

FEB 7 1990

HOUSE FILE 2321

BY COMMITTEE ON LOCAL GOVERNMENT

Place On Calendar

(SUCCESSOR TO HF 147)

Passed House, Date 2/14/90 (p. 385) Passed Senate, Date _____

Vote: Ayes 97 Nays 0 Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the acquisition and possession of firearms,
2 increasing penalties for certain offenses, and providing an
3 effective date.

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

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HF 2321

5/25 1 Section 1. Section 719.1, Code 1989, is amended to read as
2 follows:

3 719.1 INTERFERENCE WITH OFFICIAL ACTS.

4 A person who knowingly resists or obstructs anyone known by
5 the person to be a peace officer or fire fighter, whether paid
6 or volunteer, in the performance of any act which is within
7 the scope of the lawful duty or authority of that officer or
8 fire fighter, whether paid or volunteer, or who knowingly
9 resists or obstructs the service or execution by any
10 authorized person of any civil or criminal process or order of
11 any court, commits a simple misdemeanor. However, if a person
12 commits an interference with official acts, as defined in this
13 section, and in so doing inflicts bodily injury other than
14 serious injury, that person commits a serious misdemeanor. If
15 a person commits an interference with official acts, as
16 defined in this section, and in so doing inflicts or attempts
17 to inflict serious injury, or displays a dangerous weapon, as
18 defined in section 702.7, or is armed with a firearm, that
19 person commits ~~an aggravated misdemeanor~~ a class "D" felony.
20 The terms "resist" and "obstruct", as used in this section, do
21 not include verbal harassment unless the verbal harassment is
22 accompanied by a present ability and apparent intention to
23 execute a verbal threat physically.

5/1/97 24 Sec. 2. Section 724.4, Code 1989, is amended by adding the
25 following new subsection:

26 NEW SUBSECTION. 1A. A person who commits a violation of
27 subsection 1, with intent to commit a crime against a person
28 or property other than a violation of subsection 1, commits a
29 class "D" felony.

30 Sec. 3. Section 724.10, Code 1989, is amended to read as
31 follows:

32 724.10 APPLICATION FOR PERMIT TO CARRY WEAPONS -- CRIMINAL
33 HISTORY CHECK REQUIRED.

34 No A person shall not be issued a permit to carry weapons
35 unless the person has completed and signed an application on a

1 form to be prescribed and published by the commissioner of
2 public safety. The application shall state the full name,
3 social security number (optional), residence, and age of the
4 applicant, and shall state whether the applicant has ever been
5 convicted of a felony, whether the person is addicted to the
6 use of alcohol or any controlled substance, and whether the
7 person has any history of mental illness or repeated acts of
8 violence. The applicant shall also display an identification
9 card that bears a distinguishing number assigned to the card
10 holder, the full name, date of birth, sex, residence address,
11 and a brief description and colored photograph of the card
5097 12 holder. Commencing July 1, 1991, the sheriff shall conduct
13 immediately a criminal history check concerning each applicant
14 by obtaining criminal history data from the department of
15 public safety. Any A person who knowingly makes a false
16 statement of material fact on such the application commits an
17 aggravated-misdemeanor a class "D" felony.

18 Sec. 4. Section 724.15, subsection 2, Code 1989, is
19 amended by adding the following new paragraphs:

20 NEW PARAGRAPH. d. The person has obtained a valid permit
21 to carry weapons, as provided in section 724.11.

5108 22 NEW PARAGRAPH. e. The person transferring the pistol or
23 revolver and the person acquiring the pistol or revolver are
24 related to one another within the second degree of
25 consanguinity or affinity unless the person transferring the
26 pistol or revolver knows that the person acquiring the pistol
27 or revolver would be ineligible to obtain a permit.

28 Sec. 5. Section 724.16, Code 1989, is amended to read as
29 follows:

30 724.16 ANNUAL PERMIT TO ACQUIRE REQUIRED -- TRANSFER
31 PROHIBITED.

32 1. Any Except as otherwise provided in section 724.15,
33 subsection 2, a person who acquires ownership of a pistol or
34 revolver without a valid annual permit to acquire pistols or
35 revolvers or any a person who transfers ownership of a pistol

1 or revolver to a person who does not have in the person's
2 possession a valid annual permit to acquire pistols or
3 revolvers is guilty of a simple misdemeanor.

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

8 Sec. 6. Section 724.17, Code 1989, is amended to read as
9 follows:

10 724.17 APPLICATION FOR ANNUAL PERMIT TO ACQUIRE --
11 CRIMINAL HISTORY CHECK REQUIRED.

12 The application for an annual permit to acquire pistols or
13 revolvers may be made to the sheriff of the county of the
14 applicant's residence and shall be on a form prescribed and
15 published by the commissioner of public safety. The
16 application shall state the full name of the applicant, the
17 social security number of the applicant, the residence of the
18 applicant, and the age of the applicant. The applicant shall
19 also display an identification card that bears a
20 distinguishing number assigned to the card holder, the full
21 name, date of birth, sex, residence address, and brief
5097 22 description and colored photograph of the card holder, or an
23 envelope addressed to the applicant at the applicant's
24 residence with a date of postmark within the previous thirty
25 days. Commencing July 1, 1991, the sheriff shall conduct a
26 criminal history check concerning each applicant by obtaining
27 criminal history data from the department of public safety.

