

FILED FEB 16 1998

JUDICIARY

SENATE FILE 2211

BY TINSMAN

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act providing for the seizure of firearms as part of the
2 requirements of a protective order against domestic abuse.

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

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S.F. 2211

1 Section 1. Section 236.5, subsection 2, Code Supplement
2 1997, is amended by adding the following new paragraph:

3 NEW PARAGRAPH. f. If the court has reasonable grounds to
4 believe that the defendant owns or possesses any firearms,
5 that the defendant surrender the firearms. If the defendant
6 is ordered to surrender the firearms, a peace officer shall
7 search for any firearms owned or possessed by the defendant,
8 and seize any firearms found pending further order by the
9 court.

10 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2, subsection
11 3, shall not apply to this Act.

12 EXPLANATION

13 This bill amends Code section 236.5 relating to protective
14 orders issued upon a finding of domestic abuse. In addition
15 to the current elements of such a protective order, this bill
16 permits the court to order that a defendant surrender all
17 firearms, if the court has reasonable grounds to believe that
18 the defendant owns or possesses any firearms. A peace officer
19 shall thereafter search for any firearms and seize them until
20 further order of the court.

21 This bill may include a state mandate as defined in Code
22 section 25B.3. This bill makes inapplicable Code section
23 25B.2, subsection 3, which would relieve a political
24 subdivision from complying with a state mandate if funding for
25 the cost of the state mandate is not provided or specified.
26 Therefore, political subdivisions are required to comply with
27 any state mandate included in this bill.

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