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JAN 31 1983

SENATE FILE 155

BY COMMITTEE ON JUDICIARY
Approved 1/31 (p. 292)

Passed Senate, Date 2-7-83 (p. 349) Passed House, Date _____
Vote: Ayes 50 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

- 3048-1 An Act relating to offensive or dangerous weapons and
- 2 providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

S-3048

SENATE FILE 155

- 1 Amend Senate File 155 as follows:
- 2 1. Title page, line 1, by inserting after the
- 3 word "weapons" the following: "by defining as an
- 4 offensive weapon certain bullets or projectiles and
- 5 certain mechanical devices constructed and designed
- 6 so that when attached to a firearm the device silences,
- 7 muffles or suppresses the sound, by exempting under
- 8 certain circumstances, a law enforcement officer from
- 9 another state from the prohibition of section 724.4,
- 10 by amending the length of time certain permits to
- 11 carry weapons are valid, and by requiring the
- 12 commissioner of public safety to maintain a permanent
- 13 record of all valid permits to carry weapons and of
- 14 current permit revocations,".

S-3048 FILED & ADOPTED
FEBRUARY 7, 1983 (p. 346)

BY RICHARD F. DRAKE

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1 Section 1. Section 724.1, Code 1983, is amended by adding
2 the following new subsections after subsection 5 and
3 renumbering the remaining subsection:

4 NEW SUBSECTION. 6. Any bullet or projectile containing
5 any explosive mixture or chemical compound capable of exploding
6 or detonating prior to or upon impact.

7 NEW SUBSECTION. 7. Any mechanical device specifically
8 constructed and designed so that when attached to a firearm
9 silences, muffles or suppresses the sound when fired.

10 Sec. 2. Section 724.4, Code 1983, is amended by adding
11 the following new subsection:

12 NEW SUBSECTION. 9. A law enforcement officer from another
13 state when the officer's duties require the officer to carry
14 the weapon and the officer is in this state for any of the
15 following reasons:

16 a. The extradition or other lawful removal of a prisoner
17 from this state.

18 b. Pursuit of a suspect in compliance with chapter 806.

19 c. Activities in the capacity of a law enforcement officer
20 with the knowledge and consent of the chief of police of the
21 city or the sheriff of the county in which the activities
22 occur or of the commissioner of public safety.

23 Sec. 3. Section 724.6, Code 1983, is amended to read as
24 follows:

25 724.6 PROFESSIONAL PERMIT TO CARRY WEAPONS. A person
26 may be issued a permit to carry weapons when the person's
27 employment as a peace officer, correctional officer, security
28 guard, private detective licensed under chapter 80A, bank
29 messenger or other person transporting property of a value
30 requiring security, or in police work, reasonably justifies
31 that person going armed. ~~Such permits~~ The permit shall be
32 on a form prescribed and published by the commissioner of
33 public safety, shall identify the holder ~~thereof~~, and shall
34 state the nature of the employment requiring ~~his-or-her-going~~
35 the holder to go armed. A permit so issued, other than to

1 a peace officer, shall authorize the person to whom it is
 2 issued to go armed anywhere in the state, only while engaged
 3 in ~~such~~ the employment, and while going to and from the place
 4 of ~~such~~ the employment. A permit issued to a certified peace
 5 officer shall authorize that peace officer to go armed anywhere
 6 in the state at all times. ~~Any-such-permit~~ Permits shall
 7 expire twelve months after the date when issued except that
 8 permits issued to peace officers and correctional officers
 9 are valid through the officer's period of employment unless
 10 otherwise canceled. When ~~such~~ the employment is terminated,
 11 the holder of ~~such~~ the permit shall surrender ~~his-or-her~~
 12 ~~permit~~ it to the issuing officer for cancellation.

13 Sec. 4. Section 724.23, Code 1983, is amended to read
 14 as follows:

15 724.23 RECORDS KEPT BY COMMISSIONER. The commissioner
 16 of public safety shall maintain a permanent record of all
 17 valid permits to carry weapons and of current permit
 18 revocations.