28 Sec. 7. Section 724.21, Code 1989, is amended to read as
29 follows:

30 724.21 GIVING FALSE INFORMATION WHEN ACQUIRING WEAPON.

31 A person who gives a false name or presents false
32 identification, or otherwise knowingly gives false material
33 information to one from whom the person seeks to acquire a
34 pistol or revolver, commits an-aggravated-misdemeanor a class
35 "D" felony.

1 Sec. 8. Section 724.22, Code 1989, is amended by adding
2 the following new subsections:

5127 3 NEW SUBSECTION. 7. A person who stores or leaves a loaded
4 firearm on a premise under the person's control, and who knows
5 or reasonably should know that a minor under the age of
6 fourteen years is likely to gain access to the firearm without
7 the lawful permission of the minor's parent or the person
8 having charge of the minor or without the supervision required
9 by law, shall keep the firearm in a securely locked box or
10 container or in a location which a reasonable person would
11 believe to be secure, or shall secure the firearm with a
5102 12 trigger lock.

13 NEW SUBSECTION. 8. A person commits a serious misdemeanor
14 if that person violates subsection 7 by failing to store or
15 leave a loaded firearm in the required manner and as a result
16 of the failure a minor under the age of fourteen years gains
17 access to the firearm, without the lawful permission of the
18 minor's parent or the person having charge of the minor, and
19 possesses or exhibits the firearm, without the supervision
20 required by law, in a public place or in a threatening manner
21 or uses the firearm to inflict injury or death to a person.

5098 22 This subsection does not apply if the minor obtains the
5098 23 firearm as a result of an unlawful entry by any person.

24 Sec. 9. Section 724.26, Code 1989, is amended to read as
25 follows:

26 724.26 RECEIPT, TRANSPORTATION, AND POSSESSION DOMINION
27 AND CONTROL OF FIREARMS AND DESTRUCTIVE-DEVICES OFFENSIVE
28 WEAPONS BY FELONS.

29 Any A person who is convicted of a felony in any a state or
30 federal court and who subsequently-possesses knowingly has
31 under the person's dominion and control, receives, or
32 transports or causes to be transported a firearm or offensive
33 weapon is guilty of an-aggravated-misdemeanor a class "D"
34 felony.

35 Sec. 10. NEW SECTION. 724.28 PROHIBITION OF REGULATION

1 BY POLITICAL SUBDIVISIONS.

2 A political subdivision of the state shall not enact an
3 ordinance regulating the ownership, possession, legal
4 transfer, lawful transportation, registration, or licensing of
5 firearms when the ownership, possession, transfer, or
6 transportation is otherwise lawful under the laws of this
7 state. An ordinance regulating firearms in violation of this
8 section existing on or after the effective date of this Act is
9 void.

10 Sec. 11. NEW SECTION. 724.29 FIREARM DEVICES.

11 A person who sells or offers for sale a manual or power-
12 driven trigger activating device constructed and designed so
13 that when attached to a firearm increases the rate of fire of
14 the firearm is guilty of an aggravated misdemeanor.

15 Sec. 12.

16 This Act, being deemed of immediate importance, takes
17 effect upon enactment.

18 EXPLANATION

19 This bill increases the penalty to a class "D" felony for
20 interfering with official acts of police officers or
21 firefighters while armed with a firearm. The bill also
22 provides that a person carrying a concealed dangerous weapon
23 with the intent to commit a crime against a person or property
24 is guilty of a class "D" felony.

25 The bill requires additional identification for a person
26 applying for a permit to acquire or to carry a firearm and,
27 after July 1, 1991, the sheriff must conduct a criminal
28 history check of applicants for an acquisition permit or
29 permit to carry. The penalty for presenting false information
30 or identification relating to applications to carry or acquire
31 firearms is increased to a class "D" felony.

32 A person is not required to obtain a permit to acquire a
33 firearm if the person has a permit to carry or the person
34 receives the firearm from a relative within the second degree
35 of consanguinity or affinity.

1 The bill prohibits political subdivisions of the state from
2 enacting ordinances, more restrictive than state law, relating
3 to the regulation of firearms.

4 The bill also requires persons storing a loaded firearm to
5 secure it in a locked box, secured location, or secured with a
6 trigger lock. A person commits a serious misdemeanor if a
7 loaded firearm is not kept in a secured location and a minor
8 under 14 years of age gains possession of the loaded weapon to
9 exhibit or threaten in public or inflicts injury or death.

10 The sale of manual or power-driven trigger-activating
11 devices is prohibited in the state.

12 This bill also increases to a class "D" felony the receipt,
13 transportation, dominion and control of firearms and offensive
14 weapons by convicted felons. It is also a class "D" felony
15 for a person to sell or give a pistol or revolver to a person
16 who the transferor knows is prohibited by law from having the
17 weapon.

