing an indictable offense.

Additionally, the Bill prohibits the transfer of a firearm to another person who does not possess a permit if the person knows or reasonably should know that the recipient is prohibited from receiving or possessing a firearm. The Bill also prohibits a person from loaning or renting a firearm to another person for temporary use during lawful activities if the person loaning or renting the weapon knows or reasonably should know that the recipient is prohibited from receiving or possessing a firearm under State or federal law, is ineligible under new Iowa Code

section 724.8B, or is intoxicated. A person who violates this provision commits a Class D felony.

This Division also provides that when a court issues an order or judgment that prohibits a person from acquiring a pistol or revolver, the clerk of the court must provide only such information as is necessary to identify the person to the Department of Public Safety (DPS), which is required to forward the same information to the Federal Bureau of Investigation for inclusion in the National Instant Criminal Background Check System (NICS).

Upon receiving a written request from a prohibited person to update, correct, modify, or remove the person's record, the DPS shall notify the United States Department of Justice that the basis for the records availability no longer applies and shall make the request available to the NICS.

Division II

Division II removes the provision that prohibits a person other than a peace officer from openly carrying a pistol or revolver in the Iowa State Capitol building, State parking lots, and parking garages unless the individual displays a valid permit to carry weapons upon request of Capitol security personnel. Division II also eliminates the existing penalty for carrying a dangerous weapon and provides that a person who goes armed with a dangerous weapon on or about the person and uses the dangerous weapon in the commission of a crime is guilty of an aggravated misdemeanor, except as provided in Iowa Code section [708.8](#). The Bill also allows the following individuals, among others, to carry or transport a firearm on school property:

- A person who has been specifically authorized by the school to carry or transport a firearm for a lawful purpose.
- A peace officer, including a peace officer who has not been certified and a federal officer when the officer's employment requires going armed, regardless of whether the officer is on duty.
- A member of the U.S. Armed Forces or National Guard, when the weapon is carried in connection with the member's official duties.
- A correctional officer, as part of the officer's official duties.
- A person who for any lawful purpose carries an unloaded pistol, revolver, or other firearm inside a closed and fastened container or securely wrapped package that is too large to be concealed.

A person carrying a dangerous weapon whose behavior demonstrates a danger to oneself or others must fully cooperate with an investigating officer. An individual who commits the following crimes is guilty of a serious misdemeanor:

- A minor who goes armed and concealed with a dangerous weapon.
- A minor who carries, transports, or possesses a loaded firearm within the limits of a city, or knowingly carries or transports a pistol or revolver in a vehicle.
- A minor who goes armed with a dangerous weapon designed to immobilize a person by directing an electric current impulse, wave, or beam that produces a high-voltage pulse, concealed or not, is guilty of a simple misdemeanor.

Section 14 of Division II allows emergency medical care providers to obtain a professional permit to carry weapons if the provider is attached to a law enforcement tactical team and undergoes training as required in the Bill. An emergency medical care provider must also apply and undergo a criminal history background check prior to receiving a professional permit to carry weapons.

Division III

Division III relates to handgun safety training. House File 756 requires the DPS to adopt rules to approve organizations that may certify an individual as an instructor eligible to offer certain handgun safety training courses.

Division IV

This Division prohibits political subdivisions from regulating the carrying of firearms, firearm attachments or other weapons lawfully authorized.

Division V

Division V relates to the possession and storage of a firearm by a tenant in the context of leasing certain property. Landlords who receive certain federal rental assistance payment are prohibited from banning or restricting ownership, use or possession of a firearm, firearm components or ammunition within the tenant's dwelling.

The Division provides that except in cases of willful, reckless, or gross negligence, a landlord is not liable in a civil action for personal injury, death, property damage, or other damages as a result of an incident involving a firearm, firearm component, or ammunition. Additionally, the Bill states that the storage or possession of a firearm alone does not constitute a clear and present danger.

Background

Current law requires individuals to obtain an annual permit prior to the purchase of a revolver unless the individual is exempt. A person who acquires ownership of a pistol or revolver without a valid permit, or a person who transfers ownership of a pistol or revolver to a person who does not have a valid permit is guilty of an aggravated misdemeanor. The DPS does not receive fee revenue for permits to acquire firearms, but rather, only for permits to carry firearms. These fees are set and collected by counties and can vary considerably. The DPS receives a remittance of \$10 for a new permit to carry, and \$5 for a renewal permit. The remainder of the \$50 fee for a new permit to carry and a \$25 renewal permit stays with individual counties. In FY 2019, the DPS collected \$391,925 in permit to carry fee revenue, and in FY 2020, a total of \$410,465.

