

House File 517 - Enrolled

House File 517

AN ACT

RELATING TO OFFENSIVE AND DANGEROUS WEAPONS, AND THE
JUSTIFIABLE USE OF REASONABLE AND DEADLY FORCE, INCLUDING
CARRYING, POSSESSING, TRANSFERRING, AND ACQUIRING WEAPONS,
THE PURCHASE AND REGULATION OF SUCH WEAPONS, PROVIDING
PENALTIES, AND INCLUDING EFFECTIVE DATE AND APPLICABILITY
PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

OFFENSIVE WEAPONS

Section 1. Section 724.1, subsection 1, paragraph b, Code
2017, is amended by striking the paragraph.

Sec. 2. NEW SECTION. 724.1C Short-barreled rifle or
short-barreled shotgun — penalty.

1. For purposes of this section, “short-barreled rifle” or
“short-barreled shotgun” means the same as defined in 18 U.S.C.
§921.

2. A person shall not knowingly possess a short-barreled rifle or short-barreled shotgun in violation of federal law.

3. A person who possesses a short-barreled rifle or short-barreled shotgun in violation of subsection 2 commits a class "D" felony.

DIVISION II

CARRYING WEAPONS AND POSSESSION OF WEAPONS

Sec. 3. Section 232.52, subsection 2, paragraph a, subparagraph (4), subparagraph division (a), subparagraph subdivision (viii), Code 2017, is amended to read as follows:

(viii) [Section 724.4](#), ~~if the child carried the dangerous weapon on school grounds or [724.4B](#).~~

Sec. 4. Section 708.8, Code 2017, is amended to read as follows:

708.8 Going armed with intent.

A person who goes armed with any dangerous weapon with the intent to use without justification such weapon against the person of another commits a class "D" felony. The intent required for a violation of this section shall not be inferred from the mere carrying or concealment of any dangerous weapon itself, including the carrying of a loaded firearm, whether in a vehicle or on or about a person's body.

Sec. 5. Section 724.2A, Code 2017, is amended to read as follows:

724.2A Peace officer defined and reserve peace officer — defined.

As used in [sections 724.4, 724.6](#), and [724.11](#) regarding ~~obtaining or renewing a permit for the carrying of weapons,~~ "peace officer" means a certified "peace officer" and includes a reserve peace officer as defined in [section 80D.1A](#).

Sec. 6. Section 724.4, subsection 4, paragraph b, Code 2017, is amended to read as follows:

b. A peace officer, when the officer's duties require the person to carry such weapons, or as provided in [section 724.6](#).

Sec. 7. Section 724.4B, subsection 2, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. A licensee under chapter 80A or an employee of such a licensee, while the licensee or employee is engaged in the performance of duties, and if the licensee

or employee possesses a valid professional or nonprofessional permit to carry weapons issued pursuant to this chapter.

Sec. 8. Section 724.4C, Code 2017, is amended to read as follows:

724.4C Possession or carrying of firearms dangerous weapons while under the influence.

1. A permit issued under ~~this chapter~~ is invalid if the Except as provided in subsection 2, a person to whom the permit is issued is commits a serious misdemeanor if the person is intoxicated as provided under the conditions set out in section 321J.2, subsection 1-, and the person does any of the following:

a. Carries a dangerous weapon on or about the person.

b. Carries a dangerous weapon within the person's immediate access or reach while in a vehicle.

2. This section shall not apply to any of the following:

a. A person who carries or possesses a dangerous weapon while in the person's own dwelling, place of business, or on land owned or lawfully possessed by the person.

b. The transitory possession or use of a dangerous weapon during an act of justified self-defense or justified defense of another, provided that the possession lasts no longer than is immediately necessary to resolve the emergency.

Sec. 9. Section 724.5, Code 2017, is amended to read as follows:

724.5 Duty to carry permit to carry weapons.

1. A person armed with a revolver, pistol, or pocket billy concealed upon the person shall have in the person's immediate possession the permit provided for in section 724.4, subsection 4, paragraph "i", and shall produce the permit for inspection at the request of a peace officer. Failure to so produce a permit is a simple misdemeanor.

2. A person charged with a violation of subsection 1 who produces to the clerk of the district court prior to the date of the person's court appearance proof that the person possesses a valid permit to carry weapons which was valid at the time of the alleged offense, shall not be convicted of a violation of subsection 1 and the charge shall be dismissed by the court. Upon dismissal, the court shall assess the costs

of the action against the person named on the indictment or information.