18 The bill takes effect upon enactment.

19 The bill may include a state mandate as defined in section
20 25B.3.

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H-5127

1 Amend House File 2321 as follows:

2 1. Page 4, by striking lines 3 through 23 and
3 inserting the following:

4 "NEW SUBSECTION. 7. ACCESS TO LOADED FIREARMS BY
5 CHILDREN RESTRICTED -- PENALTY. It shall be unlawful
6 for any person to store or leave a loaded firearm
7 which is not secured by a trigger lock mechanism,
8 placed in a securely locked box or container, or
9 placed in some other location which a reasonable
10 person would believe to be secure from a minor under
11 the age of fourteen years, if such person knows or has
12 reason to believe that a minor under the age of
13 fourteen years is likely to gain access to the firearm
14 without the lawful permission of the minor's parent,
15 guardian, or person having charge of the minor, the
16 minor lawfully gains access to the firearm without the
17 consent of the minor's parent, guardian, or person
18 having charge of the minor, and the minor exhibits the
19 firearm in a public place in any manner, or uses the
20 firearm unlawfully to cause injury or death to a
21 person. This subsection does not apply if the minor
22 obtains the firearm as a result of an unlawful entry
23 by any person. A violation of this section is
24 punishable as a serious misdemeanor."

By BISIGNANO of Polk

H-5127 FILED FEBRUARY 9, 1990

Ad. 2-10-90 (p. 384)

HOUSE FILE 2321

H-5111

- 1 Amend House File 2321 as follows:
- 2 1. Page 2, by inserting after line 17, the
- 3 following:
- 4 "Sec. ____ . Section 724.15, subsection 1, paragraph
- 5 f, Code 1989, is amended to read as follows:
- 6 f. The person has never been adjudged mentally
- 7 defective incompetent."

By SPEAR of Lee

H-5111 FILED FEBRUARY 8, 1990

Adopted 2/14 (p. 383)

HOUSE FILE 2321

H-5119

- 1 Amend House File 2321 as follows:
- 2 1. Page 1, by inserting after line 23 the
- 3 following:
- 4 "A person who commits an assault as defined in
- 5 section 708.1 against a peace officer who is in the
- 6 performance of the peace officer's duties, an employee
- 7 of the Iowa department of corrections who is in the
- 8 performance of the employee's duties, or an employee
- 9 of a judicial district department of correctional
- 10 services who is in the performance of the employee's
- 11 duties, is guilty of a class "D" felony."

By BANKS of Plymouth
SPEAR of Lee

H-5119 FILED FEBRUARY 8, 1990

Adopted 2/14 (p. 382)
Amended 2/10 (p. 385)

HOUSE FILE 2321

H-5125

- 1 Amend House File 2321 as follows:
- 2 1. Page 1, by striking lines 1 through 29.
- 3 2. Renumber as necessary.

By ROSENBERG of Story
JAY of Appanoose

H-5125 FILED FEBRUARY 9, 1990

Adopted 2/14 (p. 385)

HOUSE FILE 2321

H-5097

- 1 Amend House File 2321 as follows:
- 2 1. Page 2, line 12, by striking the word
- 3 "Commencing" and inserting the following: "Upon
- 4 notification that criminal history data is available
- 5 but not later than".
- 6 2. Page 3, by striking lines 22 through 25 and
- 7 inserting the following: "description and colored
- 8 photograph of the cardholder, or other identification
- 9 as specified by rule of the department of public
- 10 safety. Upon notification that criminal history data
- 11 is available but not later than July 1, 1991, the
- 12 sheriff shall conduct a".

By BISIGNANO of Polk

H-5097 FILED FEBRUARY 7, 1990

Adopted 2/14 (p. 383)

HOUSE FILE 2321

H-5098

- 1 Amend House File 2321 as follows:
- 2 1. Page 4, by striking lines 22 and 23.

By SPEAR of Lee

H-5098 FILED FEBRUARY 7, 1990

Lost 2/14 (p. 384)

HOUSE FILE 2321

H-5102

- 1 Amend House File 2321 as follows:
- 2 1. Page 4, line 12, by inserting after the word
- 3 "lock." the following: "The key for the locked box or
- 4 container or trigger lock shall be kept in a location
- 5 where it is unlikely that a minor under the age of
- 6 fourteen years will gain access to it."

By SPEAR of Lee

H-5102 FILED FEBRUARY 7, 1990

Lost 2/14 (p. 383)

HOUSE FILE 2321

H-5108

- 1 Amend House File 2321 as follows:
- 2 1. Page 2, line 19, by striking the word
- 3 "paragraphs" and inserting the following:
- 4 "paragraph".
- 5 2. Page 2, by striking lines 22 through 27.

By SPEAR of Lee

H-5108 FILED FEBRUARY 8, 1990

Lost 2/14 (p. 383)

HOUSE FILE 2321
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HF 147)

(As Amended and Passed by the House February 14, 1990)

R. Passed House, Date 3/19/90 (p. 1203) Passed Senate, Date 3/14/90 (p. 1080)
Vote: Ayes 79 Nays 12 Vote: Ayes 42 Nays 1
Approved April 5, 1990

A BILL FOR

1 An Act relating to the acquisition and possession of firearms,
2 increasing penalties for certain offenses, and providing an
3 effective date.