19 EXPLANATION

20 Section 1 of this bill makes exploding bullets or
 21 projectiles and firearm silencers offensive weapons.
 22 Unauthorized possession of an offensive weapon (pursuant to
 23 section 724.3) is a class "D" felony.

24 Section 2 of this bill adds law enforcement officers from
 25 other states under certain circumstances to the list of persons
 26 in this state who are authorized to arm themselves with
 27 dangerous weapons.

28 Section 3 of the bill changes the weapon's permit for a
 29 peace officer or a correctional officer from an annual permit
 30 to a permit which would be valid as long as the person is
 31 employed as a peace officer or a correctional officer.

32 Section 4 of the bill limits the type of weapon's permits
 33 and revocations which the commissioner of public safety must
 34 keep to valid permits and current permit revocations.

35 The bill takes effect July 1 following enactment.

SENATE FILE 155
FISCAL NOTE

REQUESTED BY REPRESENTATIVE VARN

In compliance with a written request received February 7, 1983, there is hereby submitted a Fiscal Note for Senate File 155 pursuant to Joint Rule 17. Background information used in developing this Fiscal Note is available from the Legislative Fiscal Bureau, to members of the Legislature upon request.

Senate File 155 as amended, passed and reprinted by the Senate: Section 1 of Senate File 155 makes exploding bullets or projectiles and firearm silencers offensive weapons. Unauthorized possession of an offensive weapon (pursuant to section 724.3) is a class "D" felony.

Section 2 of this bill adds law enforcement officers from other states under certain circumstances to the list of persons in this state who are authorized to arm themselves with dangerous weapons. These circumstances include (1) lawful removal of prisoners from this state, (2) pursuit of a suspect in compliance with chapter 806 and (3) activities in the capacity of a law enforcement officer.

Section 3 of Senate File 155 changes the weapon's permit for a peace officer or a correctional officer from an annual permit to a permit which would be valid as long as the person is employed as a peace officer or a correctional officer.

Section 4 of Senate File 155 limits the type of weapon's permits and revocations which the commissioner of public safety must keep of valid permits and current permit revocations.

Fiscal Impact. There would be no fiscal impact in either FY '84 or FY '83 since professional peace officer permits are issued without charge. There will be some minor cost savings in terms of forms and staff time spread out between 99 county sheriffs and the D.P.S., however, dollar values cannot be estimated. (851S, 83-192, TAF)

SOURCE: DEPARTMENT OF PUBLIC SAFETY
FILED MARCH 4, 1983

BY DENNIS PROUTY, FISCAL DIRECTOR

1 Section 1. Section 724.1, Code 1983, is amended by adding
2 the following new subsections after subsection 5 and
3 renumbering the remaining subsection:

4 NEW SUBSECTION. 6. Any bullet or projectile containing
5 any explosive mixture or chemical compound capable of exploding
6 or detonating prior to or upon impact.

7 NEW SUBSECTION. 7. Any mechanical device specifically
8 constructed and designed so that when attached to a firearm
9 silences, muffles or suppresses the sound when fired.

10 Sec. 2. Section 724.4, Code 1983, is amended by adding
11 the following new subsection:

12 NEW SUBSECTION. 9. A law enforcement officer from another
13 state when the officer's duties require the officer to carry
14 the weapon and the officer is in this state for any of the
15 following reasons:

16 a. The extradition or other lawful removal of a prisoner
17 from this state.

18 b. Pursuit of a suspect in compliance with chapter 806.

19 c. Activities in the capacity of a law enforcement officer
20 with the knowledge and consent of the chief of police of the
21 city or the sheriff of the county in which the activities
22 occur or of the commissioner of public safety.