Sec. 10. Section 724.6, subsection 1, Code 2017, is amended to read as follows:

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

b. The permit shall be on a form prescribed and published by the commissioner of public safety, shall identify the holder, and shall state the nature of the employment requiring the holder to go armed. A permit so issued, other than to a peace officer, shall authorize the person to whom it is issued to go armed anywhere in the state, only while engaged in the employment, and while going to and from the place of the employment.

c. A permit issued to a certified peace officer shall authorize that peace officer to go armed anywhere in the state at all times, including on the grounds of a school.

d. Permits shall expire twelve months after the date when issued except that permits issued to peace officers and correctional officers are valid through the officer's period of employment unless otherwise canceled. When the employment is terminated, the holder of the permit shall surrender it to the issuing officer for cancellation.

DIVISION III

PERMIT TO CARRY WEAPONS AND FIREARM SAFETY TRAINING

Sec. 11. Section 80A.13, subsection 1, Code 2017, is amended to read as follows:

1. File with the sheriff of the county in which the campus is located evidence that the individual has successfully completed an approved ~~firearms~~ firearm safety training program under [section 724.9](#). This requirement does not apply to armored car personnel.

Sec. 12. Section 724.9, Code 2017, is amended to read as follows:

724.9 Firearm safety training program.

1. An applicant for an initial permit to carry weapons shall demonstrate knowledge of firearm safety by any of the following means:

a. Completion of any national rifle association handgun safety training course.

b. Completion of any handgun safety training course available to the general public offered by a law enforcement agency, community college, college, private or public institution or organization, or firearms training school, utilizing instructors certified by the national rifle association or the department of public safety or another state's department of public safety, state police department, or similar certifying body.

c. Completion of any handgun safety training course offered for security guards, investigators, special deputies, or any division or subdivision of a law enforcement or security enforcement agency approved by the department of public safety.

d. Completion of small arms training while serving with the armed forces of the United States ~~as evidenced by any of the following:~~

~~(1) For personnel released or retired from active duty, possession of an honorable discharge or general discharge under honorable conditions.~~

~~(2) For personnel on active duty or serving in one of the national guard or reserve components of the armed forces of the United States, possession of a certificate of completion of basic training with a service record of successful completion of small arms training and qualification.~~

e. Completion of a law enforcement agency ~~firearms~~ firearm safety training course that qualifies a peace officer to carry a firearm in the normal course of the peace officer's duties.

f. Completion of a hunter education program approved by the natural resource commission pursuant to section 483A.27, if the program includes handgun safety training and completion of the handgun safety training is included on the certificate of completion.

2. The handgun safety training course required in subsection 1 may be conducted over the internet in a live or

web-based format, if completion of the course is verified by the instructor or provider of the course.

3. Firearm safety training shall not be required for renewals of permits issued after December 31, 2010.

~~2.~~ 4. Evidence If firearm safety training is required under this section, evidence of qualification under ~~this section~~ such training may be documented by any of the following:

a. A photocopy of a certificate of completion or any similar document indicating completion of any course or class identified in ~~subsection 1~~ that was completed within twenty-four months prior to the date of the application.

b. An affidavit from the instructor, school, organization, or group that conducted or taught a course or class identified in ~~subsection 1~~ that was completed within twenty-four months prior to the date of the application attesting to the completion of the course or class by the applicant.

~~c. A copy of any document indicating participation in any firearms shooting competition.~~

c. For personnel released or retired from active duty in the armed forces of the United States, possession of an honorable discharge or general discharge under honorable conditions issued any time prior to the date of the application.

d. For personnel on active duty or serving in one of the national guard or reserve components of the armed forces of the United States, possession of a certificate of completion of basic training with a service record of successful completion of small arms training and qualification issued prior to the date of the application, or any other official documentation satisfactory to the issuing officer issued prior to the date of the application.

~~3.~~ 5. An issuing officer shall not condition the issuance of a permit on training requirements that are not specified in or that exceed the requirements of ~~this section~~.

6. If an applicant applies after expiration of the time periods specified for renewal in section 724.11, firearm safety training shall not be required for a renewal permit under this section.

Sec. 13. Section 724.11, subsections 1 and 3, Code 2017, are amended to read as follows:

1. Applications for permits to carry weapons shall be made to the sheriff of the county in which the applicant resides. Applications for professional permits to carry weapons for persons who are nonresidents of the state, or whose need to go armed arises out of employment by the state, shall be made to the commissioner of public safety. In either case, the sheriff or commissioner, before issuing the permit, shall determine that the requirements of [sections 724.6 to 724.10](#) have been satisfied. ~~However, for renewal of a permit the training program requirements in [section 724.9, subsection 1](#), shall apply or the renewal applicant may choose to qualify on a firing range under the supervision of an instructor certified by the national rifle association or the department of public safety or another state's department of public safety, state police department, or similar certifying body. Such training or qualification must occur within the twelve-month period prior to the expiration of the applicant's current permit.~~ A renewal applicant shall apply within thirty days prior to the expiration of the permit, or within thirty days after the expiration of the permit; otherwise the applicant shall be considered an applicant for an initial permit for purposes of renewal fees under subsection 3.