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

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House Amendments _____

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Deleted Language *

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*1 Section 1. Section 724.10, Code 1989, is amended to read
2 as follows:

3 724.10 APPLICATION FOR PERMIT TO CARRY WEAPONS -- CRIMINAL
4 HISTORY CHECK REQUIRED.

5 No A person shall not be issued a permit to carry weapons
6 unless the person has completed and signed an application on a
7 form to be prescribed and published by the commissioner of
8 public safety. The application shall state the full name,
9 social security number (optional), residence, and age of the
10 applicant, and shall state whether the applicant has ever been
11 convicted of a felony, whether the person is addicted to the
12 use of alcohol or any controlled substance, and whether the
13 person has any history of mental illness or repeated acts of
14 violence. The applicant shall also display an identification
15 card that bears a distinguishing number assigned to the card
16 holder, the full name, date of birth, sex, residence address,
17 and a brief description and colored photograph of the card
18 holder. Upon notification that criminal history data is
19 available but not later than July 1, 1991, the sheriff shall
20 conduct immediately a criminal history check concerning each
21 applicant by obtaining criminal history data from the
22 department of public safety. Any A person who knowingly makes
23 a false statement of material fact on such the application
24 commits an-aggravated-misdemeanor a class "D" felony.

25 Sec. 2. Section 724.15, subsection 1, paragraph f, Code
26 1989, is amended to read as follows:

27 f. The person has never been adjudged mentally defective
28 incompetent.

29 Sec. 3. Section 724.15, subsection 2, Code 1989, is
30 amended by adding the following new paragraphs:

31 NEW PARAGRAPH. d. The person has obtained a valid permit
32 to carry weapons, as provided in section 724.11.

33 NEW PARAGRAPH. e. The person transferring the pistol or
34 revolver and the person acquiring the pistol or revolver are
35 related to one another within the second degree of

1 consanguinity or affinity unless the person transferring the
2 pistol or revolver knows that the person acquiring the pistol
3 or revolver would be ineligible to obtain a permit.

4 Sec. 4. Section 724.16, Code 1989, is amended to read as
5 follows:

6 724.16 ANNUAL PERMIT TO ACQUIRE REQUIRED -- TRANSFER
7 PROHIBITED.

8 1. Any Except as otherwise provided in section 724.15,
9 subsection 2, a person who acquires ownership of a pistol or
10 revolver without a valid annual permit to acquire pistols or
11 revolvers or any a person who transfers ownership of a pistol
12 or revolver to a person who does not have in the person's
13 possession a valid annual permit to acquire pistols or
14 revolvers is guilty of a simple misdemeanor.

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

19 Sec. 5. Section 724.17, Code 1989, is amended to read as
20 follows:

21 724.17 APPLICATION FOR ANNUAL PERMIT TO ACQUIRE --
22 CRIMINAL HISTORY CHECK REQUIRED.

23 The application for an annual permit to acquire pistols or
24 revolvers may be made to the sheriff of the county of the
25 applicant's residence and shall be on a form prescribed and
26 published by the commissioner of public safety. The
27 application shall state the full name of the applicant, the
28 social security number of the applicant, the residence of the
29 applicant, and the age of the applicant. The applicant shall
30 also display an identification card that bears a
31 distinguishing number assigned to the card holder, the full
32 name, date of birth, sex, residence address, and brief
33 description and colored photograph of the cardholder, or other
34 identification as specified by rule of the department of
35 public safety. Upon notification that criminal history data

1 is available but not later than July 1, 1991, the sheriff
2 shall conduct a criminal history check concerning each
3 applicant by obtaining criminal history data from the
4 department of public safety.

5 Sec. 6. Section 724.21, Code 1989, is amended to read as
6 follows:

7 724.21 GIVING FALSE INFORMATION WHEN ACQUIRING WEAPON.

8 A person who gives a false name or presents false
9 identification, or otherwise knowingly gives false material
10 information to one from whom the person seeks to acquire a
11 pistol or revolver, commits an-aggravated-misdemeanor a class
12 "D" felony.

13 Sec. 7. Section 724.22, Code 1989, is amended by adding
14 the following new subsection:

15 NEW SUBSECTION. 7. ACCESS TO LOADED FIREARMS BY CHILDREN
16 RESTRICTED -- PENALTY. It shall be unlawful for any person to
17 store or leave a loaded firearm which is not secured by a
18 trigger lock mechanism, placed in a securely locked box or
19 container, or placed in some other location which a reasonable
20 person would believe to be secure from a minor under the age
21 of fourteen years, if such person knows or has reason to
22 believe that a minor under the age of fourteen years is likely
23 to gain access to the firearm without the lawful permission of
24 the minor's parent, guardian, or person having charge of the
25 minor, the minor lawfully gains access to the firearm without
26 the consent of the minor's parent, guardian, or person having
27 charge of the minor, and the minor exhibits the firearm in a
28 public place in any manner, or uses the firearm unlawfully to
29 cause injury or death to a person. This subsection does not
30 apply if the minor obtains the firearm as a result of an
31 unlawful entry by any person. A violation of this section is
32 punishable as a serious misdemeanor.