Under current law, rules promulgated by the Department of Administrative Services require a person to display a permit to carry upon request of State Capitol security guards, if the individual chooses to carry in the Capitol building, parking garages, and parking lots. Additionally, under current law, any individual who goes armed with, carries, or transports a firearm on the grounds of a school is guilty of a Class D felony.

A simple misdemeanor is punishable by confinement of no more than 30 days and a fine of at least \$105 but not more than \$855. A serious misdemeanor is punishable by confinement for no more than one year and a fine of at least \$430 but not more than \$2,560. An aggravated misdemeanor is punishable by confinement for no more than two years and a fine of at least \$855 but not more than \$8,540. A Class D felony is punishable by confinement for no more than five years and a fine of at least \$1,025 but not more than \$10,245.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends, prisoner length of stay (LOS), revocation rates, plea bargaining, and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day.
- Data provided by the Criminal Juvenile Justice Division (CJJP) of the Department of Human Rights related to convictions under Iowa Code section [724.4](#) includes data on the crime of carrying or acquiring a firearm without a permit and going armed with a dangerous weapon. It is not possible to parse out the data for the individual conviction rate. The data provides an aggregate total of both convictions and is not duplicative.
- For estimating purposes, it is assumed under current law that the number of convictions under Iowa Code section [724.4](#) will total 600 annually beginning in FY 2022.
- For estimating purposes, it is assumed under current law that the number of convictions under Iowa Code section [724.4B](#) will total four annually beginning in FY 2022.
- Any property and employee liability insurance claims arising out of the expansion of the group of persons allowed to carry a firearm on school grounds will likely be covered by existing school liability insurance policies.
- The DPS estimates that fee revenue will be reduced due to the removal of the requirement to obtain a permit to acquire or carry weapons.

Correctional Impact

Divisions I and II

Except as stated below, Divisions I and II will have a positive correctional impact. This Division decriminalizes acquiring or carrying a pistol or revolver without a permit. In FY 2019, there were 631 aggravated misdemeanor convictions under Iowa Code section 724.4. It is estimated that beginning in FY 2022, there will be a reduction of 600 convictions annually. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 22, 2021, for information related to the correctional system.

Division I, Section 2: This section expands the list of individuals ineligible to acquire a pistol or a revolver and provides that violations of this section are a serious misdemeanor. Division I, Section 2, establishes a new crime, and the resulting correctional impact cannot be estimated.

Division I, Section 3: This section provides that the penalty for the transfer of ownership of a pistol or revolver to a person that the transferor knows or should reasonably know is prohibited from acquiring ownership of a pistol or revolver remains unchanged and as a result, is not estimated to have a correctional impact.

Division II, Section 10: This section may have a positive correctional impact as it expands the group of individuals allowed to carry a firearm on school grounds. In FY 2019, there were four Class D felony convictions under Iowa Code section 724.4B. It is estimated that beginning FY 2022, there may be a reduction of four convictions annually.

Division II, Section 12: This section establishes several new crimes related to a minor carrying a dangerous weapon; carrying, transporting, or possessing a firearm; and going armed with a specific weapon such as a taser. As these are new crimes, the resulting correctional impact cannot be estimated.

Divisions III, IV, and V are not estimated to have a correctional impact.

Minority Impact

Divisions I and II

Except as stated below, Divisions I and II will have a positive minority impact. In FY 2019, of the total 631 convictions under Iowa Code section [724.4](#), 170 (26.9%) were African American. In FY 2019, Caucasian and African Americans comprised 90.2% and 3.6% of the total Iowa population, respectively. This indicates a conviction rate for African Americans that exceeds the population proportion of the State. The decriminalization of acquiring or carrying a pistol or revolver without a permit will lead to a decrease in the disproportionate minority impact. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 27, 2021, for information related to minorities in the criminal justice system.

Division I, Section 2: This section expands the list of individuals ineligible to acquire a pistol or a revolver under Iowa Code section [724.15](#). As a result, the CJJP cannot use prior existing data to estimate the minority impact of this section.

Division I, Section 3: This section does not change the existing penalty for the transfer of ownership of a pistol or revolver to a person who the transferor knows or should reasonably know is prohibited from acquiring ownership of a pistol or revolver. The penalty remains unchanged and as a result, is not estimated to have a minority impact.

Division II, Section 10: This section will also have a positive minority impact. In FY 2019, of the total four convictions under Iowa Code section 724.4B, two were African American. In FY 2019, Caucasian and African Americans comprised 90.2% and 3.6% of the total Iowa population, respectively. This indicates a conviction rate for African Americans that exceeds the population proportion of the State. Expanding the group of individuals allowed to carry a firearm on school grounds may decrease convictions for this crime.