3. The issuing officer shall collect a fee of fifty dollars for an initial permit, except from a duly appointed peace officer or correctional officer, for each permit issued. Renewal permits or duplicate permits shall be issued for a fee of twenty-five dollars, provided the application for such renewal permit is received by the issuing officer at least within thirty days prior to the expiration of the applicant's current permit or within thirty days after the expiration of the applicant's current permit. The issuing officer shall notify the commissioner of public safety of the issuance of any permit at least monthly and forward to the commissioner an amount equal to ten dollars for each permit issued and five dollars for each renewal or duplicate permit issued. All such fees received by the commissioner shall be paid to the treasurer of state and deposited in the operating account of the department of public safety to offset the cost of administering [this chapter](#). Notwithstanding [section 8.33](#), any

unspent balance as of June 30 of each year shall not revert to the general fund of the state.

Sec. 14. Section 724.11, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 5. An initial or renewal permit shall have a uniform appearance, size, and content prescribed and published by the commissioner of public safety. The permit shall contain the name of the permittee and the effective date of the permit, but shall not contain the permittee's social security number. The permit shall also include a designation that the permit is invalid when the permittee is intoxicated. Such a permit shall not be issued for a particular weapon and shall not contain information about a particular weapon including the make, model, or serial number of the weapon, or any ammunition used in that weapon.

Sec. 15. NEW SECTION. 724.14 **Nonprofessional permit — change of residence to another county.**

If a permit holder of a nonprofessional permit to carry weapons changes residences from one county to another county after the issuance of the permit, the department of public safety shall by rule specify the procedure to transfer the regulation of the holder's permit to another sheriff for the purposes of issuing a renewal or duplicate permit, or complying with section 724.13.

Sec. 16. Section 724.21A, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 8. If an applicant or permit holder appeals the decision by the sheriff or commissioner to deny an application, or suspend or revoke a permit to carry weapons or a permit to acquire pistols or revolvers, and it is later determined the applicant or permit holder is eligible to be issued or possess such a permit, the applicant or permit holder shall be awarded court costs and reasonable attorney fees. If the decision of the sheriff or commissioner to deny the application, or suspend or revoke the permit is upheld on appeal, the political subdivision of the state representing the sheriff or the commissioner shall be awarded court costs and reasonable attorney fees.

PERMIT TO ACQUIRE PISTOLS OR REVOLVERS

Sec. 17. Section 724.11A, Code 2017, is amended to read as follows:

724.11A Recognition.

A valid permit or license issued by another state to any nonresident of this state shall be considered to be a valid permit or license to carry weapons issued pursuant to this chapter, except that such permit or license shall not be considered to be a substitute for ~~an annual~~ a permit to acquire pistols or revolvers issued pursuant to [section 724.15](#).

Sec. 18. Section 724.15, subsection 1, unnumbered paragraph 1, Code 2017, is amended to read as follows:

Any person who desires to acquire ownership of any pistol or revolver shall first obtain ~~an annual~~ a permit. ~~An annual~~ A permit shall be issued upon request to any resident of this state unless the person is subject to any of the following:

Sec. 19. Section 724.15, subsection 2, unnumbered paragraph 1, Code 2017, is amended to read as follows:

Any person who acquires ownership of a pistol or revolver shall not be required to obtain ~~an annual~~ a permit if any of the following apply:

Sec. 20. Section 724.15, subsection 3, Code 2017, is amended to read as follows:

3. The ~~annual~~ permit to acquire pistols or revolvers shall authorize the permit holder to acquire one or more pistols or revolvers during the period that the permit remains valid. If the issuing officer determines that the applicant has become disqualified under the provisions of [subsection 1](#), the issuing officer may immediately revoke the permit and shall provide a written statement of the reasons for revocation, and the applicant shall have the right to appeal the revocation as provided in [section 724.21A](#).

Sec. 21. Section 724.16, Code 2017, is amended to read as follows:

724.16 ~~Annual permit~~ Permit to acquire required — transfer prohibited.

1. Except as otherwise provided in section 724.15, subsection 2, a person who acquires ownership of a pistol or revolver without a valid ~~annual~~ permit to acquire pistols or

revolvers or a person who transfers ownership of a pistol or revolver to a person who does not have in the person's possession a valid ~~annual~~ permit to acquire pistols or revolvers is guilty of an aggravated misdemeanor.