33 Sec. 8. Section 724.26, Code 1989, is amended to read as
34 follows:

35 724.26 RECEIPT, TRANSPORTATION, AND POSSESSION DOMINION

1 AND CONTROL OF FIREARMS AND DESTRUCTIVE-DEVICES OFFENSIVE
2 WEAPONS BY FELONS.

3 Any A person who is convicted of a felony in any a state or
4 federal court and who ~~subsequently-possesses~~ knowingly has
5 under the person's dominion and control, receives, or
6 transports or causes to be transported a firearm or offensive
7 weapon is guilty of ~~an-aggravated-misdemeanor~~ a class "D"
8 felony.

9 Sec. 9. NEW SECTION. 724.28 PROHIBITION OF REGULATION BY
10 POLITICAL SUBDIVISIONS.

11 A political subdivision of the state shall not enact an
12 ordinance regulating the ownership, possession, legal
13 transfer, lawful transportation, registration, or licensing of
14 firearms when the ownership, possession, transfer, or
15 transportation is otherwise lawful under the laws of this
16 state. An ordinance regulating firearms in violation of this
17 section existing on or after the effective date of this Act is
18 void.

19 Sec. 10. NEW SECTION. 724.29 FIREARM DEVICES.

20 A person who sells or offers for sale a manual or power-
21 driven trigger activating device constructed and designed so
22 that when attached to a firearm increases the rate of fire of
23 the firearm is guilty of an aggravated misdemeanor.

24 Sec. 11.

25 This Act, being deemed of immediate importance, takes
26 effect upon enactment.

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SENATE AMENDMENT TO HOUSE FILE 2321

H-5702

1 Amend House File 2321, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 3, line 28, by striking the word "any"
4 and inserting the following: "an unlawful".

RECEIVED FROM THE SENATE

H-5702 FILED MARCH 15, 1990

House concurred 3/19 (p 1203)

HOUSE FILE 2321

S-5198

- 1 Amend House File 2321, as amended, passed, and re-
- 2 printed by the House, as follows:
- 3 1. Page 3, line 28, by striking the word "any"
- 4 and inserting the following: "an unlawful".

By COMMITTEE ON LOCAL GOVERNMENT
ALVIN V. MILLER, Chairperson

S-5198 FILED FEBRUARY 22, 1990

Adopted March 7, 1990

HOUSE FILE 2321

S-5484

- 1 Amend House File 2321 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Sec. ____ . Section 719.1, Code 1989, is amended to
- 6 read as follows:
- 7 719.1 INTERFERENCE WITH OFFICIAL ACTS.
- 8 A person who knowingly resists or obstructs anyone
- 9 known by the person to be a peace officer or fire
- 10 fighter, whether paid or volunteer, in the performance
- 11 of any act which is within the scope of the lawful
- 12 duty or authority of that officer or fire fighter,
- 13 whether paid or volunteer, or who knowingly resists or
- 14 obstructs the service or execution by any authorized
- 15 person of any civil or criminal process or order of
- 16 any court, commits a simple misdemeanor. However, if
- 17 a person commits an interference with official acts,
- 18 as defined in this section, and in so doing inflicts
- 19 bodily injury other than serious injury, that person
- 20 commits a serious misdemeanor. If a person commits an
- 21 interference with official acts, as defined in this
- 22 section, and in so doing inflicts or attempts to
- 23 inflict serious injury, or displays a dangerous
- 24 weapon, as defined in section 702.7, or is armed with
- 25 a firearm, that person commits an-aggravated
- 26 ~~misdemeanor~~ a class "D" felony. The terms "resist"
- 27 and "obstruct", as used in this section, do not
- 28 include verbal harassment unless the verbal harassment
- 29 is accompanied by a present ability and apparent
- 30 intention to execute a verbal threat physically."
- 31 2. Page 2, by striking line 29 and inserting the
- 32 following: "applicant, and the age of the applicant,
- 33 and shall include a set of fingerprints. The
- 34 applicant shall".

By LINN FUHRMAN

S-5484 FILED MARCH 14, 1990

WITHDRAWN p. 1080)

LOCAL GOVERNMENT

HOUSE FILE 2221

BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL
BY CHAIRPERSON FOGARTY)

*Bisignano chr.
Diemer
Merty*

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the acquisition and possession of firearms,
2 increasing penalties for certain offenses, and providing an
3 effective date.

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

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1 Section 1. Section 719.1, Code 1989, is amended to read as
2 follows:

3 719.1 INTERFERENCE WITH OFFICIAL ACTS.