23 Sec. 3. Section 724.6, Code 1983, is amended to read as
24 follows:

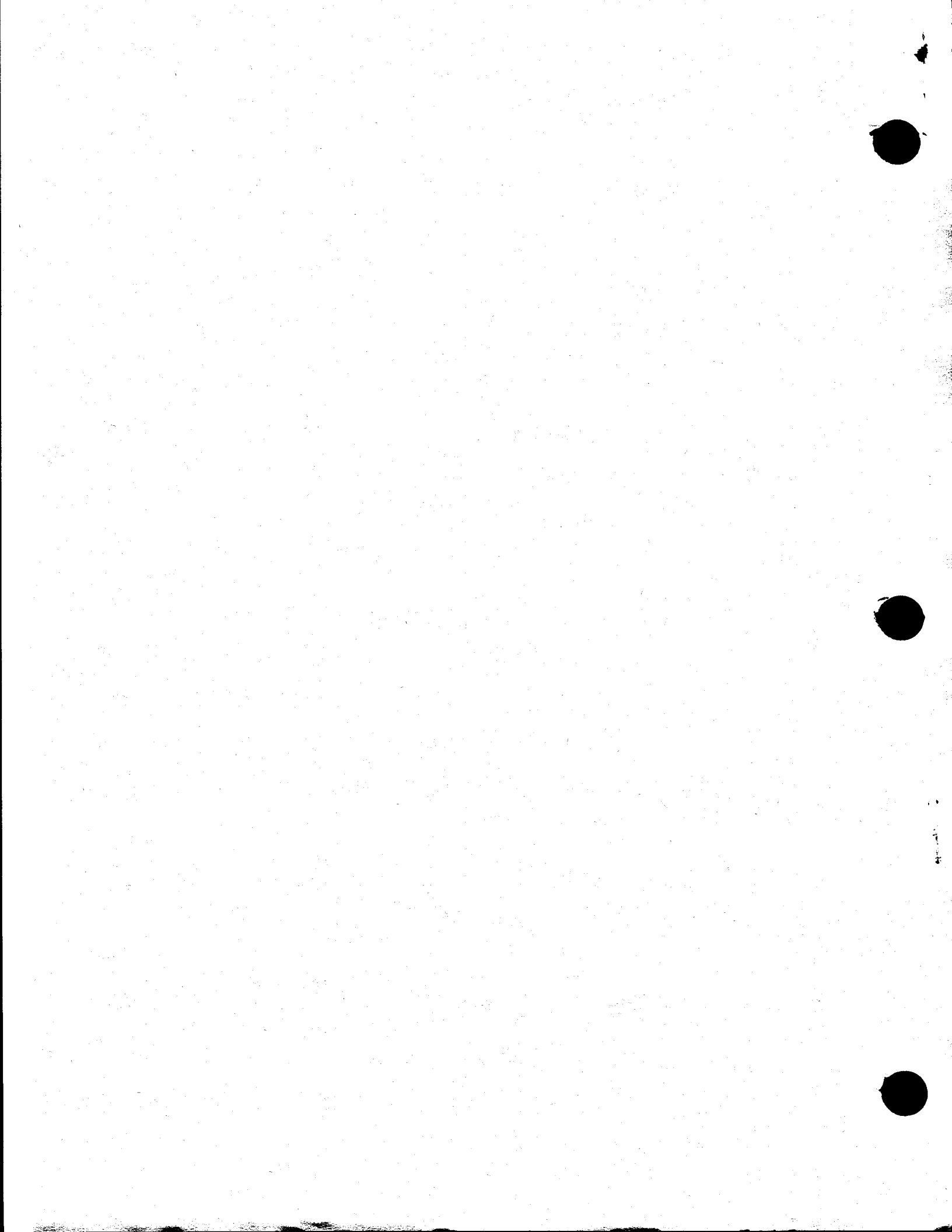
25 724.6 PROFESSIONAL PERMIT TO CARRY WEAPONS. A person
26 may be issued a permit to carry weapons when the person's
27 employment as a peace officer, correctional officer, security
28 guard, private detective licensed under chapter 80A, bank
29 messenger or other person transporting property of a value
30 requiring security, or in police work, reasonably justifies
31 that person going armed. ~~Such permits~~ The permit shall be
32 on a form prescribed and published by the commissioner of
33 public safety, shall identify the holder ~~thereof~~, and shall
34 state the nature of the employment requiring ~~his-or-her-going~~
35 the holder to go armed. A permit so issued, other than to

1 a peace officer, shall authorize the person to whom it is
2 issued to go armed anywhere in the state, only while engaged
3 in such the employment, and while going to and from the place
4 of such the employment. A permit issued to a certified peace
5 officer shall authorize that peace officer to go armed anywhere
6 in the state at all times. ~~Any-such-permit~~ Permits shall
7 expire twelve months after the date when issued except that
8 permits issued to peace officers and correctional officers
9 are valid through the officer's period of employment unless
10 otherwise canceled. When such the employment is terminated,
11 the holder of such the permit shall surrender ~~his-or-her~~
12 permit it to the issuing officer for cancellation.