2. A person who transfers ownership of a pistol or revolver to a person that the transferor knows is prohibited by section 724.15 from acquiring ownership of a pistol or revolver commits a class "D" felony.

Sec. 22. Section 724.17, Code 2017, is amended to read as follows:

724.17 ~~Application for annual permit~~ Permit to acquire — criminal history check required.

1. The application for an ~~annual~~ a permit to acquire pistols or revolvers may be made to the sheriff of the county of the applicant's residence and shall be on a form prescribed and published by the commissioner of public safety. The application shall require only the full name of the applicant, the driver's license or nonoperator's identification card number of the applicant, the residence of the applicant, and the date and place of birth of the applicant. The applicant shall also display an identification card that bears a distinguishing number assigned to the cardholder, the full name, date of birth, sex, residence address, and brief description and color photograph of the cardholder, or other identification as specified by rule of the department of public safety. The sheriff shall conduct a criminal history check concerning each applicant by obtaining criminal history data from the department of public safety which shall include an inquiry of the national instant criminal background check system maintained by the federal bureau of investigation or any successor agency. A person who makes what the person knows to be a false statement of material fact on an application submitted under [this section](#) or who submits what the person knows to be any materially falsified or forged documentation in connection with such an application commits a class "D" felony.

2. An issuing officer may conduct an annual criminal history check concerning a person issued a permit to acquire by obtaining criminal history data from the department of public safety.

Sec. 23. Section 724.18, Code 2017, is amended to read as follows:

724.18 Procedure for making application for ~~annual~~ permit to acquire.

A person may personally request the sheriff to mail an application for ~~an annual~~ a permit to acquire pistols or revolvers, and the sheriff shall immediately forward to such person an application for ~~an annual~~ a permit to acquire pistols or revolvers. A person shall upon completion of the application personally deliver such application to the sheriff who shall note the period of validity on the application and shall immediately issue the ~~annual~~ permit to acquire pistols or revolvers to the applicant. For the purposes of [this section](#) the date of application shall be the date on which the sheriff received the completed application.

Sec. 24. Section 724.19, Code 2017, is amended to read as follows:

724.19 Issuance of ~~annual~~ permit to acquire.

The ~~annual~~ permit to acquire pistols or revolvers shall be issued to the applicant immediately upon completion of the application unless the applicant is disqualified under the provisions of [section 724.15](#) and. The permit shall be on a form have a uniform appearance, size, and content prescribed and published by the commissioner of public safety. The permit shall contain the name of the permittee, the residence of the permittee, and the effective date of the permit, but shall not contain the permittee's social security number. Such a permit shall not be issued for a particular pistol or revolver and shall not contain information about a particular pistol or revolver including the make, model, or serial number of the pistol or revolver, or any ammunition used in that pistol or revolver.

Sec. 25. Section 724.20, Code 2017, is amended to read as follows:

724.20 Validity of ~~annual~~ permit to acquire pistols or revolvers.

The permit shall be valid throughout the state and shall be valid three days after the date of application and shall be invalid ~~one year~~ five years after the date of application

issuance.

Sec. 26. Section 724.21A, subsections 1 and 7, Code 2017, are amended to read as follows:

1. In any case where the sheriff or the commissioner of public safety denies an application for or suspends or revokes a permit to carry weapons or ~~an annual~~ a permit to acquire pistols or revolvers, the sheriff or commissioner shall provide a written statement of the reasons for the denial, suspension, or revocation and the applicant or permit holder shall have the right to appeal the denial, suspension, or revocation to an administrative law judge in the department of inspections and appeals within thirty days of receiving written notice of the denial, suspension, or revocation.

7. In any case where the issuing officer denies an application for, or suspends or revokes a permit to carry weapons or ~~an annual~~ a permit to acquire pistols or revolvers solely because of an adverse determination by the national instant criminal background check system, the applicant or permit holder shall not seek relief under [this section](#) but may pursue relief of the national instant criminal background check system determination pursuant to Pub. L. No. 103-159, sections 103(f) and (g) and 104 and [28 C.F.R. §25.10](#), or other applicable law. The outcome of such proceedings shall be binding on the issuing officer.

Sec. 27. Section 724.21A, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 8. If an applicant or permit holder appeals the decision by the sheriff or commissioner to deny an application for or suspend or revoke a permit to carry weapons or a permit to acquire pistols or revolvers, and it is later determined on appeal the applicant or permit holder is eligible to be issued or possess a permit to carry weapons or a permit to acquire pistols or revolvers, the applicant or permit holder shall be awarded court costs and reasonable attorney fees. If the decision of the sheriff or commissioner to deny an application for or suspend or revoke a permit to carry weapons or a permit to acquire pistols or revolvers is upheld on appeal, or the applicant or permit holder withdraws or dismisses the appeal, the political subdivision of the state

representing the sheriff or the state department representing the commissioner shall be awarded court costs and reasonable attorney fees.