4 A person who knowingly resists or obstructs anyone known by
5 the person to be a peace officer or fire fighter, whether paid
6 or volunteer, in the performance of any act which is within
7 the scope of the lawful duty or authority of that officer or
8 fire fighter, whether paid or volunteer, or who knowingly
9 resists or obstructs the service or execution by any
10 authorized person of any civil or criminal process or order of
11 any court, commits a simple misdemeanor. However, if a person
12 commits an interference with official acts, as defined in this
13 section, and in so doing inflicts bodily injury other than
14 serious injury, that person commits a serious misdemeanor. If
15 a person commits an interference with official acts, as
16 defined in this section, and in so doing inflicts or attempts
17 to inflict serious injury, or displays a dangerous weapon, as
18 defined in section 702.7, or is armed with a firearm, that
19 person commits ~~an aggravated misdemeanor~~ a class "D" felony.
20 The terms "resist" and "obstruct", as used in this section, do
21 not include verbal harassment unless the verbal harassment is
22 accompanied by a present ability and apparent intention to
23 execute a verbal threat physically.

24 Sec. 2. Section 724.4, Code 1989, is amended by adding the
25 following new subsection:

26 NEW SUBSECTION. 1A. A person who commits a violation of
27 subsection 1, with intent to commit a crime against a person
28 or property other than a violation of subsection 1, commits a
29 class "D" felony.

30 Sec. 3. Section 724.10, Code 1989, is amended to read as
31 follows:

32 724.10 APPLICATION FOR PERMIT TO CARRY WEAPONS -- CRIMINAL
33 HISTORY CHECK REQUIRED.

34 No A person shall not be issued a permit to carry weapons
35 unless the person has completed and signed an application on a

1 form to be prescribed and published by the commissioner of
2 public safety. The application shall state the full name,
3 social security number (optional), residence, and age of the
4 applicant, and shall state whether the applicant has ever been
5 convicted of a felony, whether the person is addicted to the
6 use of alcohol or any controlled substance, and whether the
7 person has any history of mental illness or repeated acts of
8 violence. The applicant shall also display an identification
9 card that bears a distinguishing number assigned to the card
10 holder, the full name, date of birth, sex, residence address,
11 and a brief description and colored photograph of the card
12 holder. Commencing July 1, 1991, the sheriff shall conduct
13 immediately a criminal history check concerning each applicant
14 by obtaining criminal history data from the department of
15 public safety. Any A person who knowingly makes a false
16 statement of material fact on such the application commits an
17 aggravated-misdemeanor a class "D" felony.

18 Sec. 4. Section 724.15, subsection 2, Code 1989, is
19 amended by adding the following new paragraphs:

20 NEW PARAGRAPH. d. The person has obtained a valid permit
21 to carry weapons, as provided in section 724.11.

22 NEW PARAGRAPH. e. The person transferring the pistol or
23 revolver and the person acquiring the pistol or revolver are
24 related to one another within the second degree of
25 consanguinity or affinity unless the person transferring the
26 pistol or revolver knows that the person acquiring the pistol
27 or revolver would be ineligible to obtain a permit.

28 Sec. 5. Section 724.16, Code 1989, is amended to read as
29 follows:

30 724.16 ANNUAL PERMIT TO ACQUIRE REQUIRED -- TRANSFER
31 PROHIBITED.

32 1. Any Except as otherwise provided in section 724.15,
33 subsection 2, a person who acquires ownership of a pistol or
34 revolver without a valid annual permit to acquire pistols or
35 revolvers or any a person who transfers ownership of a pistol

1 or revolver to a person who does not have in the person's
2 possession a valid annual permit to acquire pistols or
3 revolvers is guilty of a simple misdemeanor.

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

8 Sec. 6. Section 724.17, Code 1989, is amended to read as
9 follows:

10 724.17 APPLICATION FOR ANNUAL PERMIT TO ACQUIRE --
11 CRIMINAL HISTORY CHECK REQUIRED.

12 The application for an annual permit to acquire pistols or
13 revolvers may be made to the sheriff of the county of the
14 applicant's residence and shall be on a form prescribed and
15 published by the commissioner of public safety. The
16 application shall state the full name of the applicant, the
17 social security number of the applicant, the residence of the
18 applicant, and the age of the applicant. The applicant shall
19 also display an identification card that bears a
20 distinguishing number assigned to the card holder, the full
21 name, date of birth, sex, residence address, and brief
22 description and colored photograph of the card holder, or an
23 envelope addressed to the applicant at the applicant's
24 residence with a date of postmark within the previous thirty
25 days. Commencing July 1, 1991, the sheriff shall conduct a
26 criminal history check concerning each applicant by obtaining
27 criminal history data from the department of public safety.

28 Sec. 7. Section 724.21, Code 1989, is amended to read as
29 follows:

30 724.21 GIVING FALSE INFORMATION WHEN ACQUIRING WEAPON.

31 A person who gives a false name or presents false
32 identification, or otherwise knowingly gives false material
33 information to one from whom the person seeks to acquire a
34 pistol or revolver, commits an-aggravated-misdemeanor a class
35 "D" felony.

1 Sec. 8. Section 724.22, Code 1989, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 7. A person who stores or leaves a loaded
4 firearm on a premise under the person's control, and who knows
5 or reasonably should know that a minor under the age of
6 fourteen years is likely to gain access to the firearm without
7 the lawful permission of the minor's parent or the person
8 having charge of the minor or without the supervision required
9 by law, shall keep the firearm in a securely locked box or
10 container or in a location which a reasonable person would
11 believe to be secure, or shall secure the firearm with a
12 trigger lock.

