

REPRINTED

FEB 15 2002  
Place On Calendar

HOUSE FILE 2363  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2196)

Passed House <sup>(P.5A)</sup> Date 2/26/02 Passed Senate, Date <sup>(P.790)</sup> 3-25-02  
Vote: Ayes 99 Nays 0 Vote: Ayes 49 Nays 0  
Approved 4/1/02

A BILL FOR

1 An Act relating to the possession of firearms or offensive  
2 weapons by felons.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2363

1 Section 1. Section 724.26, Code 2001, is amended to read  
2 as follows:

3 724.26 POSSESSION, RECEIPT, TRANSPORTATION, AND OR  
4 DOMINION AND CONTROL OF FIREARMS AND OFFENSIVE WEAPONS BY  
5 FELONS.

6 A person who is convicted of a felony in a state or federal  
7 court, or who is adjudicated delinquent on the basis of  
8 conduct that would constitute a felony if committed by an  
9 adult, and who knowingly has under the person's dominion and  
10 control or possession, or receives, or transports or causes to  
11 be transported a firearm or offensive weapon is guilty of a  
12 class "D" felony.

13 EXPLANATION

14 This bill adds the term "possession" as an alternative  
15 element to the criminal offense of dominion and control,  
16 receipt, or transportation of firearms and offensive weapons  
17 by felons, a class "D" felony. A class "D" felony is  
18 punishable by confinement for no more than five years and a  
19 fine of at least \$750 but not more than \$7,500.

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## HOUSE FILE 2363

H-8072

1 Amend House File 2363 as follows:

2 1. Page 1, by inserting before line 1, the  
3 following:

4 "Section 1. Section 724.10, Code 2001, is amended  
5 to read as follows:

6 724.10 APPLICATION FOR PERMIT TO CARRY WEAPONS --  
7 CRIMINAL HISTORY CHECK REQUIRED.

8 A person shall not be issued a permit to carry  
9 weapons unless the person has completed and signed an  
10 application on a form to be prescribed and published  
11 by the commissioner of public safety. The application  
12 shall state the full name, ~~social security number~~  
13 ~~(optional)~~ driver's license or nonoperator's  
14 identification card number, residence, and age of the  
15 applicant, and shall state whether the applicant has  
16 ever been convicted of a felony, whether the person is  
17 addicted to the use of alcohol or any controlled  
18 substance, and whether the person has any history of  
19 mental illness or repeated acts of violence. The  
20 applicant shall also display an identification card  
21 that bears a distinguishing number assigned to the  
22 card holder, the full name, date of birth, sex,  
23 residence address, and a brief description and colored  
24 photograph of the card holder. ~~Upon notification that~~  
25 ~~criminal history data is available but not later than~~  
26 ~~July 1, 1991, the~~ The sheriff shall conduct  
27 immediately a criminal history check concerning each  
28 applicant by obtaining criminal history data from the  
29 department of public safety. A person who knowingly  
30 makes a false statement of material fact on the  
31 application commits a class "D" felony.

32 Sec. 2. Section 724.17, Code 2001, is amended to  
33 read as follows:

34 724.17 APPLICATION FOR ANNUAL PERMIT TO ACQUIRE --  
35 CRIMINAL HISTORY CHECK REQUIRED.

36 The application for an annual permit to acquire  
37 pistols or revolvers may be made to the sheriff of the  
38 county of the applicant's residence and shall be on a  
39 form prescribed and published by the commissioner of  
40 public safety. The application shall state the full  
41 name of the applicant, the ~~social security~~ driver's  
42 license or nonoperator's identification card number of  
43 the applicant, the residence of the applicant, and the  
44 age of the applicant. The applicant shall also  
45 display an identification card that bears a  
46 distinguishing number assigned to the cardholder, the  
47 full name, date of birth, sex, residence address, and  
48 brief description and colored photograph of the  
49 cardholder, or other identification as specified by  
50 rule of the department of public safety. ~~Upon~~

H-8072

H-8072

Page 2

1 ~~notification that criminal history data is available~~  
2 ~~but not later than July 1, 1991, the~~ The sheriff shall  
3 conduct a criminal history check concerning each  
4 applicant by obtaining criminal history data from the  
5 department of public safety. A person who knowingly  
6 makes a false statement of material fact on the  
7 application commits a class "D" felony.

8 Sec. 3. Section 724.19, Code 2001, is amended to  
9 read as follows:

10 724.19 ISSUANCE OF ANNUAL PERMIT TO ACQUIRE.

11 The annual permit to acquire pistols or revolvers  
12 shall be issued to the applicant immediately upon  
13 completion of the application unless the applicant is  
14 disqualified under the provisions of section 724.15  
15 and shall be on a form prescribed and published by the  
16 commissioner of public safety. The permit shall  
17 contain the name of the permittee, ~~the social security~~  
18 ~~number of the permittee,~~ the residence of the  
19 permittee, and the effective date of the permit."

20 2. Page 1, by inserting after line 12 the  
21 following:

22 "Sec. \_\_\_\_ . Section 724.24, Code 2001, is  
23 repealed."

24 3. Title page, by striking lines 1 and 2 and  
25 inserting the following: "An Act relating to permits  
26 for and the possession of weapons and providing  
27 penalties."

28 4. By renumbering as necessary.