DIVISION V

POSSESSION OF PISTOL OR REVOLVER BY PERSONS UNDER 14 YEARS OF AGE

Sec. 28. Section 724.22, subsection 5, Code 2017, is amended to read as follows:

5. a. A parent or guardian or spouse who is twenty-one years of age or older, of a person ~~fourteen years of age but less than~~ under the age of twenty-one may allow the person, while under direct supervision, to possess a pistol or revolver or the ammunition therefor for any lawful purpose ~~while under the direct supervision of the parent or guardian or spouse who is twenty-one years of age or older,~~ or while the person receives instruction in the proper use thereof from an instructor twenty-one years of age or older, with the consent of such parent, guardian or spouse.

b. As used in this section, "*direct supervision*" means supervision provided by the parent, guardian, spouse, or instructor who is twenty-one years of age or older, who maintains a physical presence near the supervised person conducive to hands-on instruction, who maintains visual and verbal contact at all times with the supervised person, and who is not intoxicated as provided under the conditions set out in section 321J.2, subsection 1, or under the influence of an illegal drug.

Sec. 29. Section 724.22, Code 2017, is amended by adding the following new subsections:

NEW SUBSECTION. 8. A parent, guardian, or spouse who is twenty-one years of age or older, of a minor under the age of fourteen years who allows that minor to possess a pistol or revolver or the ammunition pursuant hereto, shall be strictly liable to an injured party for all damages resulting from the possession of the pistol or revolver or ammunition therefor by that minor.

NEW SUBSECTION. 9. A parent, guardian, spouse, or instructor, who knowingly provides direct supervision under subsection 5, of a person while intoxicated as provided

under the conditions set out in section 321J.2, subsection 1, or under the influence of an illegal drug, commits child endangerment in violation of section 726.6, subsection 1, paragraph "i".

Sec. 30. Section 726.6, subsection 1, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. *i.* Knowingly provides direct supervision of a person under section 724.22, subsection 5, while intoxicated as provided under the conditions set out in section 321J.2, subsection 1, or under the influence of an illegal drug.

DIVISION VI

RECORDS KEPT BY COMMISSIONER — CONFIDENTIALITY

Sec. 31. Section 724.23, Code 2017, is amended to read as follows:

724.23 Records kept by commissioner and issuing officers.

1. The commissioner of public safety shall maintain a permanent record of all valid permits to carry weapons and of current permit revocations.

2. a. Notwithstanding any other law or rule to the contrary, the commissioner of public safety and any issuing officer shall keep confidential personally identifiable information of holders of professional or nonprofessional permits to carry weapons and permits to acquire pistols or revolvers, including but not limited to the name, social security number, date of birth, residential or business address, and driver's license or other identification number of the applicant or permit holder.

b. This subsection shall not prohibit the release of statistical information relating to the issuance, denial, revocation, or administration of professional or nonprofessional permits to carry weapons and permits to acquire pistols or revolvers, provided that the release of such information does not reveal the identity of any individual permit holder.

c. This subsection shall not prohibit the release of information to a criminal or juvenile justice agency as defined in section 692.1 for the performance of any lawfully authorized duty or for conducting a lawfully authorized background investigation.

d. This subsection shall not prohibit the release of information relating to the validity of a professional permit to carry weapons to an employer who requires an employee or an agent of the employer to possess a professional permit to carry weapons as part of the duties of the employee or agent.

e. Except as provided in paragraphs "b", "c", and "d", the release of any confidential information under this section shall require a court order or the consent of the person whose personally identifiable information is the subject of the information request.

DIVISION VII
STATE PREEMPTION

Sec. 32. Section 724.28, Code 2017, is amended to read as follows:

724.28 Prohibition of regulation by political subdivisions.

1. As used in this section, "political subdivision of the state" means a city, county, or township.

2. A political subdivision of the state shall not enact an ordinance regulating the ownership, possession, legal transfer, lawful transportation, registration, or licensing of firearms when the ownership, possession, transfer, or transportation is otherwise lawful under the laws of this state. An ordinance regulating firearms in violation of this section existing on or after April 5, 1990, is void.

3. If a political subdivision of the state, prior to, on, or after July 1, 2017, adopts, makes, enacts, or amends any ordinance, measure, enactment, rule, resolution, motion, or policy regulating the ownership, possession, legal transfer, lawful transportation, registration, or licensing of firearms when the ownership, possession, transfer, transportation, registration, or license is otherwise lawful under the laws of this state, a person adversely affected by the ordinance, measure, enactment, rule, resolution, motion, or policy may file suit in the appropriate court for declaratory and injunctive relief for damages.