13 NEW SUBSECTION. 8. A person commits a serious misdemeanor
14 if that person violates subsection 7 by failing to store or
15 leave a loaded firearm in the required manner and as a result
16 of the failure a minor under the age of fourteen years gains
17 access to the firearm, without the lawful permission of the
18 minor's parent or the person having charge of the minor, and
19 possesses or exhibits the firearm, without the supervision
20 required by law, in a public place or in a threatening manner
21 or uses the firearm to inflict injury or death to a person.
22 This subsection does not apply if the minor obtains the
23 firearm as a result of an unlawful entry by any person.

24 Sec. 9. Section 724.26, Code 1989, is amended to read as
25 follows:

26 724.26 RECEIPT, TRANSPORTATION, AND POSSESSION DOMINION
27 AND CONTROL OF FIREARMS AND DESTRUCTIVE-DEVICES OFFENSIVE
28 WEAPONS BY FELONS.

29 Any A person who is convicted of a felony in any a state or
30 federal court and who subsequently-possesses knowingly has
31 under the person's dominion and control, receives, or
32 transports or causes to be transported a firearm or offensive
33 weapon is guilty of an-aggravated-misdemeanor a class "D"
34 felony.

35 Sec. 10. NEW SECTION. 724.28 PROHIBITION OF REGULATION

1 BY POLITICAL SUBDIVISIONS.

2 A political subdivision of the state shall not enact an
3 ordinance regulating the ownership, possession, legal
4 transfer, lawful transportation, registration, or licensing of
5 firearms when the ownership, possession, transfer, or
6 transportation is otherwise lawful under the laws of this
7 state. An ordinance regulating firearms in violation of this
8 section existing on or after the effective date of this Act is
9 void.

10 Sec. 11. NEW SECTION. 724.29 FIREARM DEVICES.

11 A person who sells or offers for sale a manual or power-
12 driven trigger activating device constructed and designed so
13 that when attached to a firearm increases the rate of fire of
14 the firearm is guilty of an aggravated misdemeanor.

15 Sec. 12.

16 This Act, being deemed of immediate importance, takes
17 effect upon enactment.

18 EXPLANATION

19 This bill increases the penalty to a class "D" felony for
20 interfering with official acts of police officers or
21 firefighters while armed with a firearm. The bill also
22 provides that a person carrying a concealed dangerous weapon
23 with the intent to commit a crime against a person or property
24 is guilty of a class "D" felony.

25 The bill requires additional identification for a person
26 applying for a permit to acquire or to carry a firearm and,
27 after July 1, 1991, the sheriff must conduct a criminal
28 history check of applicants for an acquisition permit or
29 permit to carry. The penalty for presenting false information
30 or identification relating to applications to carry or acquire
31 firearms is increased to a class "D" felony.

32 A person is not required to obtain a permit to acquire a
33 firearm if the person has a permit to carry or the person
34 receives the firearm from a relative within the second degree
35 of consanguinity or affinity.

1 The bill prohibits political subdivisions of the state from
2 enacting ordinances, more restrictive than state law, relating
3 to the regulation of firearms.

4 The bill also requires persons storing a loaded firearm to
5 secure it in a locked box, secured location, or secured with a
6 trigger lock. A person commits a serious misdemeanor if a
7 loaded firearm is not kept in a secured location and a minor
8 under 14 years of age gains possession of the loaded weapon to
9 exhibit or threaten in public or inflicts injury or death.

10 The sale of manual or power-driven trigger-activating
11 devices is prohibited in the state.

12 This bill also increases to a class "D" felony the receipt,
13 transportation, dominion and control of firearms and offensive
14 weapons by convicted felons. It is also a class "D" felony
15 for a person to sell or give a pistol or revolver to a person
16 who the transferor knows is prohibited by law from having the
17 weapon.

18 The bill takes effect upon enactment.

19 The bill may include a state mandate as defined in section
20 25B.3.

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HOUSE FILE 2321

AN ACT

RELATING TO THE ACQUISITION AND POSSESSION OF FIREARMS, INCREASING PENALTIES FOR CERTAIN OFFENSES, AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 724.10, Code 1989, is amended to read as follows:

724.10 APPLICATION FOR PERMIT TO CARRY WEAPONS -- CRIMINAL HISTORY CHECK REQUIRED.

No A person shall not be issued a permit to carry weapons unless the person has completed and signed an application on a form to be prescribed and published by the commissioner of public safety. The application shall state the full name, social security number (optional), residence, and age of the applicant, and shall state whether the applicant has ever been convicted of a felony, whether the person is addicted to the use of alcohol or any controlled substance, and whether the person has any history of mental illness or repeated acts of violence. The applicant shall also display an identification card that bears a distinguishing number assigned to the card holder, the full name, date of birth, sex, residence address, and a brief description and colored photograph of the card holder. Upon notification that criminal history data is available but not later than July 1, 1991, the sheriff shall conduct immediately a criminal history check concerning each

applicant by obtaining criminal history data from the department of public safety. Any A person who knowingly makes a false statement of material fact on such the application commits an-aggravated-misdemeanor a class "D" felony.