Division II, Section 12: This section establishes new crimes related to a minor carrying a dangerous weapon; carrying, transporting, or possessing a firearm; and going armed with a specific weapon such as a taser. These are new crimes and the CJJP cannot use prior existing data to estimate the minority impact of this section.

Divisions III, IV, and V are not estimated to have a minority impact.

Fiscal Impact

Divisions I and II

Divisions I and II are estimated to reduce expenditures of the correctional system. The Divisions will reduce the number of convictions under Iowa Code section 724.4. **Table 1** provides the estimated range of costs for a single, simple, serious, and aggravated misdemeanor conviction. The estimates include operating costs incurred by the Judicial Branch, the State Public Defender, and the Department of Corrections (DOC) for one additional conviction. Expenses will be incurred across multiple fiscal years for prison and parole supervision.

Table 1 — Average State Cost Per Offense Class Type

Offense Class	Total Minimum Cost	Total Maximum Cost
Simple Misdemeanor	\$ 40	\$ 350
Serious Misdemeanor	410	7,500
Aggravated Misdemeanor	3,700	7,800

Decriminalizing the acquisition of a pistol or revolver without a permit or going armed with a dangerous weapon will reduce expenses by the justice system by an estimated \$2.2 million to \$4.7 million annually.

Eliminating requirements to obtain a permit to acquire or carry a firearm will reduce permit fee revenue by an unknown amount and may affect the Department’s operating budget. In FY 2019, the DPS approved a total of 5,980 initial and renewal permits. These permits are valid for a five-year cycle. It remains unclear how many individuals will still choose to obtain a permit to carry after the elimination of the requirement. The DPS notes that any estimates on permit revenue loss are highly speculative.

Section 10 of Division II may also have a positive fiscal impact as this section will reduce the number of convictions under Iowa Code section [724.4B](#) as it expands the group of individuals allowed to carry a firearm on school grounds. **Table 2** provides the estimated range of costs for a single Class D felony conviction. Estimates include operating costs incurred by the Judicial Branch, the State Public Defender, and the DOC for one additional conviction. The cost would be incurred across multiple fiscal years for prison and parole supervision.

Table 2 — Average State Cost Per Offense Class Type

Offense Class	Total Minimum Cost	Total Maximum Cost
Class D Felony	\$ 7,700	\$ 13,500

Expanding the group of individuals allowed to carry a firearm on school grounds may decrease expenditures for the correctional system by between \$30,800 to \$54,000 annually.

The Iowa Association of School Boards notes that any property and employee liability insurance claims arising out of the expansion of the group of persons allowed to carry a firearm on school grounds will likely be covered by existing school liability insurance policies. The cost of any rate increases associated with such claims cannot be determined at this time.

Division III

Division III is not expected to have a fiscal impact.

Division IV

The fiscal impact of Division IV cannot be determined at this time. It is unknown if any political subdivisions will need to adjust existing regulations regarding carrying firearms and what costs may be associated with these adjustments.

Division V

Division V is not expected to have a fiscal impact.

Table 3 summarizes the correctional, minority, and fiscal impact of HF 756.

Table 3 — Impact Summary of HF 756

Division	Correctional Impact	Minority Impact	Fiscal Impact
Division I — Acquiring Pistols and Revolvers/Permits	Yes – Positive impact as estimated, reduction of 600 convictions.	Yes – Will result in a decrease in the disproportionate minority impact.	Justice System – Cost reduction range of \$2.2 to \$4.7 million annually due to fewer convictions. DPS – Loss of permit fee revenue unknown but may impact budget.
Violation of Iowa Code section 724.15	Cannot be determined.	Cannot be determined.	Justice System - Cost increase ranging from \$410 to \$7,500 per one conviction.
Division II — Possession on School Grounds	Yes – Positive impact as estimated, reduction of 4 convictions.	Yes – May lead to a decrease in the disproportionate minority impact.	Justice System – Cost reduction range of \$30,800 to \$54,000 annually due to fewer convictions.
Possession of Loaded Firearms/Dangerous Weapons by Minors	Cannot be determined.	Cannot be determined.	Justice System - Cost increase ranging from \$410 to \$7,500 per one conviction.
Possession of Taser by Minors	Cannot be determined.	Cannot be determined.	Justice System - Cost increase ranging from \$40 to \$350 per one conviction.
Division III — Handgun Safety Training	No.	No.	No.
Division IV — Firearm Regulation by Political Subdivisions	No.	No.	Cannot be determined.
Division V — Possession and Storage by a Tenant	No.	No.	No.

Sources

Legislative Services Agency
 Department of Corrections
 Criminal and Juvenile Justice Planning Division, Department of Human Rights
 Department of Public Safety
 Iowa State Association of Counties
 Iowa League of Cities
 Iowa State Association of School Boards

/s/ Holly M. Lyons

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The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.