DIVISION VIII

PISTOLS OR REVOLVERS — CAPITOL BUILDINGS AND GROUNDS

Sec. 33. Section 8A.322, subsection 3, Code 2017, is amended to read as follows:

3. The director shall establish, publish, and enforce rules regulating and restricting the use by the public of the capitol buildings and grounds and of the state laboratories facility in Ankeny. The rules when established shall be posted in conspicuous places about the capitol buildings and grounds and the state laboratories facility, as applicable. Any person violating any rule, except a parking regulation, shall be guilty of a simple misdemeanor. The rules shall prohibit a person, other than a peace officer, from openly carrying a pistol or revolver in the capitol building and on the grounds surrounding the capitol building including state parking lots and parking garages. However, this subsection shall not be construed to allow the director to prohibit the lawful carrying, transportation, or possession of any pistol or revolver in the capitol building and on the grounds surrounding the capitol building including state parking lots and parking garages by a person who displays to capitol security personnel a valid permit to carry weapons upon request.

DIVISION IX

EMERGENCY POWERS

Sec. 34. Section 29C.3, subsection 4, paragraph e, Code 2017, is amended by striking the paragraph.

Sec. 35. Section 29C.6, subsection 16, Code 2017, is amended to read as follows:

16. Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, ~~firearms~~, explosives, and combustibles.

Sec. 36. NEW SECTION. **29C.25 Firearms and ammunition — limitations — exceptions — remedies.**

1. This chapter shall not be construed to authorize the governor or any other official of this state or any of its political subdivisions or any agent or person acting at the direction of the governor or any such official to do any of the following:

a. Prohibit, regulate, or curtail the otherwise lawful possession, carrying, transportation, or defensive use of firearms or ammunition.

b. Suspend or revoke, except in accordance with section 724.13, a permit issued pursuant to section 724.6, 724.7, or

724.15.

c. Seize or confiscate firearms and ammunition possessed in accordance with the laws of this state.

2. This section shall not prohibit any of the following:

a. The temporary closure or limitations on the operating hours of businesses that sell firearms or ammunition if the same operating restrictions apply to all businesses in the affected area.

b. The adoption or enforcement of regulations pertaining to firearms and ammunition used or carried for official purposes by law enforcement officers or persons acting under the authority of emergency management agencies or officials.

3. a. A person aggrieved by a violation of this section may seek relief in an action at law or in equity or in any other proper proceeding for actual damages, injunctive relief, or other appropriate redress against a person who commits or causes the commission of such violation.

b. In addition to any other remedy available at law or in equity, a person aggrieved by the seizure or confiscation of a firearm or ammunition in violation of this section may make application pursuant to section 809.3 for its return in the office of the clerk of court for the county in which the property was seized.

c. In an action or proceeding to enforce this section, the court shall award the prevailing plaintiff reasonable court costs and attorney fees.

DIVISION X

JUSTIFIABLE USE OF REASONABLE AND DEADLY FORCE

Sec. 37. Section 704.1, Code 2017, is amended to read as follows:

704.1 Reasonable force.

1. *“Reasonable force”* ~~is~~ means that force and no more which a reasonable person, in like circumstances, would judge to be necessary to prevent an injury or loss and can include deadly force if it is reasonable to believe that such force is necessary to avoid injury or risk to one’s life or safety or the life or safety of another, or it is reasonable to believe that such force is necessary to resist a like force or threat. ~~Reasonable force, including deadly force, may be used even if~~

~~an alternative course of action is available if the alternative entails a risk to life or safety, or the life or safety of a third party, or requires one to abandon or retreat from one's dwelling or place of business or employment.~~

2. A person may be wrong in the estimation of the danger or the force necessary to repel the danger as long as there is a reasonable basis for the belief of the person and the person acts reasonably in the response to that belief.

3. A person who is not engaged in illegal activity has no duty to retreat from any place where the person is lawfully present before using force as specified in this chapter.

Sec. 38. Section 704.2, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. "*Deadly force*" does not include a threat to cause serious injury or death, by the production, display, or brandishing of a deadly weapon, as long as the actions of the person are limited to creating an expectation that the person may use deadly force to defend oneself, another, or as otherwise authorized by law.

Sec. 39. NEW SECTION. 704.2A Justifiable use of deadly force.