Sec. 2. Section 724.15, subsection 1, paragraph f, Code 1989, is amended to read as follows:

f. The person has never been adjudged mentally defective incompetent.

Sec. 3. Section 724.15, subsection 2, Code 1989, is amended by adding the following new paragraphs:

NEW PARAGRAPH. d. The person has obtained a valid permit to carry weapons, as provided in section 724.11.

NEW PARAGRAPH. e. The person transferring the pistol or revolver and the person acquiring the pistol or revolver are related to one another within the second degree of consanguinity or affinity unless the person transferring the pistol or revolver knows that the person acquiring the pistol or revolver would be ineligible to obtain a permit.

Sec. 4. Section 724.16, Code 1989, is amended to read as follows:

724.16 ANNUAL PERMIT TO ACQUIRE REQUIRED -- TRANSFER PROHIBITED.

1. Any 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 any 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 a simple 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. 5. Section 724.17, Code 1989, is amended to read as follows:

AN ACT

RELATING TO THE ACQUISITION AND POSSESSION OF FIREARMS, IN-
CREASING PENALTIES FOR CERTAIN OFFENSES, AND PROVIDING AN
EFFECTIVE DATE.

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

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724.17 APPLICATION FOR ANNUAL PERMIT TO ACQUIRE --
CRIMINAL HISTORY CHECK REQUIRED.

The application for an annual 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 state the full name of the applicant, the
social security number of the applicant, the residence of the
applicant, and the age of the applicant. The applicant shall
also display an identification card that bears a
distinguishing number assigned to the card holder, the full
name, date of birth, sex, residence address, and brief
description and colored photograph of the cardholder, or other
identification as specified by rule of the department of
public safety. Upon notification that criminal history data
is available but not later than July 1, 1991, the sheriff
shall conduct a criminal history check concerning each
applicant by obtaining criminal history data from the
department of public safety.

Sec. 6. Section 724.21, Code 1989, is amended to read as
follows:

724.21 GIVING FALSE INFORMATION WHEN ACQUIRING WEAPON.

A person who gives a false name or presents false
identification, or otherwise knowingly gives false material
information to one from whom the person seeks to acquire a
pistol or revolver, commits an-aggravated-misdemeanor a class
"D" felony.

Sec. 7. Section 724.22, Code 1989, is amended by adding
the following new subsection:

NEW SUBSECTION. 7. ACCESS TO LOADED FIREARMS BY CHILDREN
RESTRICTED -- PENALTY. It shall be unlawful for any person to
store or leave a loaded firearm which is not secured by a
trigger lock mechanism, placed in a securely locked box or
container, or placed in some other location which a reasonable
person would believe to be secure from a minor under the age

1989, is amended to read as follows:

f. The person has never been adjudged mentally defective
incompetent.

Sec. 3. Section 724.15, subsection 2, Code 1989, is
amended by adding the following new paragraphs:

NEW PARAGRAPH. d. The person has obtained a valid permit
to carry weapons, as provided in section 724.11.

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of fourteen years, if such person knows or has reason to
believe that a minor under the age of fourteen years is likely
to gain access to the firearm without the lawful permission of
the minor's parent, guardian, or person having charge of the
minor, the minor lawfully gains access to the firearm without
the consent of the minor's parent, guardian, or person having
charge of the minor, and the minor exhibits the firearm in a
public place in an unlawful manner, or uses the firearm
unlawfully to cause injury or death to a person. This
subsection does not apply if the minor obtains the firearm as
a result of an unlawful entry by any person. A violation of
this section is punishable as a serious misdemeanor.

Sec. 8. Section 724.26, Code 1989, is amended to read as
follows:

724.26 RECEIPT, TRANSPORTATION, AND POSSESSION DOMINION
AND CONTROL OF FIREARMS AND DESTRUCTIVE-DEVICES OFFENSIVE
WEAPONS BY FELONS.

Any A person who is convicted of a felony in any a state or
federal court and who subsequently-possesses knowingly has
under the person's dominion and control, receives, or
transports or causes to be transported a firearm or offensive
weapon is guilty of an-aggravated-misdemeanor a class "D"
felony.

Sec. 9. NEW SECTION. 724.28 PROHIBITION OF REGULATION BY
POLITICAL SUBDIVISIONS.

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 the effective date of this Act is
void.

Sec. 10. NEW SECTION. 724.29 FIREARM DEVICES.

A person who sells or offers for sale a manual or power-driven trigger activating device constructed and designed so that when attached to a firearm increases the rate of fire of the firearm is guilty of an aggravated misdemeanor.

Sec. 11.

This Act, being deemed of immediate importance, takes effect upon enactment.

DONALD D. AVENSON

Speaker of the House

JO ANN ZIMMERMAN

President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2321, Seventy-third General Assembly.

JOSEPH O'HERN

Chief Clerk of the House

Approved April 5, 1990

TERRY E. BRANSTAD

Governor

HF 2321