

S-4/1/97 Do Pass
S-4/10/97 Unfinished Business Calendar

MAR 14 1997

Place On Calendar

HOUSE FILE **635**
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 276)

Passed House, Date 3/25/97 (p. 790) Passed Senate, Date 4/23/97
Vote: Ayes 99 Nays 0 Vote: Ayes 46 Nays _____

Re-Passed
98-0
4/24/97 (p. 1538)
Approved May 19, 1997

A BILL FOR

1 An Act to consider the use of less lethal munitions by peace
2 officers not a use of deadly force.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HOUSE FILE 635

S-3589

1 Amend House File 635, as passed by the House, as
2 follows:
3 1. Page 1, line 4, by inserting after the word
4 "officer" the following: ", corrections officer, or
5 corrections official".
6 2. Page 1, line 9, by inserting after the word
7 "officer" the following: ", corrections officer, or
8 corrections official".

By ROBERT E. DVORSKY

S-3589 FILED APRIL 17, 1997

Adapted 4/23/97
(P. 1391)

HF 635

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1 Section 1. Section 704.2, subsections 3 and 4, Code 1997,
2 are amended to read as follows:

3 3. The discharge of a firearm, other than a firearm loaded
4 with less lethal munitions and discharged by a peace officer
5 in the line of duty, in the direction of some person with the
6 knowledge of the person's presence there, even though no
7 intent to inflict serious physical injury can be shown.

8 4. The discharge of a firearm, other than a firearm loaded
9 with less lethal munitions and discharged by a peace officer
10 in the line of duty, at a vehicle in which a person is known
11 to be.

12 Sec. 2. Section 704.2, Code 1997, is amended by adding the
13 following new unnumbered paragraph:

14 NEW UNNUMBERED PARAGRAPH. As used in this section, "less
15 lethal munitions" means projectiles which are designed to
16 stun, temporarily incapacitate, or cause temporary discomfort
17 to a person without penetrating the person's body.

18 EXPLANATION

19 This bill provides that the use of less lethal munitions by
20 peace officers in the line of duty is not deadly force. The
21 bill defines less lethal munitions as projectiles which are
22 designed to stun, temporarily incapacitate, or cause temporary
23 discomfort without penetrating the body.

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HOUSE FILE 635

S-3733

1 Amend House File 635, as passed by the House, as
2 follows:

3 1. Page 1, by inserting after line 17 the
4 following:

5 "Sec. ____ . Section 724.2, Code 1997, is amended by
6 adding the following new subsections:

7 NEW SUBSECTION. 8. A resident of this state, who
8 possesses an offensive weapon which is a curio or
9 relic firearm under the federal Firearms Act, 18
10 U.S.C. ch. 44, solely for use in the official
11 functions of a historical reenactment organization of
12 which the person is a member, if the offensive weapon
13 has been permanently rendered unfit for the firing of
14 live ammunition. The offensive weapon may, however,
15 be adapted for the firing of blank ammunition.

16 NEW SUBSECTION. 9. A nonresident, who possesses
17 an offensive weapon which is a curio or relic firearm
18 under the federal Firearms Act, 18 U.S.C. ch. 44,
19 solely for use in official functions in this state of
20 a historical reenactment organization of which the
21 person is a member, if the offensive weapon is legally
22 possessed by the person in the person's state of
23 residence and the offensive weapon is at all times
24 while in this state rendered incapable of firing live
25 ammunition. A nonresident who possesses an offensive
26 weapon under this subsection while in this state shall
27 not have in the person's possession live ammunition.
28 The offensive weapon may, however, be adapted for the
29 firing of blank ammunition."

30 2. Title page, line 1, by striking the words "to
31 consider" and inserting the following: "relating to
32 weapons and munitions by considering".

33 3. Title page, line 2, by inserting after the
34 word "force" the following: "and relating to the
35 possession of curio or relic firearms by members of
36 certain organizations".

37 4. By renumbering as necessary.

By STEWART IVERSON, Jr.