1. For purposes of this chapter, a person is presumed to reasonably believe that deadly force is necessary to avoid injury or risk to one's life or safety or the life or safety of another in either of the following circumstances:

a. The person against whom force is used, at the time the force is used, is doing any of the following:

(1) Unlawfully entering the dwelling, place of business or employment, or occupied vehicle of the person using force by force or stealth, or has unlawfully entered by force or stealth and remains within the dwelling, place of business or employment, or occupied vehicle of the person using force.

(2) Unlawfully removing or is attempting to unlawfully remove another person against the other person's will from the dwelling, place of business or employment, or occupied vehicle of the person using force.

b. The person using force knows or has reason to believe that any of the conditions set forth in paragraph "a" are occurring.

2. The presumption set forth in subsection 1 does not apply if, at the time force is used, any of the following circumstances are present:

a. The person using defensive force is engaged in a criminal offense, is attempting to escape from the scene of a criminal offense that the person has committed, or is using the dwelling, place of business or employment, or occupied vehicle to further a criminal offense.

b. The person sought to be removed is a child or grandchild or is otherwise in the lawful custody or under the lawful guardianship of the person against whom force is used.

c. The person against whom force is used is a peace officer who has entered or is attempting to enter a dwelling, place of business or employment, or occupied vehicle in the lawful performance of the peace officer's official duties.

d. The person against whom the force is used has the right to be in, or is a lawful resident of, the dwelling, place of business or employment, or occupied vehicle of the person using force, and a protective or no-contact order is not in effect against the person against whom the force is used.

Sec. 40. NEW SECTION. 704.2B Use of deadly force — duties — evidence.

1. If a person uses deadly force, the person shall notify or cause another to notify a law enforcement agency about the person's use of deadly force within a reasonable time period after the person's use of the deadly force, if the person or another person is capable of providing such notification.

2. The person using deadly force shall not intentionally destroy, alter, conceal, or disguise physical evidence relating to the person's use of deadly force, and the person shall not intentionally intimidate witnesses into refusing to cooperate with any investigation relating to the use of such deadly force or induce another person to alter testimony about the use of such deadly force.

Sec. 41. Section 704.3, Code 2017, is amended to read as follows:

704.3 Defense of self or another.

A person is justified in the use of reasonable force when the person reasonably believes that such force is necessary to

defend oneself or another from any actual or imminent use of unlawful force.

Sec. 42. Section 704.7, Code 2017, is amended to read as follows:

704.7 Resisting forcible felony.

A person who ~~knows~~ reasonably believes that a forcible felony is being or will imminently be perpetrated is justified in using, ~~against the perpetrator,~~ reasonable force, including deadly force, against the perpetrator or perpetrators to prevent the completion of or terminate the perpetration of that felony.

Sec. 43. NEW SECTION. **704.13 Immunity.**

A person who is justified in using reasonable force against an aggressor in defense of oneself, another person, or property pursuant to section 704.4 is immune from criminal or civil liability for all damages incurred by the aggressor pursuant to the application of reasonable force.

Sec. 44. Section 707.6, Code 2017, is amended to read as follows:

707.6 Civil liability.

1. ~~No~~ A person who injures or causes the death of the aggressor through application of reasonable force in defense of the person's person or property ~~may~~ shall not be held civilly liable for such injury or death.

2. ~~No~~ A person who injures or causes the death of the aggressor through application of reasonable force in defense of a second person ~~may~~ shall not be held civilly liable for such injury or death.

DIVISION XI

FRAUDULENT PURCHASE OF FIREARMS OR AMMUNITION

Sec. 45. NEW SECTION. **724.29A Fraudulent purchase of firearms or ammunition.**

1. For purposes of this section:

a. "Ammunition" means any cartridge, shell, or projectile designed for use in a firearm.

b. "Licensed firearms dealer" means a person who is licensed pursuant to 18 U.S.C. §923 to engage in the business of dealing in firearms.

c. "Materially false information" means information that

portrays an illegal transaction as legal or a legal transaction as illegal.

d. "Private seller" means a person who sells or offers for sale any firearm or ammunition.

2. A person who knowingly solicits, persuades, encourages, or entices a licensed firearms dealer or private seller of firearms or ammunition to transfer a firearm or ammunition under circumstances that the person knows would violate the laws of this state or of the United States commits a class "D" felony.

3. A person who knowingly provides materially false information to a licensed firearms dealer or private seller of firearms or ammunition with the intent to deceive the firearms dealer or seller about the legality of a transfer of a firearm or ammunition commits a class "D" felony.

4. A person who willfully procures another to engage in conduct prohibited by this section shall be held accountable as a principal.

5. This section does not apply to a law enforcement officer acting in the officer's official capacity or to a person acting under the direction of such law enforcement officer.