13 Sec. 4. Section 724.23, Code 1983, is amended to read
14 as follows:

15 724.23 RECORDS KEPT BY COMMISSIONER. The commissioner
16 of public safety shall maintain a permanent record of all
17 valid permits to carry weapons and of current permit
18 revocations.

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SENATE FILE 155

AN ACT

RELATING TO OFFENSIVE OR DANGEROUS WEAPONS BY DEFINING AS AN OFFENSIVE WEAPON CERTAIN BULLETS OR PROJECTILES AND CERTAIN MECHANICAL DEVICES CONSTRUCTED AND DESIGNED SO THAT WHEN ATTACHED TO A FIREARM THE DEVICE SILENCES, MUFFLES OR SUPPRESSES THE SOUND, BY EXEMPTING UNDER CERTAIN CIRCUMSTANCES, A LAW ENFORCEMENT OFFICER FROM ANOTHER STATE FROM THE PROHIBITION OF SECTION 724.4, BY AMENDING THE LENGTH OF TIME CERTAIN PERMITS TO CARRY WEAPONS ARE VALID, AND BY REQUIRING THE COMMISSIONER OF PUBLIC SAFETY TO MAINTAIN A PERMANENT RECORD OF ALL VALID PERMITS TO CARRY WEAPONS AND OF CURRENT PERMIT REVOCATIONS, AND PROVIDING PENALTIES.

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

Section 1. Section 724.1, Code 1983, is amended by adding the following new subsections after subsection 5 and renumbering the remaining subsection:

NEW SUBSECTION. 6. Any bullet or projectile containing any explosive mixture or chemical compound capable of exploding or detonating prior to or upon impact.

NEW SUBSECTION. 7. Any mechanical device specifically constructed and designed so that when attached to a firearm silences, muffles or suppresses the sound when fired.

Sec. 2. Section 724.4, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. 9. A law enforcement officer from another state when the officer's duties require the officer to carry the weapon and the officer is in this state for any of the following reasons:

a. The extradition or other lawful removal of a prisoner from this state.

b. Pursuit of a suspect in compliance with chapter 806.

c. Activities in the capacity of a law enforcement officer with the knowledge and consent of the chief of police of the city or the sheriff of the county in which the activities occur or of the commissioner of public safety.

Sec. 3. Section 724.6, Code 1983, is amended to read as follows:

724.6 PROFESSIONAL PERMIT TO CARRY WEAPONS. A person may be issued a permit to carry weapons when the person's employment as a peace officer, correctional officer, security guard, private detective licensed under chapter 80A, bank messenger or other person transporting property of a value requiring security, or in police work, reasonably justifies that person going armed. ~~Such permits~~ The permit shall be on a form prescribed and published by the commissioner of public safety, shall identify the holder ~~thereof~~, and shall state the nature of the employment requiring ~~his-or-her-going~~ 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 ~~such~~ the employment, and while going to and from the place of ~~such~~ the employment. A permit issued to a certified peace officer shall authorize that peace officer to go armed anywhere in the state at all times. ~~Any-such-permit~~ 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 ~~such~~ the employment is terminated, the holder of ~~such~~ the permit shall surrender ~~his-or-her~~ permit it to the issuing officer for cancellation.

Sec. 4. Section 724.23, Code 1983, is amended to read as follows:

724.23 RECORDS KEPT BY COMMISSIONER. The commissioner of public safety shall maintain a permanent record of all valid permits to carry weapons and of current permit revocations.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 155, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved March 14, 1983

TERRY E. BRANSTAD
Governor