BILL FINK

Adopted 4/23/97 (P.1391)

S-3733 FILED APRIL 23, 1997

ADOPTED

SENATE AMENDMENT TO HOUSE FILE 635

H-1904

1 Amend House File 635, as passed by the House, as
2 follows:
3 1. Page 1, line 4, by inserting after the word
4 "officer" the following: ", corrections officer, or
5 corrections official".
6 2. Page 1, line 9, by inserting after the word
7 "officer" the following: ", corrections officer, or
8 corrections official".
9 3. Page 1, by inserting after line 17 the
10 following:
11 "Sec. ____ . Section 724.2, Code 1997, is amended by
12 adding the following new subsections:
13 NEW SUBSECTION. 8. A resident of this state, who
14 possesses an offensive weapon which is a curio or
15 relic firearm under the federal Firearms Act, 18
16 U.S.C. ch. 44, solely for use in the official
17 functions of a historical reenactment organization of
18 which the person is a member, if the offensive weapon
19 has been permanently rendered unfit for the firing of
20 live ammunition. The offensive weapon may, however,
21 be adapted for the firing of blank ammunition.
22 NEW SUBSECTION. 9. A nonresident, who possesses
23 an offensive weapon which is a curio or relic firearm
24 under the federal Firearms Act, 18 U.S.C. ch. 44,
25 solely for use in official functions in this state of
26 a historical reenactment organization of which the
27 person is a member, if the offensive weapon is legally
28 possessed by the person in the person's state of
29 residence and the offensive weapon is at all times
30 while in this state rendered incapable of firing live
31 ammunition. A nonresident who possesses an offensive
32 weapon under this subsection while in this state shall
33 not have in the person's possession live ammunition.
34 The offensive weapon may, however, be adapted for the
35 firing of blank ammunition."
36 4. Title page, line 1, by striking the words "to
37 consider" and inserting the following: "relating to
38 weapons and munitions by considering".
39 5. Title page, line 2, by inserting after the
40 word "force" the following: "and relating to the
41 possession of curio or relic firearms by members of
42 certain organizations".
43 6. By renumbering, relettering, or redesignating
44 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-1904 FILED APRIL 23, 1997

House concurred 4/24/97 (p. 1532)

HOUSE FILE 635

AN ACT

RELATING TO WEAPONS AND MUNITIONS BY CONSIDERING THE USE OF
LESS LETHAL MUNITIONS BY PEACE OFFICERS NOT A USE OF
DEADLY FORCE AND RELATING TO THE POSSESSION OF CURIO OR
RELIC FIREARMS BY MEMBERS OF CERTAIN ORGANIZATIONS.

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

Section 1. Section 704.2, subsections 3 and 4, Code 1997,
are amended to read as follows:

3. The discharge of a firearm, other than a firearm loaded
with less lethal munitions and discharged by a peace officer,
corrections officer, or corrections official in the line of
duty, in the direction of some person with the knowledge of
the person's presence there, even though no intent to inflict
serious physical injury can be shown.

4. The discharge of a firearm, other than a firearm loaded
with less lethal munitions and discharged by a peace officer,
corrections officer, or corrections official in the line of
duty, at a vehicle in which a person is known to be.

Sec. 2. Section 704.2, Code 1997, is amended by adding the
following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. As used in this section, "less
lethal munitions" means projectiles which are designed to
stun, temporarily incapacitate, or cause temporary discomfort
to a person without penetrating the person's body.

Sec. 3. Section 724.2, Code 1997, is amended by adding the
following new subsections:

NEW SUBSECTION. 8. A resident of this state, who
possesses an offensive weapon which is a curio or relic
firearm under the federal Firearms Act, 18 U.S.C. ch. 44,
solely for use in the official functions of a historical
reenactment organization of which the person is a member, if
the offensive weapon has been permanently rendered unfit for
the firing of live ammunition. The offensive weapon may,
however, be adapted for the firing of blank ammunition.

NEW SUBSECTION. 9. A nonresident, who possesses an
offensive weapon which is a curio or relic firearm under the
federal Firearms Act, 18 U.S.C. ch. 44, solely for use in
official functions in this state of a historical reenactment
organization of which the person is a member, if the offensive
weapon is legally possessed by the person in the person's
state of residence and the offensive weapon is at all times
while in this state rendered incapable of firing live
ammunition. A nonresident who possesses an offensive weapon
under this subsection while in this state shall not have in
the person's possession live ammunition. The offensive weapon
may, however, be adapted for the firing of blank ammunition.

RON J. CORBETT
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and
is known as House File 635, Seventy-seventh General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved May 19, 1997

TERRY E. BRANSTAD
Governor