DIVISION XII

SNOWMOBILES AND ALL-TERRAIN VEHICLES

Sec. 46. Section 321G.13, subsection 2, Code 2017, is amended to read as follows:

2. *a.* A person shall not operate or ride a snowmobile with a firearm in the person's possession unless it is unloaded and enclosed in a carrying case, except as otherwise provided. However, a nonambulatory person may carry an uncased and unloaded firearm while operating or riding a snowmobile.

b. (1) A person may operate or ride on a snowmobile with a loaded firearm, whether concealed or not, without a permit to carry weapons, if the person operates or rides on land owned or possessed by the person, and the person's conduct is otherwise lawful.

(2) If a person is operating or riding on a snowmobile on land that is not owned or possessed by the person, the person may operate or ride the snowmobile with a loaded firearm pistol or revolver, whether concealed or not, ~~if all of the following~~

apply:

~~(a) The firearm is a pistol or revolver and is secured in a retention holster upon the person.~~

~~(b) The person has in the person's possession and displays to a peace officer on demand a valid permit to carry weapons which has been issued to the person.~~

~~(c) The person's conduct is within the limits of the permit to carry weapons and the person's conduct is otherwise lawful.~~

c. A person shall not discharge a firearm while on a snowmobile, except that a nonambulatory person may discharge a firearm from a snowmobile while lawfully hunting if the person is not operating or riding a moving snowmobile.

Sec. 47. Section 321I.14, subsection 2, Code 2017, is amended to read as follows:

2. a. A person shall not operate or ride an all-terrain vehicle with a firearm in the person's possession unless it is unloaded and enclosed in a carrying case, except as otherwise provided. However, a nonambulatory person may carry an uncased and unloaded firearm while operating or riding an all-terrain vehicle.

b. (1) A person may operate or ride on an all-terrain vehicle with a loaded firearm, whether concealed or not, without a permit to carry weapons, if the person operates or rides on land owned or possessed by the person, and the person's conduct is otherwise lawful.

(2) If a person is operating or riding on an all-terrain vehicle on land that is not owned or possessed by the person, the person may operate or ride the all-terrain vehicle with a loaded ~~firearm~~ pistol or revolver, whether concealed or not, ~~if all of the following apply:~~

~~(a) The firearm is a pistol or revolver and is secured in a retention holster upon the person.~~

~~(b) The person has in the person's possession and displays to a peace officer on demand a valid permit to carry weapons which has been issued to the person.~~

~~(c) The person's conduct is within the limits of the permit to carry weapons and the person's conduct is otherwise lawful.~~

c. A person shall not discharge a firearm while on an all-terrain vehicle, except that a nonambulatory person may

discharge a firearm from an all-terrain vehicle while lawfully hunting if the person is not operating or riding a moving all-terrain vehicle.

DIVISION XIII

TARGET SHOOTING — PRIVATE PREMISES

Sec. 48. Section 481A.123, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Subject to subsection 1, an owner or tenant of private premises located in the unincorporated area of a county, or a person to whom the owner or tenant has given consent, may discharge a firearm for the purpose of target shooting on those private premises. The use of such private premises for target shooting shall not be found to be in violation of a noise ordinance or declared a public or private nuisance or be otherwise prohibited under state or local law. As used in this subsection, "*target shooting*" means the discharge of a firearm at an inanimate object, for amusement or as a test of skill in marksmanship.

DIVISION XIV

INITIAL APPEARANCE — BAIL

Sec. 49. Section 804.21, subsection 5, paragraph b, subparagraph (1), Code 2017, is amended to read as follows:

(1) The person was arrested for a crime other than a violation of section 708.6, section 724.26, subsection 1, or a forcible felony, and

DIVISION XV

EFFECTIVE DATE AND APPLICABILITY PROVISIONS

Sec. 50. EFFECTIVE UPON ENACTMENT. The following provision or provisions of this Act, being deemed of immediate importance, take effect upon enactment:

1. The section of this Act amending section 724.22.
2. The section of this Act amending section 724.23.
3. The applicability section of this division of this Act related to amending section 724.23.

Sec. 51. APPLICABILITY — RECORDS KEPT BY COMMISSIONER — CONFIDENTIALITY. The section of this Act amending section 724.23 applies to holders of nonprofessional permits to carry weapons and permits to acquire pistols or revolvers and to applicants for nonprofessional permits to carry weapons

and permits to acquire pistols or revolvers on or after the effective date of that section of this Act.

LINDA UPMEYER

Speaker of the House

JACK WHITVER

President of the Senate

I hereby certify that this bill originated in the House and is known as House File 517, Eighty-seventh General Assembly.

CARMINE BOAL

Chief Clerk of the House

Approved _____, 2017

TERRY E. BRANSTAD

Governor