By BAUDLER of Adair

H-8072 FILED FEBRUARY 19, 2002

*Adopted*  
*2/26/02*  
*(p. 519)*

S- 2/26/02 Judiciary  
S- 3/6/02 Do Pass  
5/3/02 UNFINISHED BUSINESS CALENDAR

HOUSE FILE 2363  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2196)

(As Amended and Passed by the House February 26, 2002)

Passed House, Date \_\_\_\_\_ Passed Senate, Date 5-25-02  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes 49 Nays 0  
Approved 4/1/02

**A BILL FOR**

1 An Act relating to permits for and the possession of weapons and  
2 providing penalties.

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

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House Amendments \_\_\_\_\_

1 Section 1. Section 724.10, Code 2001, is amended to read  
2 as follows:

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

5 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)~~ driver's license or  
10 nonoperator's identification card number, residence, and age  
11 of the applicant, and shall state whether the applicant has  
12 ever been convicted of a felony, whether the person is  
13 addicted to the use of alcohol or any controlled substance,  
14 and whether the person has any history of mental illness or  
15 repeated acts of violence. The applicant shall also display  
16 an identification card that bears a distinguishing number  
17 assigned to the card holder, the full name, date of birth,  
18 sex, residence address, and a brief description and colored  
19 photograph of the card holder. ~~Upon notification that~~  
20 ~~criminal-history-data-is-available-but-not-later-than-July-1,~~  
21 ~~1991,~~ The sheriff shall conduct immediately a criminal  
22 history check concerning each applicant by obtaining criminal  
23 history data from the department of public safety. A person  
24 who knowingly makes a false statement of material fact on the  
25 application commits a class "D" felony.

26 Sec. 2. Section 724.17, Code 2001, is amended to read as  
27 follows:

28 724.17 APPLICATION FOR ANNUAL PERMIT TO ACQUIRE --  
29 CRIMINAL HISTORY CHECK REQUIRED.

30 The application for an annual permit to acquire pistols or  
31 revolvers may be made to the sheriff of the county of the  
32 applicant's residence and shall be on a form prescribed and  
33 published by the commissioner of public safety. The  
34 application shall state the full name of the applicant, the  
35 ~~social-security~~ driver's license or nonoperator's

1 identification card number of the applicant, the residence of  
2 the applicant, and the age of the applicant. The applicant  
3 shall also display an identification card that bears a  
4 distinguishing number assigned to the cardholder, the full  
5 name, date of birth, sex, residence address, and brief  
6 description and colored photograph of the cardholder, or other  
7 identification as specified by rule of the department of  
8 public safety. ~~Upon notification that criminal history data~~  
9 ~~is available but not later than July 1, 1991, the~~ The sheriff  
10 shall conduct a criminal history check concerning each  
11 applicant by obtaining criminal history data from the  
12 department of public safety. A person who knowingly makes a  
13 false statement of material fact on the application commits a  
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15 Sec. 3. Section 724.19, Code 2001, is amended to read as  
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17 724.19 ISSUANCE OF ANNUAL PERMIT TO ACQUIRE.

18 The annual permit to acquire pistols or revolvers shall be  
19 issued to the applicant immediately upon completion of the  
20 application unless the applicant is disqualified under the  
21 provisions of section 724.15 and shall be on a form prescribed  
22 and published by the commissioner of public safety. The  
23 permit shall contain the name of the permittee, ~~the social~~  
24 ~~security number of the permittee,~~ the residence of the  
25 permittee, and the effective date of the permit.

26 Sec. 4. Section 724.26, Code 2001, is amended to read as  
27 follows:

28 724.26 POSSESSION, RECEIPT, TRANSPORTATION, AND OR  
29 DOMINION AND CONTROL OF FIREARMS AND OFFENSIVE WEAPONS BY  
30 FELONS.

31 A person who is convicted of a felony in a state or federal  
32 court, or who is adjudicated delinquent on the basis of  
33 conduct that would constitute a felony if committed by an  
34 adult, and who knowingly has under the person's dominion and  
35 control or possession, or receives, or transports or causes to

1 be transported a firearm or offensive weapon is guilty of a  
2 class "D" felony.

3 Sec. 5. Section 724.24, Code 2001, is repealed.

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HOUSE FILE 2363

AN ACT  
RELATING TO PERMITS FOR AND THE POSSESSION OF WEAPONS AND  
PROVIDING PENALTIES.

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

Section 1. Section 724.10, Code 2001, is amended to read as follows:

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

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)}~~ driver's license or nonoperator's identification card number, 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-17-1991-the~~ The sheriff shall conduct immediately a criminal history check concerning each applicant by obtaining criminal history data from the department of public safety. A person who knowingly makes a false statement of material fact on the application commits a class "D" felony.

Sec. 2. Section 724.17, Code 2001, is amended to read as follows:

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~~ driver's license or nonoperator's identification card 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 cardholder, 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-17-1991-the~~ The sheriff shall conduct a criminal history check concerning each applicant by obtaining criminal history data from the department of public safety. A person who knowingly makes a false statement of material fact on the application commits a class "D" felony.

Sec. 3. Section 724.19, Code 2001, 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 shall be on a form prescribed and published by the commissioner of public safety. The permit shall contain the name of the permittee, ~~the-social-security-number-of-the-permittee,~~ the residence of the permittee, and the effective date of the permit.

Sec. 4. Section 724.26, Code 2001, is amended to read as follows:

724.26 POSSESSION, RECEIPT, TRANSPORTATION, AND OR  
DOMINION AND CONTROL OF FIREARMS AND OFFENSIVE WEAPONS BY  
FELONS.

A person who is convicted of a felony in a state or federal court, or who is adjudicated delinquent on the basis of conduct that would constitute a felony if committed by an adult, and who knowingly has under the person's dominion and control or possession, or receives, or transports or causes to be transported a firearm or offensive weapon is guilty of a class "D" felony.

Sec. 5. Section 724.24, Code 2001, is repealed.

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BRENT SIEGRIST  
Speaker of the House

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MARY E. KRAMER  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2363, Seventy-ninth General Assembly.

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MARGARET THOMSON  
Chief Clerk of the House

Approved 4/1, 2002

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THOMAS J. VILSACK  
Governor